



Kent Taylor Civic Hall
200 NE Second Street
McMinnville, OR 97128

City Council Meeting Agenda
Tuesday, April 25, 2017

6:00 p.m. – Dinner Meeting
7:00 p.m. – Regular Council Meeting

Welcome! All persons addressing the Council will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item. If you wish to address Council on any item not on the agenda, you may respond as the Mayor calls for "Invitation to Citizens for Public Comment."

6:00 PM – DINNER MEETING – CONFERENCE ROOM

1. CALL TO ORDER
2. REVIEW CITY COUNCIL AGENDA
3. ADJOURNMENT

7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a topic already on the agenda; a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit the duration of these comments.*
4. PROCLAMATIONS
 - a. Lemonade Day Proclamation
 - b. Construction Industry Safety Week Proclamation
 - c. Arbor Day Proclamation
 - d. Historic Preservation Month Proclamation
5. PUBLIC HEARING
 - a. **Ordinance No. 5021:** An Ordinance Amending The Zoning Map Designation From EF- 80 (Exclusive Farm Use – 80-Acre Minimum) To R-1 PD (Single-Family Residential Planned Development) On Approximately 13.6 Acres Of Land, And From R-1 (Single Family Residential) To R-1 PD Single-Family Residential Planned Development) On Approximately 17.23 Acres Of Land, And Amending Planned Development Ordinance No. 4626 To Encompass An Additional 30.83 Acres Of Land To Allow Variation In Lot Sizes And Setback Requirement To Include: A Reduction In The Front Yard Setback For Certain Lots From 20 To 15 Feet; A

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Reduction In The Side Yard Setback For Certain Lots From 10 Feet To Either 7.5 Feet, 5 Feet Or 3 Feet; And A Reduction In The Exterior Side Yard Setback For Certain Lots From 20 Feet To 15 Feet.

6. CONSENT AGENDA

- a. Consider the Minutes of the April 11th, 2017 Dinner and Regular Meeting.
- b. Request from The Mack Club (Fine Rock Grill) for a liquor license at 2223 NE McDaniel Lane.

7. RESOLUTIONS

- a. **Resolution No. 2017-29**: A Resolution awarding the contract for the OR 99W at 2nd St Signal Replacement Project, Project 2015-17.
- b. **Resolution No. 2017-30**: A Resolution awarding the contract for the 2017 Street Overlay Project, Project 2016-15.
- c. **Resolution No. 2017-31**: A Resolution awarding the contract for the design of the 12th Street Sanitary Sewer Rehabilitation Project.

8. ORDINANCE

- a. **Ordinance No. 5020**: An Ordinance amending the Comprehensive Plan Map designation from Residential to Commercial, and from Commercial to Residential, on portions of an existing property and lot of record, and rezoning portions of said property from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).

9. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports
- c. Building Division Reports

10. ADJOURNMENT



**City of McMinnville
Administration**
230 NE Second Street
McMinnville, OR 97128
(503) 435-5702

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STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Melissa Grace, City Recorder/ Legal Assistant
SUBJECT: Lemonade Day Proclamation

Council Goal:

Promote Sustainable Growth and Development & Communicate with Citizens and Key Local Partners

Report in Brief:

This is a proclamation to be read by the Mayor which will proclaim May 6th, 2017 as Lemonade Day in McMinnville. Chamber of Commerce President Gioia Goodrum will be present to accept the proclamation.

Background:

Founded in Houston, Texas in 2007 by Michael Holthouse, Lemonade Day was created to empower today's youth to become tomorrow's entrepreneurs. Since its inception, Lemonade Day has grown from serving 2,700 kids in one city to more than 1 million children all across North America. With the help of partners like Google for Entrepreneurs, Lemonade Day will continue to spark the spirit of entrepreneurship and empower youth to set goals, work hard, and achieve their dreams.

Source: McMinnville Chamber of Commerce

Discussion:

Lemonade Day is a national event inspiring kids to work hard through starting, owning, and operating their own business — a lemonade stand. Participants go through a 14-step program that walks them from their dream to a business plan, all while teaching them the principles needed to start and run their own company. Though they are taught how to make a profitable business, they are also taught to spend and save money, and to share by giving back to their communities. Last year, 200 McMinnville youth joined the more than 250,000 youth from 40 cities around the country. From the young entrepreneurs' hard work, thousands of dollars were donated to local charities.

McMinnville Area Chamber of Commerce President, Gioia Goodrum, is a big proponent of Lemonade Day, describing it as "one of the many reasons I wanted to come to McMinnville. It teaches young people about entrepreneurship, but also prepares them for the world of work where the necessary skills of timeliness, preparation, and determination are key to success in a job. Participants learn finance and

money management, location selection, production scheduling, and marketing amongst many other things. We are helping to pave the way for the entrepreneurs of tomorrow."

This is the 3rd anniversary of Lemonade Day in McMinnville. Youth in kindergarten through 12th grade will be participating in this event.

Source: McMinnville Chamber of Commerce

Fiscal Impact:

None.

Alternative Courses of Action:

None.

Recommendation/Suggested Motion:

Staff recommends that the Mayor read the attached proclamation to proclaim May 6th, 2017 as Lemonade Day in the City of McMinnville.

Attachments:

Attachment A - Proclamation for Arbor Day



PROCLAMATION

Whereas, Lemonade Day is a fun, free experiential learning program that launched in Houston, Texas in 2007, and has grown from 2,700 kids in one city to 200,000 kids in over 35 cities across America and Canada; and

Whereas, there are 200 kids in McMinnville and surrounding communities who will be learning how to be young entrepreneurs by opening and operating their own businesses – a lemonade stand; and

Whereas, the community's business leaders are supporting and encouraging these young entrepreneurs to be brave and do big things; and

Whereas, since its inception, Lemonade Day has provided access to the experience of business ownership to youth from all walks of life who learn lifelong business skills and principles while learning how to make money where they are encouraged to “spend a little, save a little, and share a little”; and

Whereas, the mission of Lemonade Day is to empower today's youth to become tomorrow's entrepreneurs;

Now, therefore, I, Scott A. Hill, Mayor of the City of McMinnville, Oregon, do hereby proclaim Saturday, May 6th, 2017, as

LEMONADE DAY

in McMinnville. We urge all citizens to recognize and encourage the efforts of our kids as they learn about being young entrepreneurs while they open and operate their own businesses.

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 25th day of April, 2017.




Scott A. Hill



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STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Melissa Grace, City Recorder/ Legal Assistant
SUBJECT: Construction Industry Safety Week Proclamation

Council Goal:

Promote Sustainable Growth and Development & Communicate with Citizens and Key Local Partners

Report in Brief:

This is a proclamation to be read by the Mayor which will proclaim the week of April 30 – May 6th as Construction Industry Safety Week in McMinnville.

Background:

The Mission of Safety Week is to collectively raise the awareness of the construction industry's continuing commitment to eliminating worker injury, and to clearly communicate its dedication to a shared culture of care and concern and the belief that every week must be Safety Week.

Source: <http://www.constructionsaftyweek.com/about/who-we-are/>

Discussion:

The Mayor received a request from Mr. William Kalapsa of Liberty Mutual Insurance for a proclamation acknowledging Construction Industry Safety Week in McMinnville.

Fiscal Impact:

None.

Alternative Courses of Action:

None.

Recommendation/Suggested Motion:

Staff recommends that the Mayor read the attached proclamation to proclaim the week of April 30 – May 6th as Construction Industry Safety Week in McMinnville.

Attachments:

Attachment A - Proclamation for Construction Industry Safety Week



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PROCLAMATION

Whereas, construction is vital to our strong local economy yet remains one of the most dangerous professions; and

Whereas, the nature of the industry is fluid with craftspeople moving from firm to firm and project to project; and

Whereas, with proper planning, communication and controls, it is possible to eliminate injuries and incidents from construction sites; and

Whereas, no innovation in safety should be proprietary in order to send every worker across the region home safely after every shift; and

Whereas, local private and public owners in McMinnville have been national leaders in construction safety and have the opportunity to demonstrate leadership once again; and

Whereas, a diversity of stakeholders will enrich the dialogue and accelerate the adoption of best practices; and

Whereas, SafeBuild Alliance, a local non-profit advocating Zero Incidents through Collaboration has encouraged all members of the building community to share and learn in safety from one another; and

Whereas, every day should include a focus on safety, a coordinated annual event across the region serves to heighten awareness;

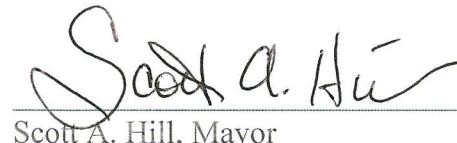
Now, therefore, I, Scott A. Hill, Mayor of the City of McMinnville do hereby proclaim April 30 – May 6, 2017 to be:

Construction Industry Safety Week

in McMinnville, Oregon and encourage all residents to observe this week, celebrate, and promote Construction Industry Safety in McMinnville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the OFFICIAL seal of the City of McMinnville to be affixed this 25th day of April, 2017.





Scott A. Hill, Mayor



**City of McMinnville
Planning Department**
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STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Chuck Darnell, Associate Planner
SUBJECT: Arbor Day Proclamation and Landscape Review Committee Update

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is a proclamation to be read by the Mayor which will proclaim April 28, 2017 as Arbor Day in McMinnville, and also to provide an update on the recent and upcoming work of the City's Landscape Review Committee.

Background:

Arbor Day was first celebrated in Nebraska in 1872, and since that time the Arbor Day Foundation was formed and the holiday is now celebrated nationally each year.

The City's Landscape Review Committee is the appointed body that is most heavily involved in the review and approval of the planting of trees within the city through their review of landscape plans and street tree plans associated with new development throughout the city.

Discussion:

This year is a special one for the City of McMinnville, as 2017 marks the 20th year that the City has been recognized by the Arbor Day Foundation as a certified Tree City USA. The Arbor Day Foundation has provided updated street signs, which are located at prominent entry points to the city, that have been updated to show that the City of McMinnville has been a certified Tree City USA for 20 years. Also, a commemorative plaque was provided to the City, which will be available for viewing at the City Council meeting and will be placed on display at the Community Development Center.

The Landscape Review Committee, the appointed body responsible for the review of landscape plans and street tree plans for new development, has had an active past year. In 2016 alone, the committee reviewed 36 applications for landscaping on new development sites, street tree plans in new subdivisions, and street tree removals. Through four months in 2017 the committee has reviewed 15 applications, which is a sign of another active year to come.

In addition, the Landscape Review Committee has begun to formalize their operating procedures by establishing a standing meeting, receiving staff reports on applications for review prior to meetings, and approving meeting minutes each month to formally record discussions and decisions being made at each meeting. The committee also took time during four months of regular meetings to review the existing Landscaping (Chapter 17.57) and Trees (Chapter 17.58) chapters of the McMinnville Zoning Ordinance. The purpose in the review was to ensure that the language was appropriate, was consistent with current industry standards, and also was consistent with past City practices related to landscaping and the planting of street trees. The committee developed proposed amendments to update and improve the Landscaping and Trees chapters, and recommended those amendments to the Planning Commission. The Planning Commission is in the process of holding a public hearing on the proposed amendments, and those will come before the City Council in 2017.

The Landscape Review Committee has also expressed an interest in undertaking other projects outside of application review, such as providing input and guidance on the update of city street tree planting standards or any broader streetscape design discussions in the city. They also have planned to periodically review and, if necessary, provide recommendations on updates to the McMinnville Street Tree List to ensure that it accurately reflects industry standards and current environmental conditions.

Fiscal Impact:

None.

Alternative Courses of Action:

None.

Recommendation/Suggested Motion:

Staff recommends that the Mayor read the attached proclamation to proclaim April 28, 2017 as Arbor Day in the City of McMinnville.

Attachments:

Attachment A - Proclamation for Arbor Day



PROCLAMATION

Whereas, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

Whereas, Arbor Day is now observed throughout the nation and world; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

Whereas, trees in our city increase property values, enhance the economic vitality of our business areas, and beautify our community; and

Whereas, the City of McMinnville is celebrating its 20th year as a certified Tree City USA as recognized by the Arbor Day Foundation; and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Scott A. Hill, Mayor of the City of McMinnville, do hereby proclaim April 28, 2017 as

ARBOR DAY

in the City of McMinnville, and I urge all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 25th day of April, 2017.



The signature of Scott A. Hill is written in black ink. It consists of the name "Scott A. Hill" followed by a stylized, handwritten flourish.

Scott A. Hill, Mayor



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STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Chuck Darnell, Associate Planner
SUBJECT: Historic Preservation Month Proclamation and Historic Landmarks Committee Update

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is a proclamation to be read by the Mayor which will proclaim May 2017 as Historic Preservation Month in McMinnville, and also to provide an update on the recent and upcoming work of the City's Historic Landmarks Committee.

Background:

Historic Preservation Month was first established and observed by the National Trust for Historic Preservation in 1973. The National Trust for Historic Preservation is a nonprofit organization dedicated to protecting America's historic buildings, landscapes, and neighborhoods.

The City's Historic Landmarks Committee is the appointed body that is involved in the practice of historic preservation, serving as the body tasked with managing the City's Historic Resources Inventory and reviewing any alteration to an existing historic landmark. The Historic Resources Inventory is a locally adopted list of protected historic structures, buildings, and sites in the city, and includes 558 resources dating back as far as 1853.

Discussion:

Historic Preservation Month is celebrated annually during the month of May across the country. Public agencies and nonprofits use the month of May as a time to celebrate and promote historic buildings, sites, landscapes, and neighborhoods. McMinnville's extensive Historic Resources Inventory, which includes 558 buildings and sites, provides ample opportunity to highlight the important historic resources that exist throughout the city. The McMinnville Downtown Historic District is listed on the National Register of Historic Places and includes many of the most prominent historic buildings in McMinnville, but a vast majority of our historic resources are located in other historic areas of the city.

The Historic Landmarks Committee will be working to promote important and interesting historic resources during Historic Preservation Month. The committee members have agreed to assist in compiling information on important historic resources, including historic and current photos, as well as stories that provide more information about the role that the historic resource played in the development of the city. The committee's goal is to provide information and photos on one historic resource in the city for each day of Historic Preservation Month. The committee will also be using the "This Place Matters" campaign, administered by the National Trust for Historic Preservation, through social media

Attachments:

Attachment A - Proclamation for Historic Preservation Month

to share information on McMinnville's important historic resources on a broader scale, both within our community and throughout the country.

The Historic Landmark Committee has begun to meet regularly, establishing a standing monthly meeting on the last Wednesday of each month. In previous years, the committee generally only met when an application was submitted for review, but the committee has expressed an interest in holding regular meetings and working towards the completion of other projects as well. The Historic Landmarks Committee also serves as the body responsible for participating in the State Historic Preservation Office's (SHPO) Certified Local Government (CLG) program.

In 2016, the committee adopted a formal work plan to strategically guide their activities over the next two years. That work plan includes both broad goals and specific activities, such as creating a Historic Preservation Plan for the city, surveying properties to determine their historical significance, and a broad range of educational activities to increase awareness and appreciation of McMinnville's historic resources.

From that work plan, Planning Department staff developed a CLG grant application that would provide funding to complete the projects on the work plan. Staff was just notified that the application was approved, and the City of McMinnville is eligible to accept a \$12,000 grant from SHPO through the CLG program to put towards the development of a Historic Preservation Plan, completion of an Intensive Level Survey of historic properties in the city, and the creation of educational materials to increase awareness of historic resources in McMinnville. The Historic Landmarks Committee will be busy working on those projects throughout 2017 and 2018.

Also, the state's Land Conservation and Development Commission (LCDC) recently adopted amendments to Oregon Administrative Rule (OAR) 660-023-0200, also known as the Historic Resources rules for complying with Goal 5 of the Statewide Planning Program. The Oregon Statewide Planning Goals are a set of 19 goals related to a statewide land use planning program that is administered by LCDC. Goal 5 of the Statewide Planning Goals is related to Natural Resources, Scenic and Historic Areas, and Open Spaces. The preservation of historic resources is included in the rules associated with Goal 5, and provides the framework that local governments must follow in designating and protecting significant historic resources.

The adopted amendments to the OARs will require the City of McMinnville to review and update their regulations related to historic preservation, which are currently embodied in the Historic Preservation Ordinance (Ordinance No. 4401). The Historic Landmarks Committee has already reviewed the OAR amendments, and will be reviewing the City's Historic Preservation Ordinance in 2017 to ensure that it is consistent with the new administrative rules. Amendments will be required to our local ordinance, and the Historic Landmarks Committee will provide recommendations to the Planning Commission and City Council on those necessary amendments.

Fiscal Impact:

None.

Alternative Courses of Action:

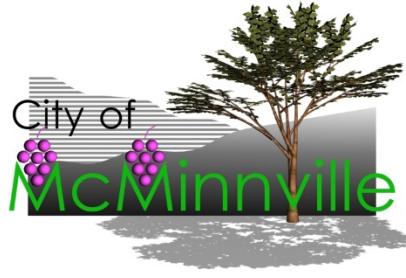
None.

Recommendation/Suggested Motion:

Staff recommends that the Mayor read the attached proclamation to proclaim May 2017 as Historic Preservation Month in the City of McMinnville.

Attachments

Attachment A - Proclamation for Historic Preservation Month



PROCLAMATION

Whereas, the National Trust for Historic Preservation, a nonprofit dedicated to protecting America's historic buildings, landscapes, and neighborhoods, established an annual celebration of historic preservation across the country; and

Whereas, this celebration, known as National Historic Preservation Month, was first established and observed by the National Trust for Historic Preservation in 1973; and

Whereas, National Historic Preservation Month is now observed in the month of May every year throughout the country; and

Whereas, the City of McMinnville has a rich history as the primary social and economic center of the Yamhill County region; and

Whereas, the McMinnville Downtown Historic District, the economic center of our city focused on Third Street, is listed on the National Register of Historic Places; and

Whereas, the City of McMinnville promotes and protects its historic buildings and sites through a locally adopted Historic Resources Inventory, managed by the Historic Landmarks Committee, which includes 558 buildings and sites dating back as far as 1853; and

Whereas, the protection of our historic resources enhances the economic vitality of our community, beautifies our built environments, and instills in our community members a sense of pride in the historic importance of the City of McMinnville.

NOW, THEREFORE, I, Scott A. Hill, Mayor of the City of McMinnville, do hereby proclaim May 2017 as

HISTORIC PRESERVATION MONTH

in the City of McMinnville, and I urge all citizens to celebrate Historic Preservation Month and support efforts to protect our valued historic resources throughout the city.

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 25th day of April, 2017.

Scott A. Hill, Mayor



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STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Ron Pomeroy, Principal Planner
SUBJECT: **Ordinance No. 5021 – AP 1-17** (Appeal of Planning Commission denial of ZC 1-16, ZC 2-16 and S 3-16, Baker Creek Development Zone Change, Planned Development Amendment and Tentative Subdivision Plan)

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is the consideration of Ordinance No. 5021 (Attachment A to this Staff Report), an ordinance approving a zone change, planned development amendment and tentative subdivision plan for Baker Creek Development, as an appeal of the Planning Commission's denial of these land-use applications.

On February 16, 2017, the McMinnville Planning Commission voted to recommend to the McMinnville City Council that the Baker Creek Development LLC application for a zone change (ZC 1-16), planned development amendment (ZC 2-16) and tentative subdivision plan (S 3-16) be denied. Which, per the McMinnville Zoning Ordinance, Section 17.72.130(5)(b) halts any further proceedings on the application unless the applicant chooses to appeal the Planning Commission decision to the City Council. On March 13, 2017, the applicant filed an appeal of the Planning Commission decision.

Per the McMinnville Zoning Ordinance, Section 17.72.180, if an appeal is filed, the City Council shall hold a public hearing on the appeal. The public hearing is considered a "de novo" hearing and affords the applicant the right to submit new evidence and argument and to raise new issues to the City Council for consideration.

However, Baker Creek Development, LLC chose to keep their proposal essentially the same making a few adjustments to address the concerns that they heard from the Planning Commission and the public who opposed the proposal during the Planning Commission public hearing.

This staff report will outline those concerns, the basis for the Planning Commission vote to recommend denial, and the changes that Baker Creek Development, LLC made to address those concerns.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C – February 16, 2017 Planning Commission Minutes

Planning staff recommended approval of the applications to the Planning Commission based upon the fact that, with the proposed Conditions of Approval, the applications met the goals and policies of the McMinnville Comprehensive Plan and the code criteria of the McMinnville Zoning Ordinance. (Please see Attachment B to this staff report for the February 16, 2017 Planning Commission staff report). Planning staff still recommends approval of the applications and subsequently the appeal for the same reasons. Staff's evaluation and "The Findings of Fact, Conclusionary Findings and Conditions of Approval are all outlined in Exhibit A of Ordinance No. 5021 as the draft Decision Document for the City Council to consider. The Applicant's application, supplemental materials and the public testimony received are also outlined in Exhibit A of Ordinance 5021 as attachments to the Decision Document.

Background:

Summary of Process: Baker Creek Development, LLC, submitted an application on August 29, 2016, requesting approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet, or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. Concurrently, the applicant also requested approval of a tentative phased subdivision plan on approximately 40 acres of land that, if approved, would provide for the construction of 213 single-family homes and one multiple-family development. The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

These applications were submitted as one overall package and were deemed complete by the Planning Department on September 29, 2016.

Since this was a significant new development in McMinnville, property owner notices were sent to property owners within a 1000' radius of the proposed site.

The first public hearing before the McMinnville Planning Commission was held on November 17, 2016. As new substantive information had been submitted to the Planning Department by the applicant prior to the November 17th public meeting, the hearing was opened and immediately continued to the December 15, 2016 Planning Commission meeting to afford sufficient time for staff and the public to review the material prior to the issuance of a staff report and findings document and prior to the receipt of oral testimony. Unfortunately, due to inclement weather, the Commission's December 15th public meeting was cancelled and rescheduled for January 19, 2017. At the January 19th meeting, the Commission conducted a public hearing on this proposal and elected to close the public hearing but keep the written record open until 5:00 p.m. February 2, 2017 for receipt of additional written testimony. The applicant provided their written rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. At their meeting on February 16, 2017, the Planning Commission deliberated and voted unanimously to recommend denial of the applicant's proposal. Specifically, the Planning Commission voted to deny ZC 1-16 and ZC 2-16 including the proposed amendment of Planned Development Ordinance No. 4626. This action by the Planning Commission was also a de-facto denial of the tentative phased subdivision plan S 3-16. Following this denial decision, an appeal period was provided until 5:00 p.m., March 13, 2017. The applicant filed an appeal of the Planning Commission's denial on March 13, 2017.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C –February 16, 2017 Planning Commission Minutes

Summary of Testimony and Commission Action - The land use proposal submitted by Baker Creek Development, LLC, that was publicly reviewed and denied by the McMinnville Planning Commission on February 16, 2017 was, essentially, for the purpose of developing 44.36 acres of vacant land with 213 single-family detached residences and 65 apartment units. This development was proposed to occur within an existing 26.8 acre Planned Development boundary that was requested to be expanded by an additional 30.83 acres to accommodate the proposed development.

Much of the public testimony received concerned the adequacy of public facilities to serve the new development – ie storm drainage and future potential transportation impacts on the surrounding street network. Per Oregon state law, all cities must plan for the infrastructure needed to support full development of all land within the urban growth boundary, so transportation, wastewater and water infrastructure had all been adequately planned in advance to support the proposed development, including the appropriate mechanisms to pay for the increased capacity needed. For those infrastructure needs that were not already addressed in the City's twenty-year public facility plans, conditions of approval were drafted and included in the Decision Document to address those specific concerns.

There were additional common themes evident in testimony that related to questions of density of housing, size of lots, housing types proposed, and adequate provision of pedestrian connections, parks and open space. Recommended conditions of approval in the Decision Document reflected some of those concerns by requiring the provision of an additional private mini-park to be located in the more dense western portion of the proposed development, and by requiring a variety of housing design such that no same home design could be built adjacent to another, including both sides of the street. An additional recommended condition also required the creation of a Pattern Book for residential design addressing the quality and type of exterior materials, front porches and entry areas for each residence, as well as sample exterior colors, and design details for roof materials and exterior doors and windows to help ensure the quality of neighborhood development that McMinnville enjoys.

There was also significant testimony relative to social justice issues, such as assumed income levels that the development would attract, home ownership versus rental properties, and police capacity to respond to potential issues associated with the development. These are social issues and not typically codified by land –use regulations.

Following the receipt of all testimony, the Planning Commission's comments prior to their denial of the proposal noted that the application requested several variances on standard zoning requirements relative to lot size and yard setbacks as part of the planned development amendment, and that, on balance, failed to warrant the requested departure from these standard zoning requirements with additional value-added amenities in the neighborhood and community. Although Planning Commissioners did not cite specific code criteria for their denial they did indicate their concerns with the lot sizes, off-street and on-street parking, open space, and pedestrian connectivity. (Please see the minutes from the February 16, 2017, Planning Commission meeting as Attachment C to this staff report.) Comments shared by the Commission were reflected in the February 24, 2017, Planning Commission decision letter informing the applicant of the Commission's denial of their application stating:

“The Planning Commission determined that your application failed to meet the purpose of a Planned Development as described in Section 17.51.010 of the McMinnville Zoning Ordinance. Specifically, the Commission found that the proposal failed to facilitate a

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C –February 16, 2017 Planning Commission Minutes

desirable aesthetic and efficient use of open space, to create sufficient private common open spaces, to use a creative approach in land development, and to demonstrate special objectives which the proposal would satisfy. Therefore, the Commission determined that the proposal did not meet the necessary criteria in Section 17.51.030(C) and did not warrant a departure from the standard regulation requirements."

However, significantly, Section 17.51.010 of the McMinnville Zoning Ordinance is a purpose statement and not specific code criteria used to evaluate proposals. It is reflective of the intent of the code and should be used for context in which to apply code criteria. But when the proposal is evaluated against the code criteria of the McMinnville Zoning Ordinance and the goals and policies of the McMinnville Comprehensive Plan it is compliant with the specific criteria of a zone change, and planned development amendment. (Please see the Decision Document Conclusionary Findings, Exhibit A of Ordinance No. 5021 – Attachment A to this staff report).

Discussion:

As this appeal action establishes a de novo hearing before the Council, the applicant has utilized the opportunity to modify the proposal to respond to the Planning Commission concerns and the public testimony in opposition to the project. This staff report and the Decision Document presented as Exhibit A of Ordinance No. 5021 address the modified proposal provided as part of the appeal application.

Hearing the overall prevailing concern about the need for more open space, the applicant added two new mini-parks to the western portion of the development. They have also illustrated how off-street parking is accommodated and meets the criteria of off-street parking in the McMinnville Zoning Ordinance in the same manner as every other residential development in McMinnville. Additionally, the applicant has provided more information about the targeted demographics that the project will serve, as well as several representative housing products to alleviate concerns of quality product.

This appeal by Baker Creek Development, LLC, of the Planning Commission's denial referenced above seeks approval of a zone change from EF-80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.61 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. A table provided below summarizes the requested setback adjustments. Concurrently, the applicant is requesting approval of a modified tentative four-phase residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 208 single-family homes and the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units on a total of 44.36 acres of land.

This staff report will provide a high-level synopsis of the application and more detailed information can be found in the Decision Document.

The graphics provided below illustrate the existing zoning designations of the subject site and surrounding area and the resulting zoning pattern should the Council uphold the applicant's appeal and approved the requested zone changes.

Attachments:

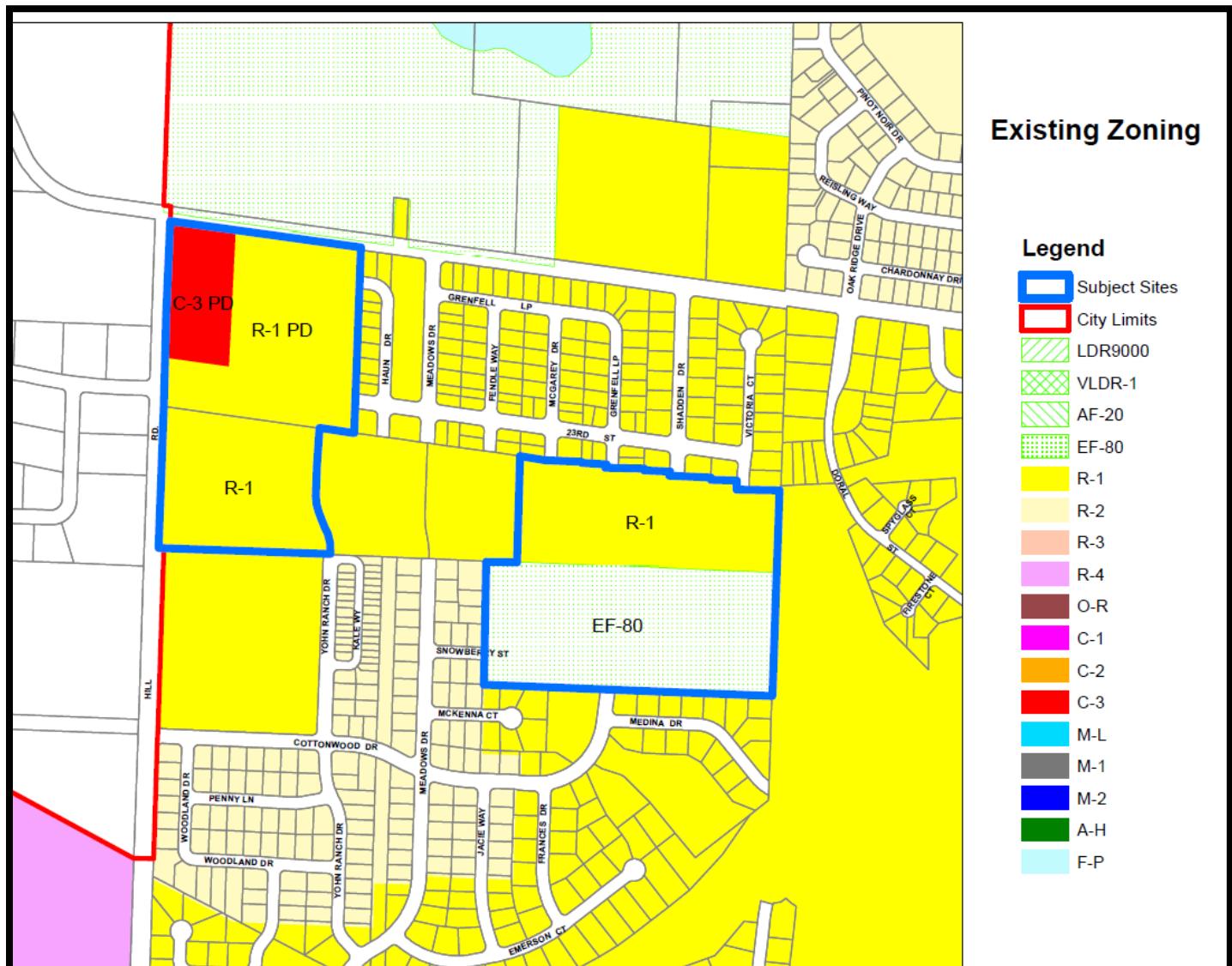
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Current Zoning



Attachments:

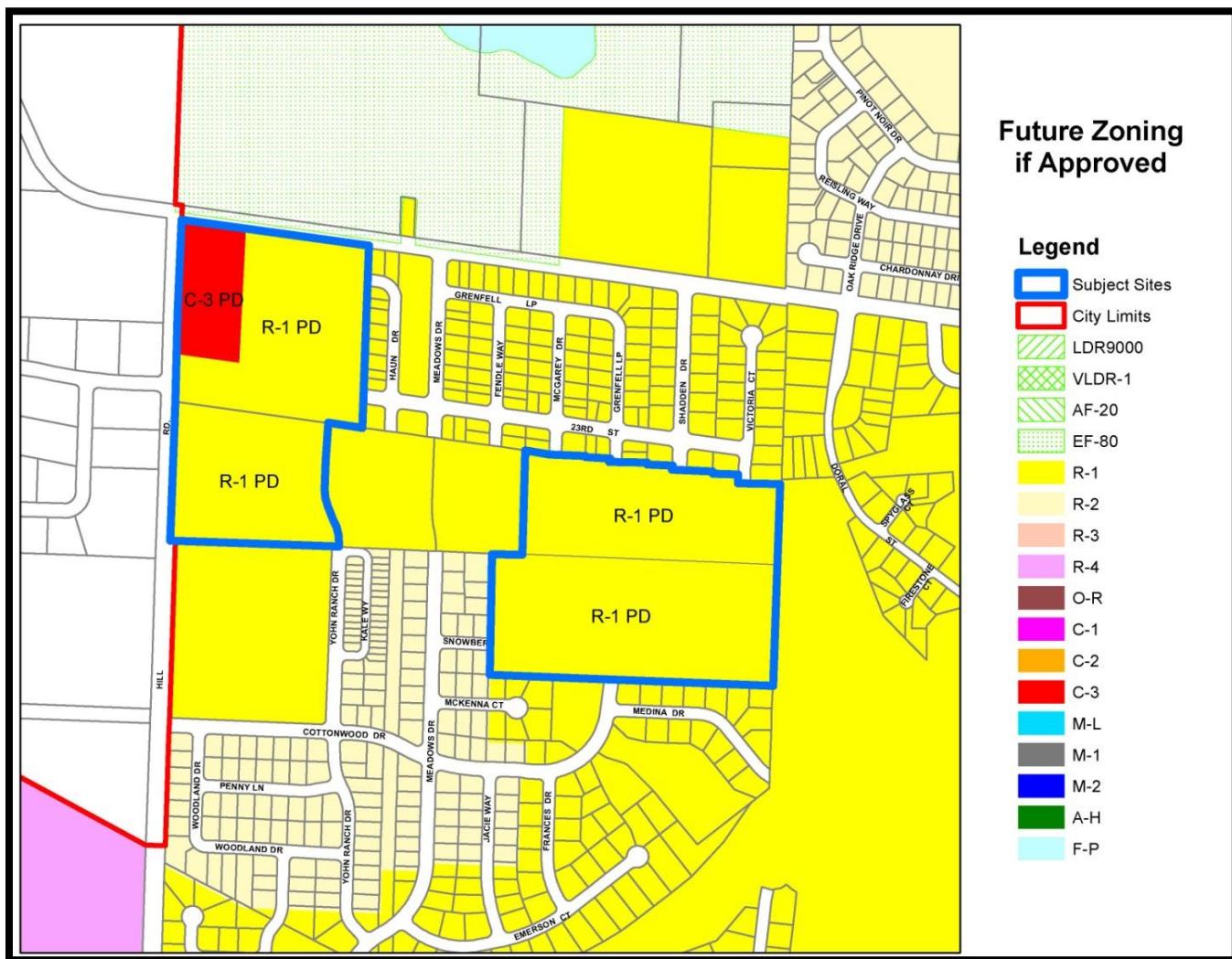
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Future Zoning if Approved



The applicant is also proposing to amend the existing planned development ordinance (Ordinance 4626) that currently governs a portion of the area proposed for residential development in a number of ways including an expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above. The two areas to be added to the existing planned development overlay are shown in the graphic below and identified as 7.82 acres in size and 23.01 acres in size (totaling 30.83 acres); this graphic is also identified as Exhibit F in the applicant's submittal.

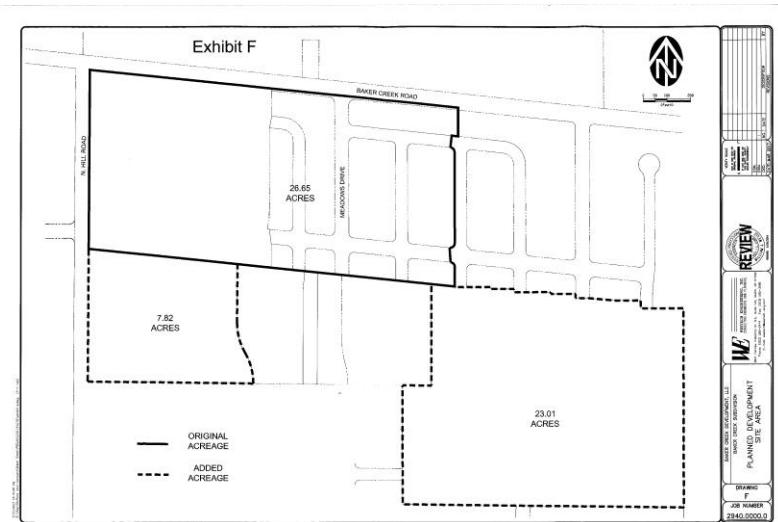
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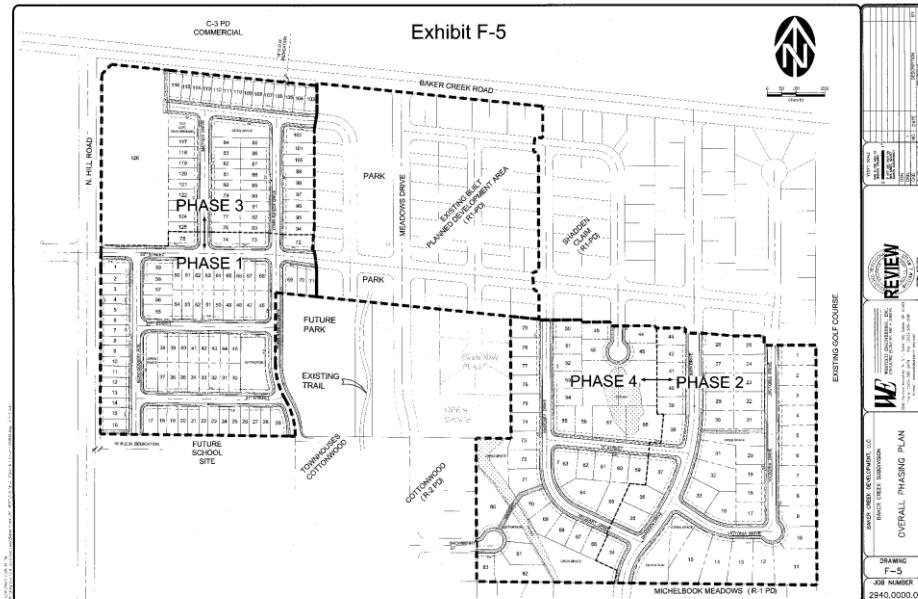
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Approval of the requested modifications to Ordinance 4626 would also provide for lot size averaging over the proposed expanded planned development area and a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.

The applicant is proposing a four phased subdivision plan on approximately 44.36 acres of land that, if approved, would provide for the construction of 208 single-family homes the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units. This residential development plan is proposed to occur in four-phases as demonstrated in Exhibit F-5 of the applicant's submittal, a copy of which is provided below for your reference.



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The applicant has devised unique labels for each of five types of proposed single-family lots that correspond to the minimum widths of the lots. The table below provides a summary of those lot types and their respective characteristics.

Lot Types - Proposed Setback and Lot Size Adjustments

Lot Type	Setbacks	Minimum Lot Size	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
SFD-70 (Meets all R-1 standards)	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	9,000 sq. ft.	50 feet	19	16.8%
SFD-65	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	6,463 sq. ft.	50 feet	29	13.9%
SFD-60	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	5,683 sq. ft.	50 feet	35	9.1%
SFD-40	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	4,000 sq. ft.	30 feet	69	33.2%
SFD-32	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	3,200 sq. ft.	26 feet	56	26.9%

A copy of the proposed tentative subdivision plan showing the locations of the various proposed lot types is included in the applicant's submittal as Exhibit F-1 and is provided below for your reference.

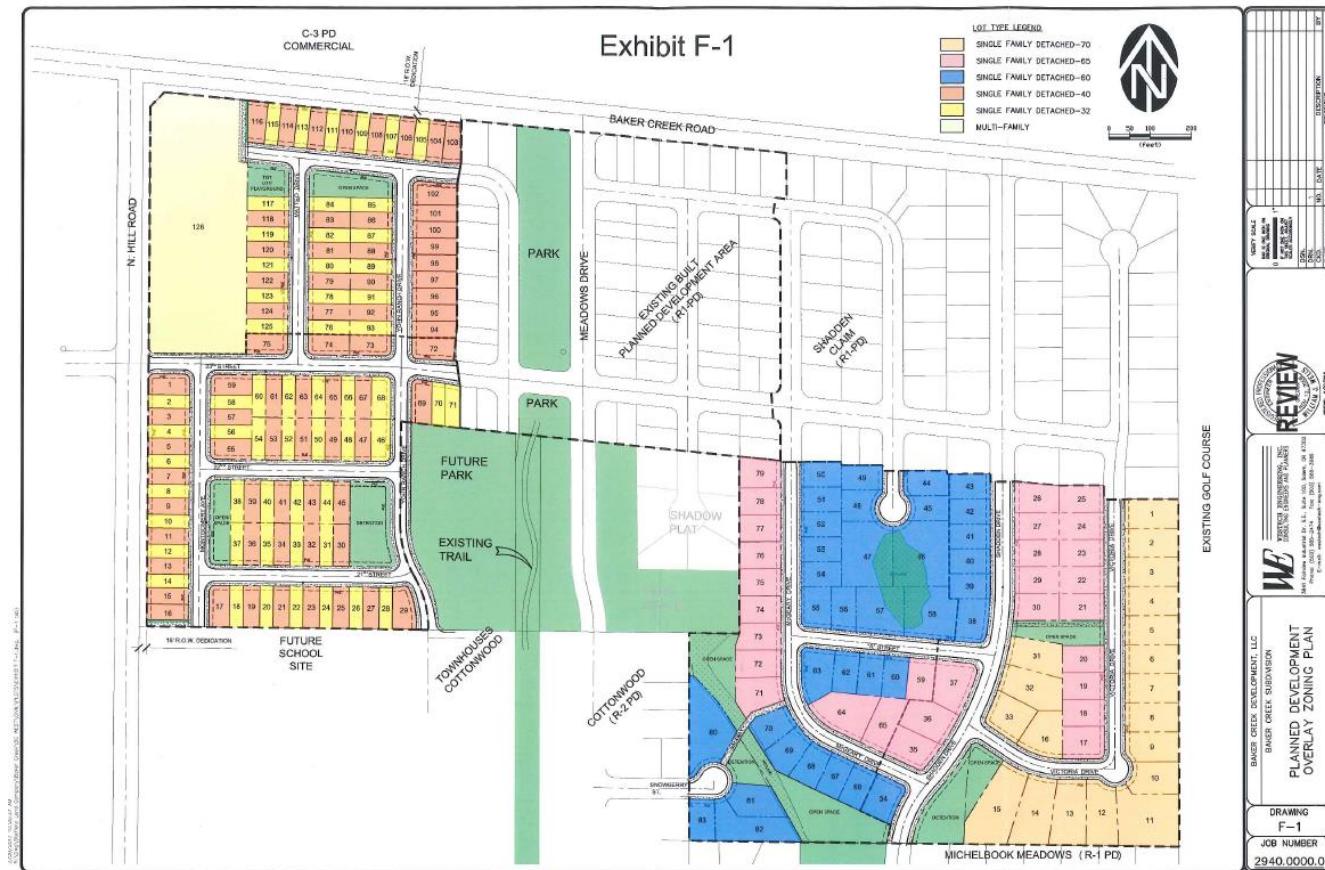
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The applicant has provided a detailed narrative and numerous exhibits to support their appeal request of the previously denied land use requests. To aid the Council in review of this material, it is beneficial to initially consider the Baker Creek East (BCE) and Baker Creek West (BCW) portions of this proposal separately. This will allow staff to discuss the design of these two distinct portions of the proposal independently in order to provide additional clarity to the various elements of the proposal. Following this, the discussion of the residential density and Planned Development aspects of the proposal will address the project in total.

It is also instructive to note that, while this appeal is a *de novo* hearing of a modified proposal by the applicant, there remain occasional phrasing references in the applicant's submittal that are remnants of the prior proposal that was denied by the Commission. An example of this occasional circumstance is the reference on page 15 of the applicant's Exhibit C referring to R-3 and R-4 Modified lots; terminology that is not relevant in this current application or review.

Baker Creek East (BCE)

Phases 2 and 4 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek East (BCE). The applicant proposes the platting of 83 single-family residential lots ranging from 5,683 square feet to 21,050 square feet in size on 23.01-acres of land yielding an average lot size of approximately 8,598 square feet.

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Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCE) the phasing in this graphic is incorrect. According to the phasing plan proposed throughout the balance of the application, Phase 1 below accurately corresponds to Phase 2 of the correct phasing plan, and Phase 2 as shown below accurately corresponds to Phase 4 of the correct phasing plan. Staff understands this matter to be only a text error on this graphic.

This matter regarding different phasing numbers from that represented on the applicant's Phasing Plan (Exhibit F-5), is also present in the discussion of BCW below. These seemingly alternate phase numbers were communicated to the applicant as was a request for clarity. Their response is found in the application supplemental materials, Attachment 2 of this Decision Document, a letter from Gordon Root, dated April 17, 2017, with the relevant portion indicating that providing different phase numbers was intentional on the part of the applicant the purpose described below:

"The purpose of Exhibit F-5 is to show how the overall phasing of the project will go. It is correct in that we'll move forward with BCW's southern phase first. We'll likely move forward with BCE's eastern phase second, and/or concurrently. BCW's northerly phase will follow in third place, with the westerly phase of BCE fourth, as shown on the graphic."

The preliminary plats Exhibits G and H (Sheets PL-1 through PL-4) and Exhibits G-1a and H-1a (Sheets SP-A and SP-B) reflect how they will be recorded with the County Surveyor. We anticipate BCW will record as Baker Creek West Phase 1 and Baker Creek West Phase 2, while BCE will record as Baker Creek East Phase 1 and Baker Creek East Phase 2.

The above wording on how we think they will record is reflected in the plats and site plans, where Exhibit F-5 is intended to demonstrate to the City how the phases will be programmed."



The 83 single-family lots are proposed to be one of three styles and are referenced by the applicant as SFD-70 (Single Family Development-70), SFD-65 (Single Family Development-65) and SFD-60 (Single Family Development-60). As noted above and on the applicant's Exhibit F-3, Table 5, the

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SFD-70 lots would meet all minimum requirements of the R-1 zone including 10-foot side yard setbacks. SFD-70 lots will also have a minimum lot width of 70 feet. Of the 83 proposed single-family lots in BCE, 19 are identified by the applicant as SFD-70 (11% of the proposed lots in BCE). The applicant states that the proposed SFD-70 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-70 lots is approximately 10,951 square feet in size. For comparison, this average lot size exceeds the minimum 9,000 square foot lot size required in the R-1 (Single-Family Residential) zone.

The applicant's submittal also provides that the SFD-65 lots are those lots proposed to be at least 6,463 square feet in size with 7.5-foot side yard setbacks and a minimum lot width of 65 feet. Of the 83 proposed single-family lots in BCE, 29 are identified by the applicant as SFD-65 (35% of the proposed lots in BCE). The applicant states that the proposed SFD-65 lots would provide a minimum building envelope width of 50 feet and that the average lot size of the SFD-65 lots is will be 7,432 square feet. For comparison, this average lot size more closely compares to, and is some 432 square feet larger than, the 7,000 square foot minimum lot size required in the R-2 (Single-Family Residential) zone.

Exhibit F-3, Table 5 also shows that SFD-60 lots are those lots proposed to be at least 5,683 square feet in size. SFD-60 lots are proposed to provide 5-foot side yard setbacks and a minimum lot width of 60 feet. Staff notes that four of the proposed SFD-60 lots are very large in comparison due to the location of probable wetlands being located on those lots (Lots 46, 47, 57 and 58) in addition to the uniquely configured lots 80 and 82; this is clearly depicted on drawing PL-3 of the applicant's Exhibit H. Of the 83 proposed single-family lots in BCE, 35 are identified by the applicant as SFD-60 (42% of the proposed lots in BCE). The applicant's narrative also states that the proposed SFD-60 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-60 lots is stated to be 8,287 square feet. Without inclusion of the uniquely configured lots noted above, the average size of the SFD-60 Lots would be comparable to the 6,000 square foot minimum lot size requirement for a residential lot in the R-3 (Two-Family Residential) zone.

The average lot size of all residential lots in BCE, combined, is 8,598 square feet in size; about 402 square feet smaller than a minimum sized standard R-1 zoned lot. Due to open space, on-site storm water detention tracts and identified wetland areas, the average residential density of the BCE portion of the proposal is 3.61 dwelling units per net acre which is less than the 4.8 dwelling units per net acre that is the maximum residential dwelling unit density for R-1 zoned land; a net acre of land consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets.

Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGeary Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGeary Drive to Shadden Drive identified as "A" Street in the applicant's submittal. Mahala Way and Snowberry Street are proposed to terminate with cul-de-sacs within this portion of the development. All streets would be public streets within BCE and are proposed to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips) with the exception of Shadden Drive which will be developed with a 36-foot wide paved section within a 60-foot right-of-way. In addition, the applicant also proposes three open space tracts and two on-site storm water detention areas. A pedestrian walkway is proposed to cross near the midsection of the area identified by the applicant on drawing

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PL-3 as Tract A Detention and as Tract A Open Space providing a pedestrian connection between the Snowberry Court cul-de-sac and McGeary Drive; there also appears to be a linear wetland area separating the Tract A Detention from Tract A Open space areas. Similarly, an additional similar pedestrian pathway is provided mid-block connecting NW Shadden Drive with NW Victoria Drive. This pathway is identified on the applicant's Attachment H-1, drawing SP-4 in an area simply identified as Open Space. This "open space" area is separately identified as Tract C Open Space on the applicant's Exhibit H, drawing PL-4.

Table 1.0 of the applicant's Exhibit F-3 provides an open space summary for both BCE and BCW. A review of this Table shows a total of 49,198 square feet (1.13 acres) of open space for BCW and 95,920 square feet (2.20 acres) of open space for BCE. These total acreage figures include storm water detention ponds, public walkways, a Mini Park/Playground and what is identified by the applicant as Passive Open Space and Active Open Space. It is instructive to note that the proposed storm water detention ponds are included as part of the open space calculations as are wetland area(s) which are however not uniquely identified as an open space type. Had additional clarity been provided by the applicant a clear picture of specific open space types and acreages could have been provided to the Council for review.

Baker Creek West (BCW)

Phases 1 and 3 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek West (BCW). The applicant proposes the platting of 125 single-family residential lots ranging from 3,200 square feet to 5,769 square feet in size with an average lot size of 3,847 square feet; about 1,153 square feet (or 23%) smaller than a minimum sized R-4 single family lot which is 5,000 square feet. Also proposed is a future multiple-family development on a 3.8-acre lot (Lot number 126).

Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCW) the phasing in this graphic as explained by the applicant, above, is intended to show the subdivision phase names that would be assigned when the subdivision phases record, not the order in which the phases will record. For purposes of understand the order of how the subdivision phases will be constructed, the phasing plan identified as Exhibit F-5 remains accurate. According to the phasing plan proposed throughout the balance of the application, Phase 1 below accurately aligns with the actual Phase 1 of the phasing plan, while Phase 2 as shown below accurately corresponds to Phase 3 of the correct phasing plan. Staff understands this matter to be only a text error on this graphic.

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The 125 single-family lots are proposed to be one of two lot types identified by the applicant as SFD-40 (Single Family Development-40) and SFD-32 (Single Family Development-32). As noted above and on page 15 of Exhibit C and Table 5 of Exhibit F-3 of the applicant's submitted materials, the SFD-40 lots are those lots proposed to be at least 4,000 square feet in size with 5-foot side yard setbacks and a minimum lot width of 40-feet. Of the 125 proposed single-family lots in BCW, 56 are identified by the applicant as SFD-40 lots (45% of the proposed lots in BCW). The applicant states that the proposed SFD-40 lots would provide a minimum building envelope width of 30 feet. The average lot size of the SFD-40 lots is 4,262 square feet. For comparison, this average lot size is about 1,738 square feet smaller than the 6,000 square foot minimum lot size for a standard single-family lot in the R-3 (medium density) zone and 738 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone.

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Table 5 of the applicant's Exhibit F-3 states that the SFD-32 lots are those lots proposed to be at least 3,200 square feet in size with 3-foot side yard setbacks and having a minimum lot width of 32 feet. Of the 125 proposed single-family lots in BCW, 69 are identified by the applicant as SFD-32 lots (55% of the proposed lots in BCW). The applicant's narrative also states that the proposed SFD-32 lots would provide a minimum building envelope width of 26 feet. The average lot size of the SFD-32 lots is 3,333 square feet. For comparison, this average lot size is about 1,667 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone; or approximately 67% of the size of a 5,000 square foot lot.

Access to BCW would be provided by the westerly extensions of NW Haun Drive and NW 23rd Street and the northerly extension NW Yohn Ranch Drive. New north-south oriented local streets identified by the applicant as Matteo Drive and Montgomery Avenue as well as the creation of new east-west oriented local streets identified by the applicant as NW 21st and NW 22nd Streets are also proposed. NW Haun Drive is proposed to provide direct vehicular access to the multiple-family site (proposed lot 126) located in the northwestern corner of Phase 3 of the proposed development. NW Montgomery Drive is proposed to provide a street stub to the northern edge of adjacent property to the south currently owned by McMinnville School District 40 to provide future public street access to that site. All streets within BCW are proposed to be public streets to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips). The applicant also proposes one on-site storm water detention area to be located west of NW Yohn Ranch Drive. Please refer to the applicant's Exhibit F-1 and Exhibit G, drawing PL-2 for additional detail.

The previously mentioned multiple-family site (proposed lot 126) is 3.8-acres in size and more clearly depicted on Exhibit G, drawing PL-1. This site is zoned C-3 PD (General Commercial, Planned Development) and identified to allow for multiple-family development by Ord. No. 4626. It is instructive to note that a companion subdivision tentative plan was also approved by the Planning Commission in 1996 as part of the land use proposal that resulted in the adoption of Ord. No. 4626. That subdivision approval (S 2-96) limited the multiple-family site to a maximum residential density of 20 units per acre. A portion of this subdivision plan was constructed as Shadden Claim 1st and 2nd Additions, but the undeveloped balance of the tentative plan approval has long since expired. This is relevant context in that the condition of approval of S 2-96 (Subdivision proposal for VJ2 Development approved by the Planning Commission on May 9, 1996) wherein condition of approval number 19 limiting density on the multiple-family site to a maximum density of 20-units per acre has also expired. Although, while that previous condition would have limited construction to no more than 76 multiple-family residential units on that site, the applicant proposes construction of only 70 multiple-family units in this current proposal; for context, this is a reduction of 6 proposed units from that previous, yet no longer valid, approval limit.

General Discussion of Overall Development Proposal

Essentially, the applicant is requesting approval to modify a twenty-year old partially developed Planned Development tentative subdivision plan with a new tentative subdivision plan on a larger geographic footprint. The following observations are grouped into distinct topics to aid the Council in its review.

PRELIMINARY NOTES

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- Section 17.53.105(A) of the McMinnville Zoning Ordinance states that “the depth of lot shall not ordinarily exceed two times the average width.” Of the 125 proposed lots in BCW, all except for perhaps 12 of the lots exceed this standard. While the operative phrase in this standard is “shall not *ordinarily* exceed,” 113 of the lots (90% of BCW and 54% of the total development site; BCW and BCE combined) exceed this standard. However, with the applicant’s proposal to expand and modify the existing Planned Development it is possible for the City to support accommodation of this lot design should the overall development concept successfully meet or exceed the applicable land use policies and approval criteria of a planned development.

It was previously noted that wetlands are shown on lots 46, 47, 57 and 58 of BCE and potentially identified within the Tract C area shown on Exhibit H, drawing PL-3 of the applicant’s submittal. Prior to platting, a wetland quality assessment will be required to determine if preservation of either or both of these areas are necessary. If protection is necessary, a wetland delineation will be required prior to platting to ensure protection and that a usable building footprint remains on each of the affected residential lots as addressed in recommended condition of approval number 27.

RESIDENTIAL DENSITY

Due to concerns related to sanitary sewer drainage basin flow capacities, the City Council acted in 1979 to limit the average residential density of McMinnville’s west side (west of Hwy 99W, Adams Street, and South Baker Street) to a maximum of six dwelling units per net acre. This residential density limitation remains in force. Residential densities exceeding the six dwelling units per acre maximum were typically reviewed and approved as part of larger development proposals with overall densities averaging six dwelling units or less over the project site. This west side density limitation is also memorialized in Comprehensive Plan Policy 71.01.

The applicant is proposing the platting of 208 single-family residential lots and one 3.8-acre multiple-family residential lot to contain 70 multiple-family dwelling units on a combined area total of approximately 44.35 acres of land. This would be achieved, in part, by approval of a modification of Ordinance 4626 to increase the size of the existing planned development area from 26.65 acres to 57.48 acres in size by adding 30.83 contiguous acres to the original size. Page 15 of Exhibit C of the applicant’s submittal states that, if approved, this development proposal would result in a total of 335 dwelling units located within the expanded planned development area. This total is comprised of 70 proposed multiple-family units, 208 proposed single-family detached units, 31 existing single-family detached units, and 26 existing attached duplex townhouses. The applicant also provides additional information relative to residential density in Table 3.0 of Exhibit F-3 Table of applicant’s submittal. Staff has summarized this data in the table below:

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Residential Dwelling Units and Average Density	
Subdivision Name	Number of Residences
Shadden Claim First Addition	11
Shadden Claim Second Addition	46
Proposed BCE Lots	83
Proposed BCW Lots	125
Proposed Multiple-Family Units	70
Total Number of Dwelling Units	335
Total Number of Acres for Expanded PD	57.48
Average Residential Density per Acre	5.8

While there are two “halves” of the development proposal (BCE and BCW) for discussion sake, the proposed residential density needs to be evaluated and considered as it pertains to the entire planned development site rather than distinct sub-areas within the overlay. With that in mind, the proposed overall residential density of 5.8 dwelling units per acre for the expanded planned development area is slightly less than the maximum allowable residential density of 6 dwelling units per acre for McMinnville’s west side. While this calculation is part of the required density analysis, it is not the whole story. The other important and necessary question regarding density is how the proposed residential density complies with the density allowance of the underlying zones of the proposal (R-1 and C-3).

The underlying zone of this development area is R-1 (Single-Family Residential) which, through a minimum lot size requirement of 9,000 square feet, allows a maximum residential density of 4.84 dwelling units per acre. At a proposed average residential density of 5.8 residential units per acre, this density maximum would clearly be exceeded. However, it is important to note that McMinnville Comprehensive Plan Policy 79.00 states, in part, “The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. [...] *Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.*” [Emphasis added]

OPEN SPACE

As part of the proposal, the applicant provides an open space summary table listed as Table 1.0 of Exhibit F-3 in the applicant’s submittal. This table states that there are 86,070 square feet (1.98 acres) of existing open space within the combined area of the Shadden Claim 1st and 2nd Addition subdivisions. While the applicant includes this open space as part of the overall open space calculation for the expanded planned development area, it is instructive to note that the 1.98 acres of open space provided as part of the Shadden Claim 2nd Addition subdivision was dedicated to the City in lieu of park System Development Charges (SDCs) and today exists under public ownership as part of the Westside Bicycle and Pedestrian Linear Path.

In Table 1.0, the applicant also includes as open space the areas to be designated as on-site storm water detention ponds as part of the open space calculation. This is evident in the figures provided in Table 1.0 and in comparing Table 1.0 to the various Tracts identified on Drawings PL-3 and PL-4 of the applicant’s Exhibit H where the active open space and storm water areas have been combined together

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in the calculations provided. The land area identified for use as on-site storm water detention and filtration use in Table 1.0 totals 43,251 square feet which is an area just under one acre in size. While the applicant includes this in the open space calculation for the proposal, the City does not include storm water detention facilities as open space as they are specifically designed to serve as components of the City's storm water management system in lieu of construction of alternative storm water catchment and conveyance systems. These facilities are not a valid part of open space calculations (either passive or active) to serve the recreation needs of a neighborhood or community.

The graphic exhibits submitted by the applicant provide combined land area calculations of open spaces and adjacent storm water detention areas in BCE. Table 1.0 is the one location that provides separate calculations of these areas. For BCE, Table 1.0 identifies Active Open Space Area B as 8,280 square feet in size. This open space is located adjacent to storm water detention Tract B located at the proposed intersection of Victoria Court and Shadden Drive. Table 1.0 also identifies Passive Open Space C (North and South) as being 49,538 square feet in size. Passive Open Space C (North and South) appears to be some portion of the 58,437 square foot area identified as Tract C of Drawing PL-3 of the applicant's Exhibit H and, from viewing other graphics also provided in the application, seems to include a sizable wetland area and/or a storm water detention area. This area is generally located between Snowberry Court and McGeary Drive. As no other information has been provided addressing this potential wetland area, staff has drafted a condition of approval to require a wetland quality assessment of this location and, if warranted, a wetland delineation survey and suitable protection of this area from the adjacent open spaces, pedestrian pathway and storm water detention pond. Should this identified wetland area require protection through fencing or other barrier technique, one of the effects would be to make the north open space portion of this tract inaccessible to the neighborhood except through backyard access from lots 71, 72 and 73.

Tract A Open Space of BCE is depicted on Drawing PL-4 of Exhibit H and corresponds to the area identified as Public Walkway Area A on Table 1.0 of Exhibit F-3 and is noted to be 11,691 square feet in size. Tract A is proposed to be located between Shadden Drive and Victoria Drive. In sum, it appears that the applicant is actually proposing to provide around 69,509 square feet (about 1.6 acres) of open space with the 23.01 acre area of BCE (some 6.9 percent of BCE). Table 1.0 provided by the applicant provides an open space percentage of 9.57 percent of the site however staff does not support that calculation.

The open space areas are easier to define in BCW as none of them are proposed to be located adjacent to storm water detention facilities. There are three open spaces proposed as part of BCW. Tract D Open Space as identified on Drawing PL-1 of the applicant's Exhibit G corresponds to the Tot Lot/Playground listed in Table 1.0. This area is identified by the applicant as an active play area 7,516 square feet in size, located at the proposed intersection of Matteo Drive and Haun Drive and is to be improved with permanent play equipment; the applicant provides an example of play equipment that could be realized for this Tot Lot in Exhibit P-1 of their submittal.

Open Space Tract C as also identified on Drawing PL-1 is to be located as the northern "end cap" of the block bordered by Matteo Drive to the west, Yohn Ranch Drive to the east and Haun Drive to the north. This Tract is shown to be 11,393 square feet in size and corresponds to Active Open Space B on Table 1.0 of Exhibit F-3. The third open space is of similar "end cap" location, is proposed to be 10,097 square feet in size and bordered to the south by 21st Street, to the north by 22nd Street and Montgomery Drive to the west. Tract B Open Space corresponds to Active Open Space A on Table 1.0. The applicant's Table 1.0 provides a figure of 49,198 square feet of open space for BCW. However, when the 20,192 square foot storm water detention facility is removed from the calculation, a

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

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total of 29,006 square feet (0.67 acres) remain in actual open space available for active use of nearby residents.

Staff calculates the total amount of open space (non-detention area) for the proposed four phase residential development to be 98,515 square feet (about 2.3 acres); the future disposition of the unresolved potential wetland area notwithstanding. As the open space provided in the Shadden Claim 1st and 2nd Addition residential subdivisions is publically owned and maintained, this open space figure of 2.3 acres remains constant for the entire 57.63 area of the proposed expanded Planned Development boundary. It is understood that the applicant has provided a different approach to considering and calculating open space. However staff has unpacked this information into its various elements as far as possible given the level of detail provided and is confident that the total amount of private usable open space for this 57.63 acre area remains at approximately 2.3 acres (about 4 percent of the proposed Planned Development area).

While still addressing the topic of open space, it is also interesting to note that overall representation of "open" spaces for the planned development and surrounding area that is depicted in green on the full-color Exhibit F-1 and could have the effect of being unintentionally misleading. The same green color is applied to the applicant's proposed open spaces, storm water detention ponds and public pedestrian pathway connections and wetlands, as well as the linear Westside Bicycle and Pedestrian park system, and the future public barrier free park to be constructed in the near future, as well as to land not owned by the applicant but yet identified as open space due to the applicant's shadow plat design shown adjacent to the west edge of BCE. Staff suggests that this graphic, either intentionally or unintentionally, may seem to imply more land being represented as "open" space that would actually exist. However, technically, while most of these green colored spaces are labeled as noted above, the color green is not found in the legend of this graphic.

STORM WATER DETENTION AREAS

In comments provided in the Decision Document (Exhibit A of Ordinance No. 5021) by the McMinnville Engineering Department, the proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. Of particular note, it appears that the detention and wetland areas identified in BCE would likely follow the area topography and drain toward the wetland area identified as Tract "A" of the Michelbook Meadows subdivision adjacent to and south of BCE. In this instance, additional flow would be directed through that system. The proposed storm water facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat. Conditions of approval are provided by the Engineering department relative to storm water systems and requirements to ensure adequate flow conveyance through the subject site and into surrounding systems.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

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PEDESTRIAN CONNECTIONS

Pedestrian connections in the form of public sidewalks are required as part of public street design standards adopted in the McMinnville Transportation System Plan (TSP, 2010). As noted below, public sidewalks will be required along both sides of all public streets should the proposed tentative subdivision plan be approved by the Council upholding the applicant's appeal. This is an appropriate requirement for much of the development that occurs locally. However when a planned development is proposed an additional level of importance is placed on pedestrian connections.

Comprehensive Plan Policy 77.00 states "the internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways." The pedestrian pathways mentioned here are in addition to the required public sidewalks referenced above. The applicant provides graphic representation of additional pedestrian pathway connections. These proposed pathway connections are all represented on Exhibit F-5, Drawing PL-1. The pedestrian pathway connections can be seen located within the northeastern corner of lot 126, and also along the south side of lot 16 of BCE, and also between Snowberry Street and McGeary Drive and between Shadden Drive and Victoria Drive of BCE. However, the only reference to the proposed widths of these pathways is the notation of a 20-foot wide easement to be located within lot 126 connecting Haun Drive to Baker Creek Road. With no other information being provided relative to easement width, or pathway surface material or width, these elements will be addressed through recommended conditions of approval provided in the Decision Document attached to this staff report.

STREETSCAPE

Architectural Street Appeal

The applicant has provided some examples of proposed types of residential front facades. These residential examples can be seen most readily on Exhibit F-2 of the applicant's submittal. This graphic provides examples of general building envelopes and garage orientation for each of the five Lot Types devised by the applicant. These are examples only and as part of one of the Conditions of Approval, the applicant will need to provide an Architectural Pattern Book that will need to be approved by the Planning Director. The Architectural Pattern Book will need to show how the applicant is using design, materials and architectural elements to create a pedestrian scale neighborhood.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
- b) Quality and Type of Exterior Materials
- c) Front Porches / Entry Areas
- d) Roof Design and Materials
- e) Exterior Doors and Windows
- f) Garage Door Types
- g) Exterior Lighting
- h) Sample Exterior Colors

In addition, there is a proposed condition of approval to mitigate similar style homes in the project by stipulating that no building of the same elevation, or reverse elevation, will be built on adjacent lots or the three lots located directly across the street.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

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On-Street Parking

Per the McMinnville Zoning Ordinance, every single family dwelling unit must provide a garage and driveway to accommodate two vehicles. This is intended to accommodate off-street parking needs for the individual household. On-street parking is intended for the occasional visitor and guest in the neighborhood and not as proprietary household parking. Therefore, the McMinnville Zoning Ordinance only addresses off-street parking requirements. Every single family dwelling unit must comply with the code's parking requirements. The applicant's proposal meets this code criteria. However, since many households have more than two cars, the applicant has proposed to "pair" driveways where feasible in order to maximize on street parking opportunities, especially in those areas with narrow lots. By alternating the garage placement (left or right side) on every other home, driveways can be "paired" close to each other resulting in longer continuous on-street parking opportunities.

In addition, each single-family detached residence in BCW will be provided with a two-car garage and a two-car driveway. This will provide four on-site parking spaces for each residence where only two on-site parking spaces are required per single-family residence by the McMinnville Zoning Ordinance. This design approach actually provides double the minimum parking spaces required for each single-family residence. While lots in the BCE portion of the development will all be wider than those in BCW, the applicant proposes to provide all residences with either four or six on-site parking spaces (some residences designed for lots identified as SFD-70 will achieve on-site parking by providing three car garages with triple-wide driveways).

Street Trees

The McMinnville Zoning Ordinance requires that a street tree planting plan be submitted to and reviewed by the Landscape Review Committee as a condition of approval for residential subdivision development. The standards require street tree spacing of between 20 (twenty) and 40 (forty) feet apart dependent on the mature branching width of the approved tree(s). Given the limited street tree planting opportunities provided by the lotting pattern proposed in BCW, the opportunity to achieve the desired tree cover and tree-lined streets will be less than optimal. It is not uncommon for street tree placement to be a bit more challenging in higher density residential neighborhoods. However, the lot widths proposed in BCW make it especially difficult to achieve the required street tree spacing standards.

The pairing of driveways would provide some opportunity for better placement of street trees, but some planting strip areas will not be large enough to allow for the planting of street trees while meeting the necessary street tree planting standards. For example, in areas between the lots identified as SFD-40 and SFD-32, there will be only eight (8) feet between driveways, as shown in Exhibit G-1 on Drawings SP-1 and SP-2. The McMinnville Zoning Ordinance normally requires street trees to be planted at least five (5) feet from the edge of a driveway, which could not be achieved in these narrower areas between driveways in BCW. The McMinnville Zoning Ordinance does allow for that five (5) foot distance to be reduced. In order to allow a reduction and achieve the tree-lined street effect, the street tree species selected for these areas must be a species with a deeper root system and additional planting standards may be required, as determined by the Landscape Review Committee. In addition to driveways, there will be required setbacks for street trees from street lights, fire hydrants, and other public and private utilities, which will further limit the ability to achieve tree-lined streets in BCW. A condition of approval has been recommended by staff to address this.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

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Housing Affordability, Diversity and Variety

Exhibit C of the applicant's submittal includes a section beginning on page 9 that provides data and information relative to the Greater Portland Metropolitan Statistical Area (MSA) which includes Columbia, Washington, Multnomah, Clackamas and Yamhill Counties. Also provided is information relative to home sale prices and wages for Yamhill County and the individual cities within the county including McMinnville. While this information is informative, interesting and perhaps accurate, it does not speak specifically to land use criteria the Council must use to render a decision in the case of this appeal with the exception of Comprehensive Plan Goal V 1, and Policies 58.00 and 59.00 which shall be addressed in Exhibit A attached to this staff report.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Council Options:

1. **REMAND** the appeal application to the Planning Commission to a specific date and time for receipt of additional public testimony, deliberation and recommendation.
2. **CLOSE THE PUBLIC HEARING** and **APPROVE** the application, per the decision document provided which include the findings of fact, conclusionary findings, and conditions of approval, by **ADOPTING ORDINANCE NO. 5021** effecting the proposed zone change, planned development amendment and tentative subdivision plan.
3. **CONTINUE THE PUBLIC HEARING** on the appeal application to a specific date and time.
4. **CLOSE THE PUBLIC HEARING** on the appeal application, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
5. **CLOSE THE PUBLIC HEARING, DENY** the applications, providing findings of fact based upon specific code criteria for the denial in the motion to deny.

Recommendation/Suggested Motion:

Based on the findings described above, and the more detailed findings of fact and conclusionary findings provided in the decision documents for each land use application, the Planning Commission recommended approval of the comprehensive plan amendment and zone change requests to the City Council.

Staff recommends that the Council adopt Ordinance No. 5021 finding in favor of the applicant's appeal (AP 1-17), which would approve the application for a zone change, planned development amendment and tentative subdivision plan as the proposal meets the policies of the McMinnville Comprehensive Plan and the criteria of the McMinnville Zoning Ordinance.

"THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5021."

RP:sjs

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

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ATTACHMENT A

ORDINANCE NO. 5021

AN ORDINANCE AMENDING THE ZONING MAP DESIGNATION FROM EF- 80 (EXCLUSIVE FARM USE – 80-ACRE MINIMUM) TO R-1 PD (SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT) ON APPROXIMATELY 13.6 ACRES OF LAND, AND FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-1 PD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT) ON APPROXIMATELY 17.23 ACRES OF LAND, AND AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4626 TO ENCOMPASS AN ADDITIONAL 30.83 ACRES OF LAND TO ALLOW VARIATION IN LOT SIZES AND SETBACK REQUIREMENT TO INCLUDE: A REDUCTION IN THE FRONT YARD SETBACK FOR CERTAIN LOTS FROM 20 TO 15 FEET; A REDUCTION IN THE SIDE YARD SETBACK FOR CERTAIN LOTS FROM 10 FEET TO EITHER 7.5 FEET, 5 FEET OR 3 FEET; AND A REDUCTION IN THE EXTERIOR SIDE YARD SETBACK FOR CERTAIN LOTS FROM 20 FEET TO 15 FEET.

RECITALS:

The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203 and 205, Section 18, T. 4 S., R. 4 W., W.M.; and

The Planning Department received applications (ZC 1-16/ZC 2-16/S 3-16) on August 29, 2016, and deemed them complete on September 29, 2016. The first public hearing before the McMinnville Planning Commission was held on November 17, 2016. As new substantive information had been submitted to the Planning Department by the applicant prior to the November 17th public meeting, the hearing was opened and immediately continued to the December 15, 2016 Planning Commission meeting to afford sufficient time for staff and the public to review the material prior to the issuance of a staff report and findings document and prior to the receipt of oral testimony. Due to inclement weather, the Commission's December 15th public meeting was canceled and rescheduled for January 19, 2017. At the January 19th meeting, the Commission conducted a public hearing on this proposal and elected to closed the public hearing but keep the written record open until 5:00 p.m. February 2, 2017 for receipt of additional written testimony. The applicant provided their written rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. At the February 16, 2017, Planning Commission public meeting to which this hearing had been continued, the Commission voted unanimously to deny the applicant's proposal. Specifically, the Planning Commission voted to deny ZC 1-16 and ZC 2-16 including the proposed amendment of Planned Development Ordinance No. 4626. This action by the Planning Commission was also a de-facto denial of the tentative phased subdivision plan S 3-16. Following this denial decision, an appeal period was provided until 5:00 p.m., March 13, 2017. The applicant filed an appeal of the Planning Commission's denial on March 13, 2017; and

A de-novo public hearing on the appeal was held on April 25, 2017 at 7:00 p.m. before the McMinnville City Council Planning Commission after due notice had been provided in the local newspaper on April 18, 2017, and written notice had been mailed to property owners within 500 feet of the affected property; and

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

The City Council, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the zone change review criteria listed in Section 17.74.020 and Planned Development Amendment review criteria listed in Section 17.74.070 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council, has, on appeal, received the staff report and public testimony, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval documented in Exhibit A for AP 1-17, (an appeal of a Planning Commission denial for ZC 1-16, ZC 2-16, S 3-16); and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 25th day of April 2017, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY

EXHIBIT A



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

503-434-7311
www.mcminnvilleoregon.gov

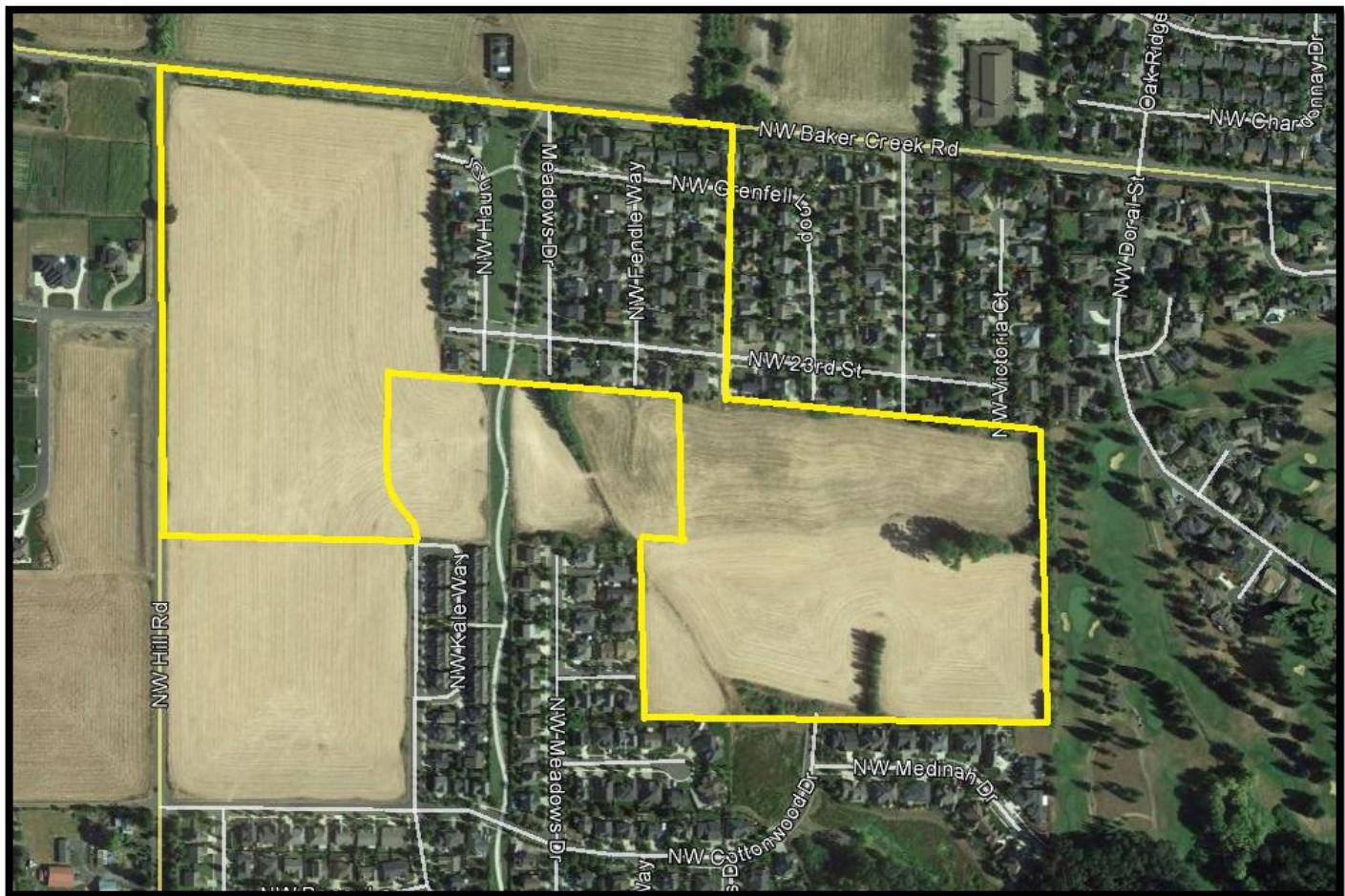
DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF AN APPEAL (AP 1-17) OF A PLANNING COMMISSION DENIAL OF ZC 1-16/ZC 2-16/S 3-16, TAX LOTS 200, 203 and 205, SECTION 18, T.4 S., R. 4 W., W.M., LOCATED SOUTH OF BAKER CREEK ROAD AND EAST OF HILL ROAD.

DOCKET: AP 1-17

REQUEST: Baker Creek Development, LLC, has submitted an appeal (AP 1-17) of the Planning Commission's denial of ZC 1-16/ZC 2-16/S 3-16, which are summarized as follows:

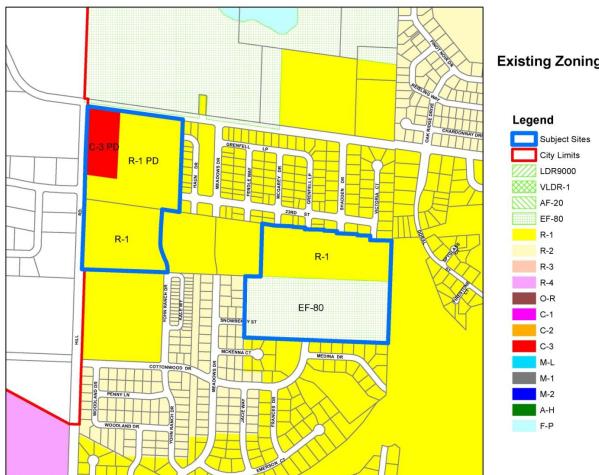
1. **Zone Change** - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):
The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.61 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD. These zone changes are proposed, essentially, to apply a common zone to the area proposed for single-family residential development.
2. **Planned Development Amendment** –
Amendment of Ord. No. 4626 (ZC 2-16):
The applicant is proposing to amend the existing planned development ordinance that currently governs a portion of the area proposed for residential development in a number of ways including: 1) Expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above; 2) lot size averaging over the area proposed to be governed by Ord. No. 4626; 3) a reduction in the front yard setback for certain lots from 20 to 15 feet; 4) a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet, or 3 feet; and, 5) a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.
3. **Tentative Subdivision** (S 3-16):
The applicant is requesting approval of a tentative phased subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 208 single-family homes the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units.

LOCATION: Inclusive of Tax Lots 200, 203 and 205, Section 18, T.4 S., R. 4 W., W.M.

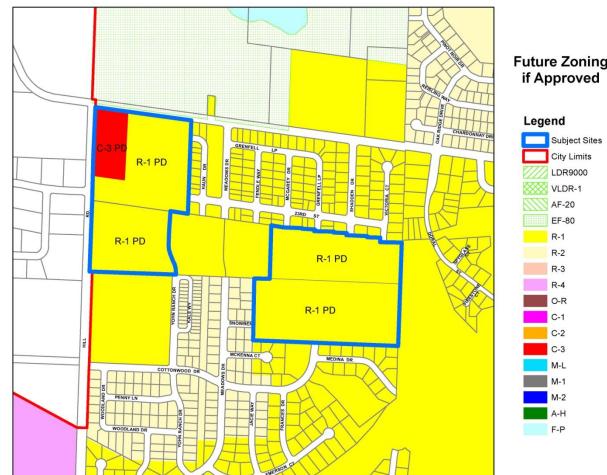


ZONING: The subject site's current zoning is C-3 PD, R-1, R-1 PD, EF-80.

Current Zoning



Requested Zoning



APPLICANT: Morgan Will, Project Manager
Baker Creek Development, LLC
485 S. State Street
Lake Oswego, OR 97034

STAFF: Ron Pomeroy, Principal Planner

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 25, 2017
7:00 p.m.
LOCATION: McMinnville Civic Hall
200 NE Second Street
McMinnville, OR 97126

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL

DECISION

Based on the findings of fact, and conclusionary findings, the McMinnville City Council finds in favor of the applicant's appeal (AP 1-17) and **APPROVES** zone changes ZC 1-16 and ZC 2-16 and subdivision S 3-16 **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

City Council: _____
Scott Hill, Mayor of McMinnville

Date:

Planning Department: _____
Heather Richards, Planning Director

Date:

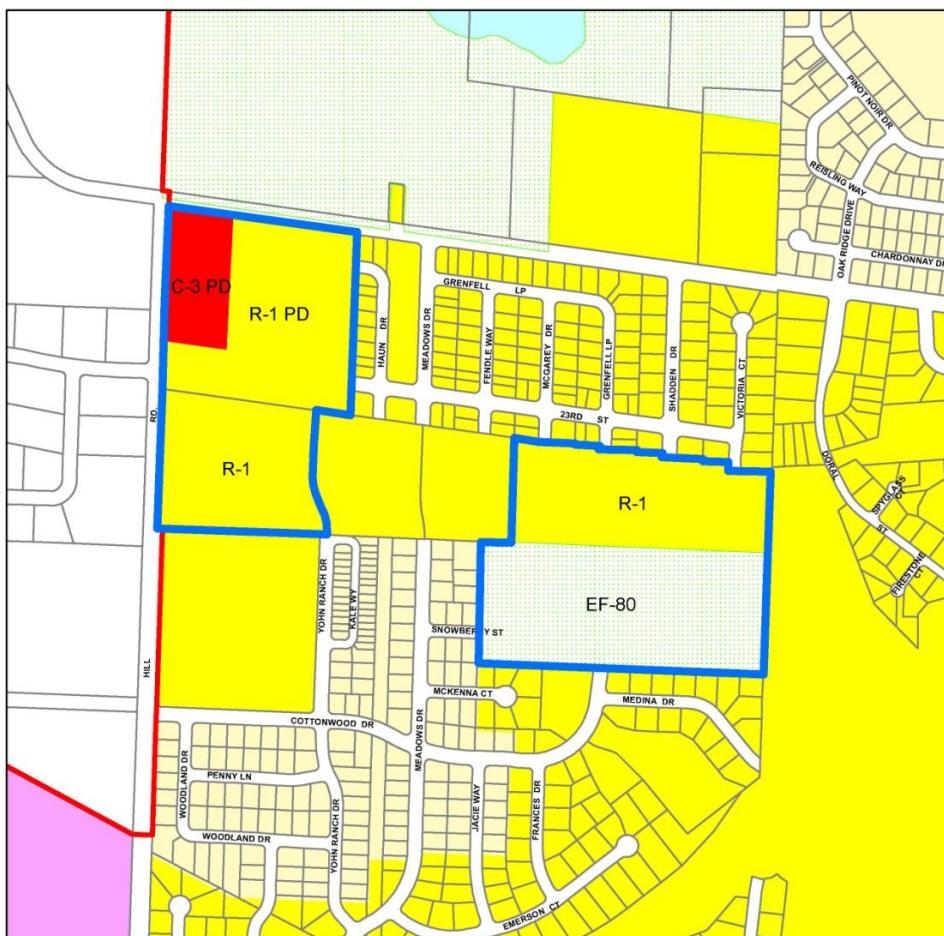
APPLICATION SUMMARY:

This application is an appeal of the Planning Commission's denial of three land use requests: a zone change request (ZC 1-16), a planned development amendment request (ZC 2-16), and a tentative phased residential subdivision plan (S 3-16). As this appeal hearing before the Council is a *de novo* hearing, the applicant has modified the previous proposal and this Decision Document reflects a review of the new application materials which are summarized as follows:

1. **Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):**

The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.61 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD.

Current Zoning

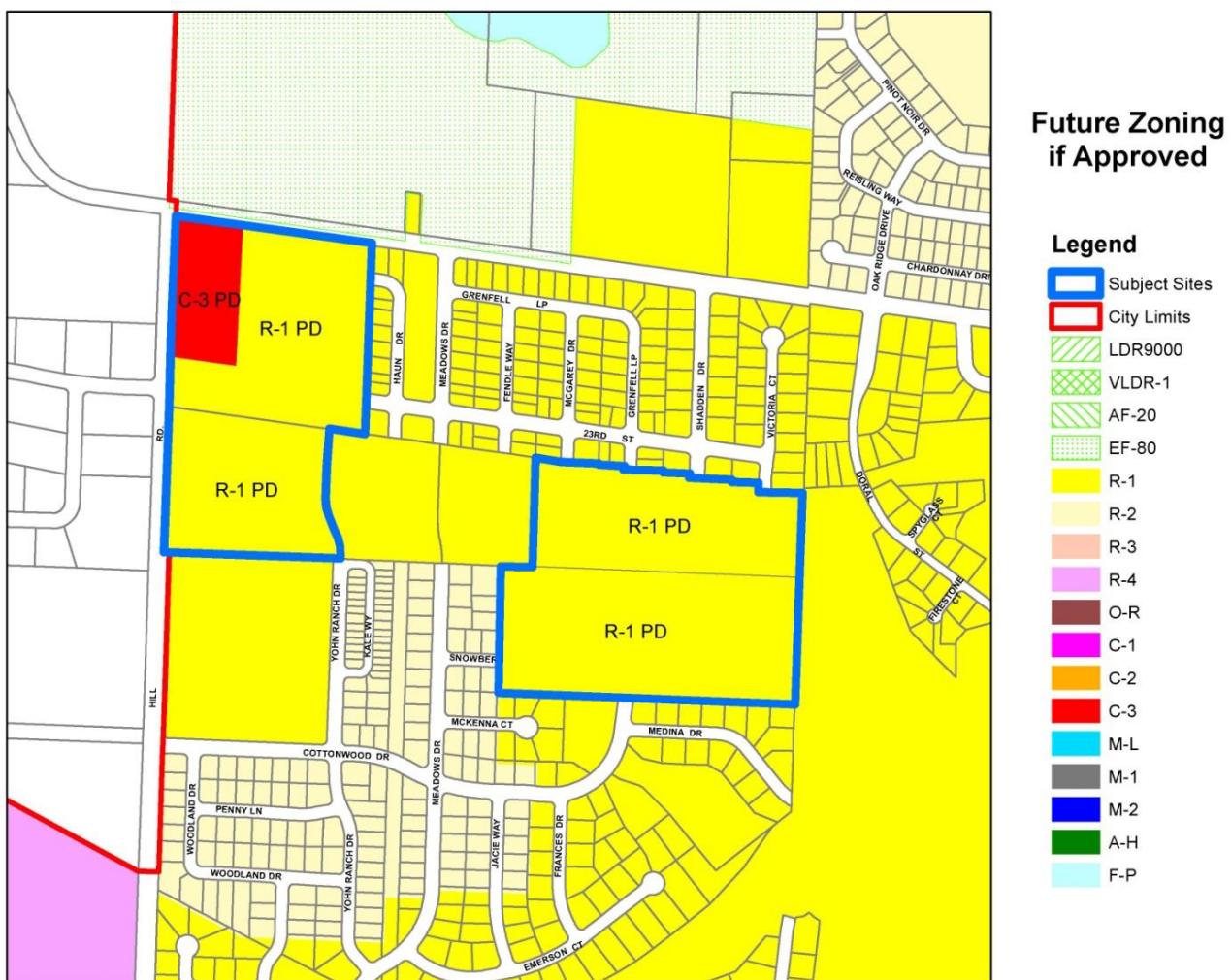


Existing Zoning

Legend

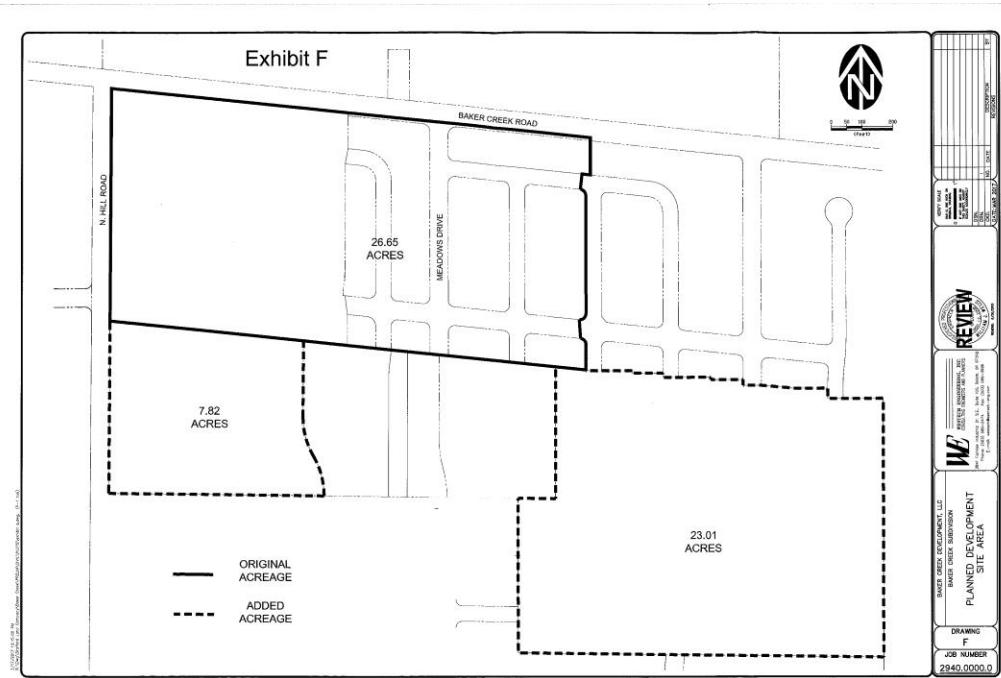
	Subject Sites
	City Limits
	LDR9000
	VLDR-1
	AF-20
	EF-80
	R-1
	R-2
	R-3
	R-4
	O-R
	C-1
	C-2
	C-3
	M-L
	M-1
	M-2
	A-H
	F-P

Future Zoning if approved



2. Planned Development Amendment – (ZC 2-16):

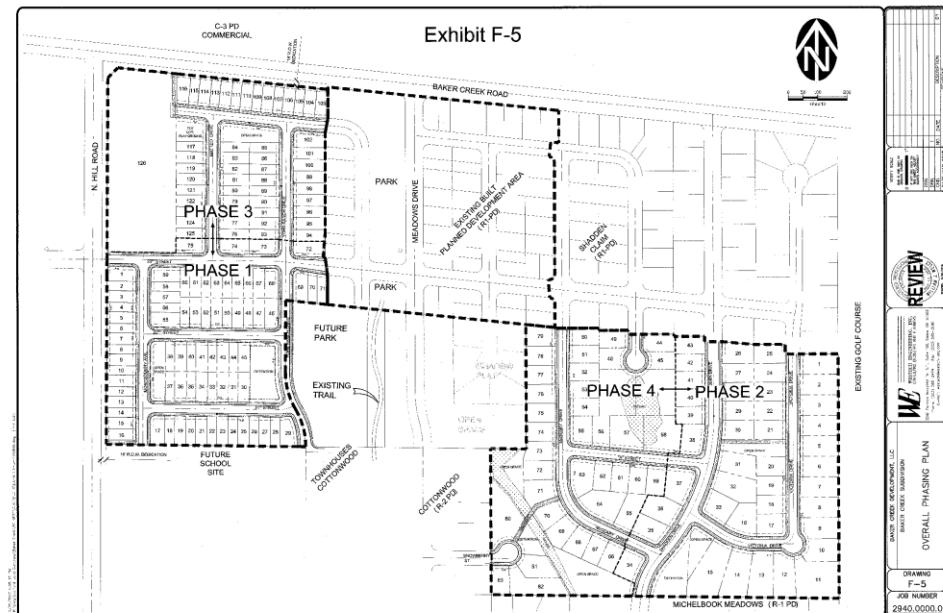
The applicant is also proposing to amend the existing planned development ordinance (Ordinance 4626) that currently governs a portion of the area proposed for residential development in a number of ways including an expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above. The two areas to be added to the existing planned development overlay are shown in the graphic below and identified as 7.82 acres in size and 23.01 acres in size (totaling 30.83 acres); this graphic is also identified as Exhibit F in the applicant's submittal.



Approval of the requested modifications to Ordinance 4626 would also provide for lot size averaging over the proposed expanded planned development area and a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet or 3 feet; and a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.

3. Tentative Subdivision (S 3-16):

The applicant is requesting approval of a tentative phased subdivision plan on approximately 44.36 acres of land that, if approved, would provide for the construction of 208 single-family homes the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units. This residential development plan is proposed to occur in four-phases as demonstrated in Exhibit F-5 of the applicant's submittal, a copy of which is provided below for reference.

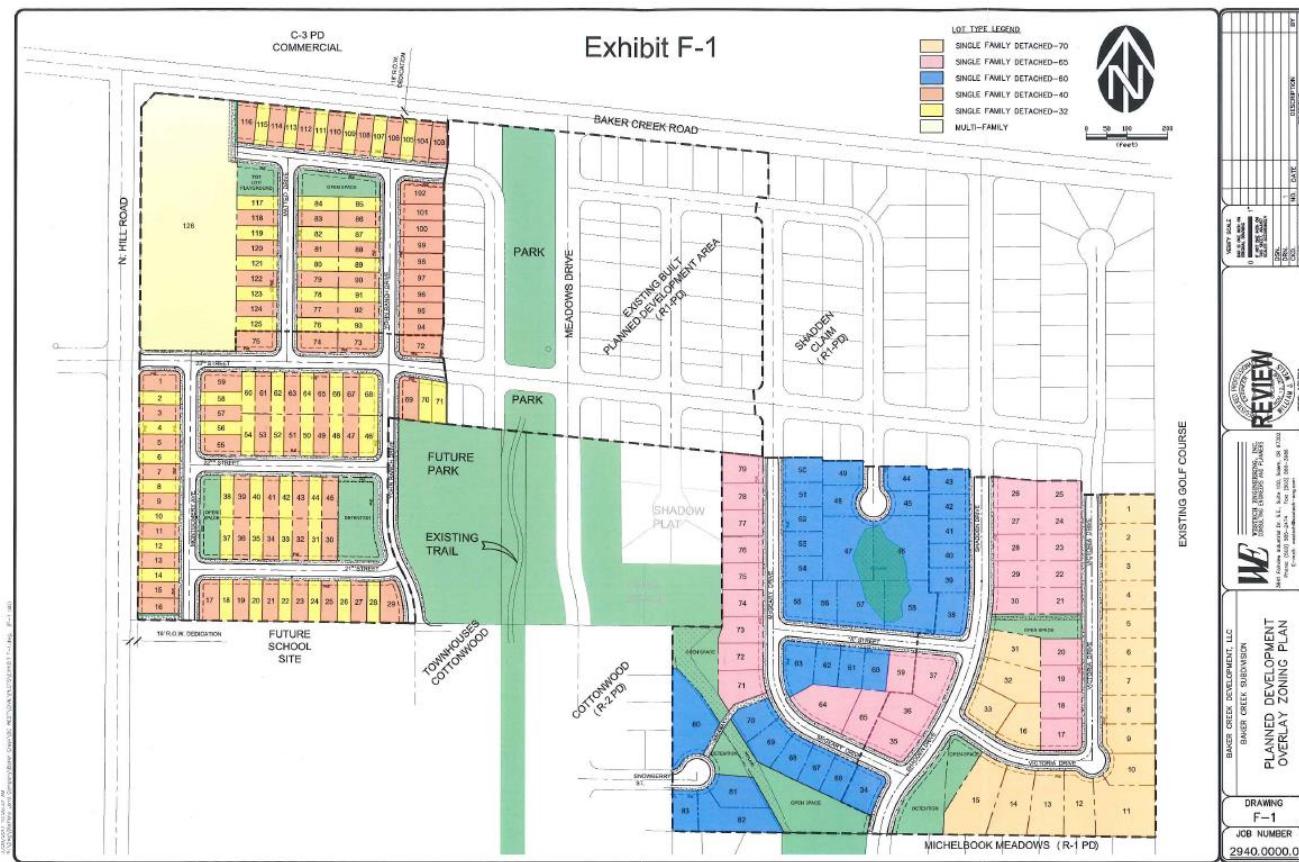


The applicant has devised unique labels for each of five types of proposed single-family lots that correspond to the minimum widths of the lots. The table below provides a summary of those lot types and their respective characteristics.

Lot Types - Proposed Setback and Lot Size Adjustments

Lot Type	Setbacks	Minimum Lot Size	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
SFD-70 (Meets all R-1 standards)	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	9,000 sq. ft.	50 feet	19	16.8%
SFD-65	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	6,463 sq. ft.	50 feet	29	13.9%
SFD-60	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	5,683 sq. ft.	50 feet	35	9.1%
SFD-40	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	4,000 sq. ft.	30 feet	69	33.2%
SFD-32	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	3,200 sq. ft.	26 feet	56	26.9%

A copy of the proposed tentative subdivision plan showing the locations of the various proposed lot types is included in the applicant's submittal as Exhibit F-1 and is provided below for reference.



The applicant has provided a detailed narrative and numerous exhibits to support their appeal request of the previously denied land use requests.

For the purposes of discussing the proposed subdivision in terms of lot sizes, open space, connectivity and other neighborhood elements, the subdivision has been categorized as Baker Creek East (BCE) and Baker Creek West (BCW).

The discussion of the proposed planned development amendment, including overall residential density, encompasses the entire project.

It is also instructive to note that, while this appeal is a *de novo* hearing of a modified proposal by the applicant, there remain occasional phrasing references in the applicant's submittal that are remnants of the prior proposal that was denied by the Commission. An example of this occasional circumstance is the reference on page 15 of the applicant's Exhibit C referring to R-3 and R-4 Modified lots; terminology that is not relevant in this current application or review.

Baker Creek East (BCE)

Phases 2 and 4 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek East (BCE). The applicant proposes the platting of 83 single-family residential lots ranging from 5,683 square feet to 21,050 square feet in size on 23.01-acres of land yielding an average lot size of approximately 8,598 square feet.

Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCE) the phasing in this graphic is incorrect. According to the phasing plan proposed throughout the balance of the application, Phase 1 below accurately corresponds to Phase 2 of the correct phasing plan, and Phase 2 as shown below accurately corresponds to Phase 4 of the correct phasing plan.

This matter regarding different phasing numbers from that represented on the applicant's Phasing Plan (Exhibit F-5), is also present in the discussion of BCW below. These seemingly alternate phase numbers were communicated to the applicant as was a request for clarity. Their response is found in the application supplemental materials (Attachment 2 of this document) in a letter from Gordon Root dated April 17, 2017, with the relevant portion indicating that providing different phase numbers was intentional on the part of the applicant the purpose described below:

"The purpose of Exhibit F-5 is to show how the overall phasing of the project will go. It is correct in that we'll move forward with BCW's southern phase first. We'll likely move forward with BCE's eastern phase second, and/or concurrently. BCW's northerly phase will follow in third place, with the westerly phase of BCE fourth, as shown on the graphic."

The preliminary plats Exhibits G and H (Sheets PL-1 through PL-4) and Exhibits G-1a and H-1a (Sheets SP-A and SP-B) reflect how they will be recorded with the County Surveyor. We anticipate BCW will record as Baker Creek West Phase 1 and Baker Creek West Phase 2, while BCE will record as Baker Creek East Phase 1 and Baker Creek East Phase 2.

The above wording on how we think they will record is reflected in the plats and site plans, where Exhibit F-5 is intended to demonstrate to the City how the phases will be programmed."



The 83 single-family lots are proposed to be one of three styles and are referenced by the applicant as SFD-70 (Single Family Development-70), SFD-65 (Single Family Development-65)

and SFD-60 (Single Family Development-60). As noted above and on the applicant's Exhibit F-3, Table 5, the SFD-70 lots would meet all minimum requirements of the R-1 zone including 10-foot side yard setbacks. SFD-70 lots will also have a minimum lot width of 70 feet. Of the 83 proposed single-family lots in BCE, 19 are identified by the applicant as SFD-70 (11% of the proposed lots in BCE). The applicant states that the proposed SFD-70 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-70 lots is approximately 10,951 square feet in size. For comparison, this average lot size exceeds the minimum 9,000 square foot lot size required in the R-1 (Single-Family Residential) zone.

The applicant's submittal also provides that the SFD-65 lots are those lots proposed to be at least 6,463 square feet in size with 7.5-foot side yard setbacks and a minimum lot width of 65 feet. Of the 83 proposed single-family lots in BCE, 29 are identified by the applicant as SFD-65 (42% of the proposed lots in BCE). The applicant states that the proposed SFD-65 lots would provide a minimum building envelope width of 50 feet and that the average lot size of the SFD-65 lots will be 7,432 square feet. For comparison, this average lot size more closely compares to, and is some 432 square feet larger than, the 7,000 square foot minimum lot size required in the R-2 (Single-Family Residential) zone.

Exhibit F-3, Table 5 also shows that SFD-60 lots are those lots proposed to be at least 5,683 square feet in size. SFD-60 lots are proposed to provide 5-foot side yard setbacks and a minimum lot width of 60 feet. Four of the proposed SFD-60 lots are very large in comparison due to the location of probable wetlands being located on those lots (Lots 46, 47, 57 and 58) in addition to the uniquely configured lots 80 and 82; this is clearly depicted on drawing PL-3 of the applicant's Exhibit H. Of the 83 proposed single-family lots in BCE, 35 are identified by the applicant as SFD-60 (42% of the proposed lots in BCE). The applicant's narrative also states that the proposed SFD-60 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-60 lots is stated to be 8,287 square feet. Without inclusion of the uniquely configured lots noted above, the average size of the SFD-60 Lots would be comparable to the 6,000 square foot minimum lot size requirement for a residential lot in the R-3 (Two-Family Residential) zone.

The average lot size of all residential lots in BCE, combined, is 8,598 square feet in size; about 402 square feet smaller than a minimum sized standard R-1 zoned lot. Due to open space, on-site storm water detention tracts and identified wetland areas, the average residential density of the BCE portion of the proposal is 3.61 dwelling units per net acre which is less than the 4.8 dwelling units per net acre that is the maximum residential dwelling unit density for R-1 zoned land; a net acre of land consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets.

Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGahey Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGahey Drive to Shadden Drive identified as "A" Street in the applicant's submittal. Mahala Way and Snowberry Street are proposed to terminate with cul-de-sacs within this portion of the development.

All streets would be public streets within BCE and are proposed to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips) with the exception of Shadden Drive which will be developed with a 36-foot wide paved section within a 60-foot right-of-way.

A pedestrian walkway is proposed to cross near the midsection of the area identified by the applicant on drawing PL-3 as Tract A Detention and as Tract A Open Space providing a pedestrian connection between the Snowberry Court cul-de-sac and McGahey Drive; there also appears to be a linear wetland area separating the Tract A Detention from Tract A Open space

areas. Similarly, an additional similar pedestrian pathway is provided mid-block connecting NW Shadden Drive with NW Victoria Drive. This pathway is identified on the applicant's Attachment H-1, drawing SP-4 in an area simply identified as Open Space. This "open space" area is separately identified as Tract C Open Space on the applicant's Exhibit H, drawing PL-4.

Table 1.0 of the applicant's Exhibit F-3 provides an open space summary for both BCE and BCW. A review of this Table shows a total of 49,198 square feet (1.13 acres) of open space for BCW and 95,920 square feet (2.20 acres) of open space for BCE. These total acreage figures include storm water detention ponds, public walkways, a Mini Park/Playground and what is identified by the applicant as Passive Open Space and Active Open Space. It is instructive to note that the proposed storm water detention ponds are included as part of the open space calculations as are wetland area(s) which are however not uniquely identified as an open space type. Had additional clarity been provided by the applicant a clear picture of specific open space types and acreages could have been provided to the Council for review.

Baker Creek West (BCW)

Phases 1 and 3 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek West (BCW). The applicant proposes the platting of 125 single-family residential lots ranging from 3,200 square feet to 5,769 square feet in size with an average lot size of 3,847 square feet; about 1,153 square feet (or 23%) smaller than a minimum sized R-4 single family lot which is 5,000 square feet. Also proposed is a future multiple-family development on a 3.8-acre lot (Lot number 126).

Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCW) the phasing in this graphic, as explained by the applicant, above, is intended to show the subdivision phase names that would be assigned when the subdivision phases record, not the order in which the phases will record. For purposes of understand the order of how the subdivision phases will be constructed, the phasing plan identified as Exhibit F-5 remains accurate. According to that phasing, Phase 1 below accurately aligns with the actual Phase 1 of the phasing plan, while Phase 2 as shown below accurately corresponds to Phase 3 of the phasing plan. .



The 125 single-family lots are proposed to be one of two lot types identified by the applicant as SFD-40 (Single Family Development-40) and SFD-32 (Single Family Development-32). As noted above and on page 15 of Exhibit C and Table 5 of Exhibit F-3 of the applicant's submitted materials, the SFD-40 lots are those lots proposed to be at least 4,000 square feet in size with 5-foot side yard setbacks and a minimum lot width of 40-feet. Of the 125 proposed single-family lots in BCW, 56 are identified by the applicant as SFD-40 lots (45% of the proposed lots in BCW). The applicant states that the proposed SFD-40 lots would provide a minimum building envelope width of 30 feet. The average lot size of the SFD-40 lots is 4,262 square feet. For comparison, this average lot size is about 1,738 square feet smaller than the 6,000 square foot minimum lot size for a standard single-family lot in the R-3 (medium density) zone and 738 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone.

Table 5 of the applicant's Exhibit F-3 states that the SFD-32 lots are those lots proposed to be at least 3,200 square feet in size with 3-foot side yard setbacks and having a minimum lot width of 32 feet. Of the 125 proposed single-family lots in BCW, 69 are identified by the applicant as SFD-32 lots (55% of the proposed lots in BCW). The applicant's narrative also states that the proposed SFD-32 lots would provide a minimum building envelope width of 26 feet. The average lot size of the SFD-32 lots is 3,333 square feet. For comparison, this average lot size is about 1,667 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone; or approximately 67% of the size of a 5,000 square foot lot.

Access to BCW would be provided by the westerly extensions of NW Haun Drive and NW 23rd Street and the northerly extension NW Yohn Ranch Drive. New north-south oriented local streets identified by the applicant as Matteo Drive and Montgomery Avenue as well as the creation of new east-west oriented local streets identified by the applicant as NW 21st and NW 22nd Streets are also proposed. NW Haun Drive is proposed to provide direct vehicular access to the multiple-family site (proposed lot 126) located in the northwestern corner of Phase 3 of the proposed development. NW Montgomery Drive is proposed to provide a street stub to the northern edge of adjacent property to the south currently owned by McMinnville School District 40 to provide future public street access to that site. All streets within BCW are proposed to be public streets to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips). The applicant also proposes one on-site storm water detention area to be located west of NW Yohn Ranch Drive. Please refer to the applicant's Exhibit F-1 and Exhibit G, drawing PL-2 for additional detail.

The multiple-family site (proposed lot 126) is 3.8-acres in size and more clearly depicted on Exhibit G, drawing PL-1. This site is zoned C-3 PD (General Commercial, Planned Development) and identified to allow for multiple-family development by Ord. No. 4626. It is instructive to note that a companion subdivision tentative plan was also approved by the Planning Commission in 1996 as part of the land use proposal that resulted in the adoption of Ord. No. 4626. That subdivision approval (S 2-96) limited the multiple-family site to a maximum residential density of 20 units per acre. A portion of this subdivision plan was constructed as Shadden Claim 1st and 2nd Additions, but the undeveloped balance of the tentative plan approval has long since expired. This is relevant context in that the condition of approval of S 2-96 (Subdivision proposal for VJ2 Development approved by the Planning Commission on May 9, 1996) wherein condition of approval number 19 limiting density on the multiple-family site to a maximum density of 20-units per acre has also expired. Although, while that previous condition would have limited construction to no more than 76 multiple-family residential units on that site, the applicant proposes construction of only 70 multiple-family units in this current proposal; for context, this is a reduction of 6 proposed units from that previous, yet no longer valid, approval limit.

A pedestrian walkway is proposed to extend along the east edge of Lot 126 (the multiple-family lot) connecting the westerly terminus of NW Haun Drive to NW Baker Creek Road. An additional similar pedestrian walkway is proposed to extend across the southern edge of Lot 16 connecting NW Montgomery Drive to NW Hill Road. Both of these pedestrian connections are proposed to be located within 20-foot wide public easements. A 7,516 square foot Mini Park/Playground is proposed to be located north of Lot 117 at the intersection of NW Haun Drive and NW Matteo Drive. Directly across Matteo Drive to the east is a proposed 11,393 square foot “end cap” open space that encompasses the northern end of the block bounded by Matteo Drive to the west, Haun Drive to the north and Yohn Ranch Drive to the east. The Mini Park/Playlot and “Tract C” open space are depicted on Drawing PL-1 of the applicant’s Exhibit G. A similar 10,097 square foot “end cap” open space (Tract B) is also proposed to be located at the west end of the block bounded by 21st Street to the south, Montgomery Drive to the west and 22nd Street to the north. There is also a proposed storm water detention pond proposed at the eastern end of this same block. This detention pond is proposed to be 20,192 square feet in size and is identified by the applicant as Tract A. These two tracts are depicted on Drawing PL-2 of the applicant’s Exhibit G.

CONDITIONS OF APPROVAL:

The following conditions of approval shall be required to ensure that the proposal is compliant with the City of McMinnville’s Comprehensive Plan and Zoning Ordinance:

ZC 1-16 AND ZC 2-16: ZONE CHANGE AND PLANNED DEVELOPMENT AMENDMENT – CONDITIONS OF APPROVAL

ZC 1-16 and ZC 2-16 are approved subject to the following conditions:

1. That the Baker Creek tentative subdivision 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 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 the Planning Director may be made only to the Planning 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 per the applicant’s proposal, the 3.8 acres of land zoned C-3 PD shall be limited to a multi-family unit complex of no more than 70 dwelling units and any supportive services deemed appropriate to serve the multi-family complex. Site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. The multiple-family buildings shall be no more than 35 feet in height and must be nonlinear in design and parking lots must be broken up by landscaping. Prior to the release of building permits, a landscape plan for a minimum of 25 percent of the multiple-family site shall be provided to the Landscape Review Committee for review and approval. In addition, useable open space and a 20-foot wide easement containing a 10-foot wide paved pedestrian connection from Haun Drive to Baker Creek Road to be located within the east edge of this site shall be provided within the development, and streetside landscaping shall be emphasized.

3. That the minimum lot sizes, widths, building envelope widths and yard setbacks for single-family residential lots shall be as follows according to the following lot types identified by the applicant on the Overall Subdivision Plan:

A. SFD-70 Lots

9,000 square foot minimum lot size
Minimum Lot Width of 70 feet
Minimum Building Envelope Width of 50 feet

Setbacks:

Front Yard – 20 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 10 feet
Exterior Side Yard – 20 feet

B. SFD-65 Lots

6,463 square foot minimum lot size
Minimum Lot Width of 65 feet
Minimum Building Envelope Width of 50 feet

Setbacks:

Front Yard – 20 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 7.5 feet
Exterior Side Yard – 20 feet

C. SFD-60 Lots

5,683 square foot minimum lot size
Minimum Lot Width of 60 feet
Minimum Building Envelope Width of 50 feet

Setbacks:

Front Yard – 20 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 5 feet
Exterior Side Yard – 20 feet

D. SFD-40 Lots – Permitted Exclusively in BCW

4,000 square foot minimum lot size
Minimum Lot Width of 40 feet
Minimum Building Envelope Width of 30 feet

Setbacks:

Front Yard – 15 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 5 feet
Exterior Side Yard – 15 feet

E. SFD-32 Lots – Permitted Exclusively in BCW

3,200 square foot minimum lot size

Minimum Lot Width of 32 feet

Minimum Building Envelope Width of 26 feet

Setbacks:

Front Yard – 15 feet

Distance to Garage Front – 20 feet

Rear Yard – 20 feet

Interior Side Yard – 3 feet

Exterior Side Yard – 15 feet

4. That one private Mini-Park/Playground a minimum of 7,500 square feet in size be provided at the southwest quadrant of the proposed intersection of Haun Drive and Matteo Drive in the BCW portion of the development and shown as Tract D on the applicant's Exhibit G, Drawing PL-1. This Mini-Park/Playground shall be improved with commercial grade play equipment featuring at least ten different play elements for ages 2 - 12, benches and at least two picnic table as approved by the Planning Director, and be maintained by the Homeowners Association. In addition, the open space identified as Tract B in BCW shall be provided at a minimum size of 10,097 square feet and shall be located at the western end of the block bounded by 21st Street to the south, Montgomery Drive to the west and 22nd Street to the north and is shown on the applicant's Exhibit G, Drawing PL-2. The open space identified as Tract C in BCW shall be provided at a minimum size of 111,393 square feet and shall be located at the northern end of the block bounded by Matteo Drive to the west, Haun Drive to the north and Yohn Ranch Drive to the east and is shown on the applicant's Exhibit G, Drawing PL-1.

The applicant shall submit copies of the proposed restrictive covenants prepared for the development prior to the final plat approval including, in part, details for Tracts B, C and D noted above including a fence design that shall be of a style which provides visual relief, interest and long-term durability. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowners Association maintains and repairs any needed improvements, including fencing, play equipment, picnic tables, landscaping of common areas and the planter strips between the subdivision fence line and the public streets, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&R's shall be reviewed by and subject to City approval prior to final plat approval.

5. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Baker Creek development. This book will contain architectural elevations, details, materials and colors of each building type. The dominant building style for residences in the area identified in the Baker Creek subdivision tentative plan can be best described as Northwest Craftsman or English Cottage style dwelling. In order to protect property values, front entries will need to be clearly defined, garages will need to either be on the same plane as the front entry or recessed from the front entry, at least three material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
- b) Quality and Type of Exterior Materials
- c) Front Porches / Entry Areas
- d) Roof Design and Materials
- e) Exterior Doors and Windows
- f) Garage Door Types
- g) Exterior Lighting
- h) Sample Exterior Colors

This land-use approval does not deem the elevations provided in Exhibit M, as approved, as they are merely examples of potential architectural styles.

6. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.
7. That, as the Shadden Claim 1st and 2nd Addition residential subdivisions were constructed according to the conditions stipulated in Ord. No. 4626, those same applicable conditions are incorporated in this approval and remain in full force and effect for those two completed subdivision phases:
 - A. That the conceptual plan for that portion of the subject site not included in the tentative subdivision plan shall not be binding on the City.
 - B. That the minimum interior side yard setback shall be 7.5 feet.
 - C. That duplexes shall be allowed on corner lots 134, 136, and 140 with a minimum lot size of 8,000 square feet.
 - D. That the exterior side yard setback for lots 68, 69, 96, 108, 109, 120, 134, 136, and 140 shall be a minimum of 15 feet.
8. That Planned Development Ordinance No. 4626 is repealed in its entirety.

S 3-16: TENTATIVE PHASED SUBDIVISION – CONDITIONS OF APPROVAL

Based on the materials submitted by the applicant, the findings of fact, and the conclusionary findings for approval, **S 3-16** is approved subject to the following conditions:

9. That the subdivision approval does not take effect until and unless the companion zone change requests (ZC 1-16 and ZC 2-16) are approved by the City Council.
10. The final plat shall include the dedication of additional right-of-way, totaling 48' east of centerline, along the subdivision's Hill Road frontage.
11. The final plat shall include the dedication of additional right-of-way, totaling 48' south of centerline, along the subdivision's Baker Creek Road frontage.
12. The final plat shall include prohibitions against direct access to Hill Road and to Baker Creek Road for any individual lot.
13. With the exception of Shadden Drive, the interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.
14. Shadden Drive shall be constructed to a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
15. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility

- Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
16. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
 17. The applicant shall install a barricade at the southern terminus of proposed Montgomery Avenue consistent with City standards. The barricades shall include signage with text stating: "This Street is planned for extension to serve future development."
 18. On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
 19. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
 20. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict 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 Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
 21. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat.
 22. A detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
 23. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
 24. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
 25. The proposed detention facility tracts shall be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
 26. That the applicant shall provide twenty-five percent (25%) of the single-family lots (52 of the proposed 208 single-family lots) for sale to the general public for a period of six months following preliminary plat approval.
 27. Prior to recording the subdivision plat, that applicant shall provide to the Planning Director a wetland quality assessment for the areas identified as wetlands on the tentative subdivision plan. Those areas are identified as affecting tentative lots 46, 47, 57 and 58 of BCE and the Tract A Open Space as identified on the applicant's Exhibit H-2, Drawing C-3. The applicant shall either

- protect or mitigate the wetland(s) as necessary. If wetlands are identified and required to be protected on tentative lots 46, 47, 57 and/or 58 of BCE, the applicant shall provide verification that a reasonable building envelope remains on each affected lot.
28. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities, including any proposed overflow weirs.
 29. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
 30. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
 31. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
 32. The applicant shall secure all required state and federal permits, including, if applicable, those related to wetland fill and impacts, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
 33. The applicant shall submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
 34. The required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
 35. The applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
 36. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
 37. The applicant shall submit copies of the proposed restrictive covenants prepared for the development prior to the final plat approval. The covenants shall define a standard fence design for those properties which back onto Hill Road, onto Baker Creek Road, onto the storm water detention tracts, onto the recreational open spaces (Tracts B, C and D depicted on the applicant's Exhibit G, Drawings PL-1 and PL-2), and onto the pedestrian accessway facilities between Snowberry Street/McGarey Drive and between Shadden Drive/Victoria Drive. The fence design shall be of a style which provides visual relief, interest and long-term durability. In addition, the covenants shall require that the areas within wetland easements shall be kept in natural condition, to the extent practicable.
 38. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowners Association maintains and repairs any needed improvements, including landscaping of common areas and the planter strips between the subdivision fence line and the public streets, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by

the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&R's shall be reviewed by and subject to City approval prior to final plat approval.

39. The applicant shall submit plans for all pedestrian accessways including between Snowberry Street/McGarey Drive, between Shadden Drive/Victoria Drive, between Haun Drive/Baker Creek Road, and between Montgomery Avenue and Hill Road. The accessways shall be improved by the applicant with a minimum 10-foot wide concrete surface unless otherwise approved by the Planning Director. The pedestrian pathways located in the BCW portion of the development shall be located within 20-foot wide easements. Plans shall also depict landscaping along both sides of the pathways except where crossing wetland areas identified as requiring habitat protection or where adjacent to open active space as approved by the Planning Director. Plans shall also depict underground irrigation adjacent to both sides of all pathways. Improvement plans shall be forwarded for review and approval by the McMinnville Landscape Review Committee prior to commencing improvements of the accessway. All required improvements to the pedestrian accessways shall be completed by the applicant prior to filing of the final plat.
40. That adjacent pairing of driveways shall be required to create on-street parking opportunities of increased lengths.
41. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. Street tree specifications will be provided by the City of McMinnville for Hill Road and Baker Creek Road. All other street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. 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 which does not meet this standard.
 - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
 - B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees. This provision does not apply to the multi-family lot.
 - C. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting
42. That, if the property owner wishes a one-year extension of the City Council approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

43. That plat phasing is approved as depicted in the applicant's submittal listed as Exhibit F-5 in the applicant's submittal and generally described as:

- a. Phase 1 – All land south of and including the lots located adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW).
- b. Phase 2 – All land east of and including the lots located adjacent to the west edge of Shadden Drive of Baker Creek East (BCE).
- c. Phase 3 – The northern balance of BCW inclusive of the C-3 PD zoned land.
- d. Phase 4 – The western balance of BCE.

This four-phase development plan shall be valid for a period of five years from the date of this approval. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the 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 Planning 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.

44. That street names shall be submitted to the Planning Director for review and approval prior to submittal of the final plat.

ATTACHMENTS:

AP 1-17: The following are attachments to this decision document.

Attachment 1 - Application

Attachment 2 - Application Supplemental Materials

- Exhibit A – Property Descriptions
- Exhibit B – Yamhill County Tax Map
- Exhibit C – Zone Change, Planned Development and Subdivision Narrative
- Exhibit D – Existing Zoning Map
- Exhibit D-1 – Aerial Map
- Exhibit E – Existing Conditions Map – Topographical Survey
- Exhibit F – Planned Development Site Area
- Exhibit F-1 – Planned Development Over Zoning Plan
- Exhibit F-2 – Planned Development Typical Lots
- Exhibit F-3 – Overall Development Plan
- Exhibit F-3 – Tables
- Exhibit F-4 – Walking Distance Plan
- Exhibit F-5 – Overall Phasing Plan
- Exhibit G – PL-1 Preliminary Plat West
- Exhibit G – PL-2 Preliminary Plat West
- Exhibit G-1 – SP-1 Site Plan West
- Exhibit G-1 – SP-2 Site Plan West
- Exhibit G-1a – SP-A Overall Site Baker Creek West
- Exhibit G-2 – C-1 Utility Plan West
- Exhibit G-2 – C-2 Utility Plan West
- Exhibit H – PL-3 Preliminary Plat East
- Exhibit H – PL-4 Preliminary Plat East
- Exhibit H-1 – SP-3 Site Plan East
- Exhibit H-1 – SP-4 Site Plan East
- Exhibit H-1a – SP-B Overall Site Baker Creek East

- Exhibit H-2 – C-3 Utility Plan East
- Exhibit H-2 – C-4 Utility Plan East
- Exhibit I – Phot Rendering of Baker Creek West Streetscape
- Exhibit J – Building Elevation Examples
- Exhibit K – Building Elevation Examples
- Exhibit L – Sample Photo Elevations for 50' Wide Dwellings
- Exhibit M – Sample Photo Elevations for 26-ft and 30-ft Wide Dwellings
- Exhibit N – Gales Creek Terrace Preliminary Plat East
- Exhibit O – Phase II and III Tentative Plan
- Exhibit P – NW Neighborhood Park Master Plan
- Exhibit P-1 – Baker Creek Play Land
- Letter – Gordon Root dated April 17, 2017

Attachment 3 - Public Notices**Attachment 4 - Testimony Received****Attachment 5 - McMinnville Staff Report – City Council, April 25, 2017****Attachment 6 - Decision Letter from the Planning Commission****Attachment 7 - McMinnville Ord. No. 4626**

ZC 1-16/ZC 2-16, S 3-16: The following are attachments to this decision document.

Attachment 8 - Testimony Received

ZC 1-16/ZC 2-16, S 3-16: The following documents are on file with the Planning Department

Original Application and Exhibits

- ZC 1-16/ZC 2-16/S 3-16 Applications and Fact Sheets
- Applicant's Narrative including:
 - Exhibit A – Title Report including Legal Descriptions
 - Exhibit B – Yamhill County Tax Map
 - Exhibit C – Zone Change, Planned Development and Subdivision Overview & Findings
 - Exhibit D – Existing Zoning Map
 - Exhibit D-1 – Aerial Map
 - Exhibit E – Existing Conditions – Topographical Survey
 - Exhibit F – Drawing OVR-1 – Overall Subdivision Plan
 - Exhibit G – Drawing PL-1 – Preliminary Plat – West
 - Exhibit G – Drawing PL-2 – Preliminary Plat – West
 - Exhibit G – Drawing PL-3 – Preliminary Plat – West
 - Exhibit G-1 – Drawing SP-1 – Site Plan - West
 - Exhibit G-1 – Drawing SP-2 – Site Plan - West
 - Exhibit G-1 – Drawing SP-3 – Site Plan - West
 - Exhibit G-2 – Drawing C-1 - Utility & Drainage Plan - West
 - Exhibit G-2 – Drawing C-2 - Utility & Drainage Plan - West
 - Exhibit G-2 – Drawing C-3 - Utility & Drainage Plan - West
 - Exhibit H – Drawing PL-4 - Preliminary Plat - East
 - Exhibit H – Drawing PL-5 - Preliminary Plat - East
 - Exhibit H-1 – Drawing C-4 – Utility & Drainage Plan - East
 - Exhibit H-1 – Drawing C-5 – Utility & Drainage Plan - East
 - Exhibit I – Nash & Associates Architects – Cypress – Building Elevations
 - Exhibit J – Davis Construction, Inc., – Building Elevations
 - Exhibit K – Front Façade Elevation
 - Exhibit L – Sample Photo Elevations for 50-Foot Wide Dwellings
 - Exhibit M – Sample Photo Elevations for 26-Foot and 30-Foot Dwellings (11 pages)
 - Exhibit N – Gales Creek Terrace Preliminary Plat East & West (two pages)

- Exhibit O – Phase II & III Tentative Plan
- Exhibit P – NW Neighborhood Park Master Plan
- Bear Creek PUD – Site Plan
- South Fork – Preliminary Plat

Staff Reports – List staff reports and dates

- McMinnville Staff Report – December 15, 2016
- McMinnville Staff Report – November 17, 2016
- McMinnville Staff Report - January 19, 2017
- McMinnville Staff Report – February 16, 2017

Planning Commission Meeting Minutes

- November 17, 2017
- January 19, 2017
- February 16, 2017

Communications

- Memo from Baker Creek Development, LLC to Ron Pomeroy received 9-30-2016
- November 4, 2016 Memo from Morgan Will received November 4, 2016
- December 14, 2016 Memo from Morgan Will received December 15, 2015
- Memorandum from Planning Department staff dated January 19, 2017
- February 6, 2017 Rebuttal Testimony Email from Baker Creek Development LLC received February 7, 2017
- February 7, 2017 Rebuttal Testimony Clarification Email from Baker Creek Development LLC received February 7, 2017
- February 7, 2017 Rebuttal Testimony Clarification Email from Baker Creek Development LLC received February 7, 2017
- February 7, 2017 Rebuttal Testimony Clarification Email from Baker Creek Development LLC received February 7, 2017

Notices

- Vicinity Sketch
- Affidavit of Publication
- Notification Map
- List of property owners to whom notice was sent

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. With the exception of the comment received from McMinnville School District No. 40, the following comments had been received prior to the previous Planning Commission review yet remain accurate and valid for consideration as part of this appeal:

McMinnville Engineering Department**STREETS**

The McMinnville Engineering Department has provided comments relative to the applicant's proposed transportation and street design as follows:

- The western portion of the proposed subdivision is located adjacent to and south of NE Baker Creek Road, adjacent to the Shadden Claim Second Addition subdivision. Baker Creek Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). Per the

City's adopted Land Division Ordinance, the cross-section for a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.

- Baker Creek Road adjacent to the proposed subdivision is currently improved with a total of 25' of pavement south of centerline, a planter strip with street trees, and a sidewalk. Thus, no additional improvements to Baker Creek Road will be necessary as part of the subdivision.
- The right-of-way width for Baker Creek Road adjacent to the subdivision is only 30' south of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Baker Creek Road along the subdivision's frontage so that the right-of-way totals 48' south of centerline.
- The western portion of the proposed subdivision is also located adjacent to and east of NE Hill Road. Hill Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). As noted above, as per the City's adopted Land Division Ordinance, the cross-section for a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.
- Hill Road adjacent to the proposed subdivision will be improved by the City as part of the voter approved 2014 Transportation Bond. Thus, no additional improvements to Hill Road will be necessary as part of the subdivision.
- The right-of-way width for Hill Road adjacent to the subdivision is only 30' east of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Hill Road along the subdivision's frontage so that the right-of-way totals 48' east of centerline.
- No direct access from the proposed subdivision lots will be allowed to Hill Road or to Baker Creek Road.
- As proposed, all of the interior streets, except Shadden Drive, in the subdivision will be constructed to the Local Residential street standard included in the City's Land Division Ordinance, including a 28-foot-wide paved section with curb and gutter, five-foot-wide curbside park strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way.
- The proposed cul-de-sacs at the east end of Snowberry Street and the south end of Mahala Way shall be constructed to meet the requirements of the McMinnville Fire Department.
- As proposed, Shadden Drive will be extended to the south to connect to Cottonwood Drive. The proposed improvements will match the existing width of Shadden Drive, including a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
- Street profiles were not included with the subdivision application materials. Staff would note that the street grades and profiles shall be designed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be designed to meet PROWAG requirements (diagonal ramps are not allowed). Additionally, parking will be restricted at all street intersections, in conformance with the Land Division Ordinance standards.

SANITARY SEWER

The McMinnville Engineering Department has provided comments related to the sanitary sewer system as follows:

- The proposed plans indicate that existing sanitary mainlines will be extended throughout the proposed development to serve all proposed lots. The sanitary sewer mainlines shall be designed to facilitate the extension of service to adjacent properties within the City's Urban Growth Boundary, as appropriate.

STORM DRAINAGE

The McMinnville Engineering Department has provided comments related to the storm drainage system as follows:

- The existing topography of the site is such that most of the site area naturally drains to the east or to the southeast.
- The proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. The facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat.
- The City will maintain all public storm facilities within the proposed detention tracts. The final subdivision plans shall incorporate access for maintenance to all public storm facilities, including any proposed overflow weirs.

McMinnville Water & Light

- An extension agreement is required for provision of water and electric services to the site which shall include: Development fees, engineered/approved drawings, etc. Contact McMinnville Water & Light for details.

McMinnville Parks Department

- In an email provided on February 9, 2017, the McMinnville Parks Director stated that because the City purchased and now owns and maintains the Roma Sitton greenway (landscaped greenway previously developed by VJ-2 Development within the BPA easement between 23rd and Baker Creek Rd.) as well as the additional easement property (now landscaped) within the Shadden neighborhood south of 23rd, the agreement for continued maintenance of greenway/park spaces by VJ-2 or the homeowners association is no longer pertinent. Therefore it probably should be removed from the record as discussed with Ron Pomeroy this morning.

McMinnville School District No. 40

- Since the District has no conceptual plans drawn for the build out of the [adjacent school] property it is impossible to say whether the Montgomery Street [extension] issue would affect the build out. The School District has no interest in extending Montgomery Street through in the future. The Baker Street Subdivision at completion will certainly strain the District's ability to absorb students at our current facilities, most importantly Memorial and Duniway. So the ripple effect of high density housing projects is felt down the line and for many years.

Additional Testimony

Prior to the City Council Public Hearing (AP 1-17)

Notice of this request was mailed to property owners located within 500 feet of the subject site on March 28, 2017, prior to the City Council public hearing. As of the date this report was written, one (1) letter and one (1) email have been received. (Attachment 4 of this Decision Document).

Prior to the Planning Commission Public Hearing (ZC 1-16, ZC 2-16, S 3-16)

Notice of this request was mailed to property owners located within 1,000 feet of the subject site on November 23, 2016, prior to the Planning Commission public hearing. Thirteen letters and six (6) emails were received. (Attachment 8 of this Decision Document).

FINDINGS OF FACT

1. Baker Creek Development, LLC, has submitted an appeal (AP 1-17) of the Planning Commission's denial of ZC 1-16/ZC 2-16/S 3-16. As this is a *de novo* hearing before the Council the applicant has modified the proposals which are summarized as follows:
 1. Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):
The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.61 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD. These zone changes are proposed, essentially, to apply a common zone to the area proposed for single-family residential development.
 2. Planned Development Amendment – Amendment of ORD No. 4626 (ZC 2-16):
The applicant is proposing to amend the existing planned development ordinance that currently governs a portion of the area proposed for residential development in a number of ways including: 1) Expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above; 2) lot size averaging over the area proposed to be governed by ORD No. 4626; 3) a reduction in the front yard setback for certain lots from 20 to 15 feet; 4) a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, 5) a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.
 3. Tentative Subdivision (S 3-16):
The applicant is requesting approval of a tentative phased subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 208 single-family homes the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units.
2. The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M. The site is currently zoned R-1 (Single-Family Residential, R-1 PD (Single-Family Residential, Planned Development), EF-80 (Exclusive Farm Use – 80-Acre Minimum) and C-3 PD (General Commercial, Planned Development) and is designated as residential and commercial on the McMinnville Comprehensive Plan Map, 1980.

Land east of the subject site is zoned R-1 PD and developed with single-family residences. Land to the south is zoned R-1 PD and R-2 PD (Single-Family Residential, Planned

Development) and developed with single family residences and attached townhomes. Land west of the site across Hill Road is located outside of the McMinnville urban growth boundary and city limits and is currently developing with large-lot rural residences. Land north of the site is zoned R-1 PD and developed with single-family residences and, across Baker Creek Road, lies undeveloped land within the McMinnville city limits and currently zoned EF-80.

3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. As of the date this report was written, no comments in opposition have been provided.
5. The application (ZC 1-16/ZC 2-16/S 3-16) was submitted to the McMinnville Planning Department on August 29, 2016, and deemed complete on September 29, 2016. Comments of other Departments and agencies were solicited on September, 29, 2016 with a request to respond by October 28, 2016. Property owner notice was mailed on October 24, 2016, to those who owned property within 500 feet of the subject site. Notice of the upcoming public hearing was sent to the News Register to be published on November 8, 2016; due to the occurrence of a holiday, the notice did not get published on that day. The first public hearing before the McMinnville Planning Commission was held on November 17, 2016. As new substantive information had been submitted to the Planning Department by the applicant prior to the November 17th public meeting, the hearing was opened and immediately continued to the December 15, 2016 Planning Commission meeting to afford sufficient time for staff and the public to review the material prior to the issuance of a staff report and findings document and prior to the receipt of oral testimony. A second property owner notice to those who owned property within 500 feet of the subject site was mailed on November 23, 2016 informing them of the upcoming December 15, 2016 public meeting on this matter. Notice of the upcoming December Planning Commission meeting was published in the December 6, 2016, edition of the News Register.

Due to inclement weather, the Commission's December 15th public meeting was cancelled and rescheduled for January 19, 2017. Notice of this cancellation was posted immediately on the City's website. Notice of the January 19th Planning Commission meeting was published in the January 10, 2017 edition of the News Register. At the January 19th meeting, the Commission conducted a public hearing on this proposal and elected to closed the public hearing but keep the written record open until 5:00 p.m. February 2, 2017 for receipt of additional written testimony. Notice of this additional opportunity to provide testimony was published in the January 24, 2017, edition of the News Register. The Planning Department also emailed and mailed written notice of this opportunity to provide additional testimony to those who had previously provided testimony in this matter. The applicant then provided their written rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. At the February 16, 2017, Planning Commission public meeting to which this hearing had been continued, the Commission voted unanimously to deny the applicant's proposal. Specifically, the Planning Commission voted to deny ZC 1-16 and ZC 2-16 including the proposed amendment of Planned Development Ordinance No. 4626. This action by the Planning Commission was also a de-facto denial of the tentative phased subdivision plan S 3-16. Following this denial decision, an appeal period was provided until 5:00 p.m., March 13, 2017. The applicant filed an appeal of the Planning Commission's denial on March 13, 2017.

6. Table 1.0 of the applicant's Exhibit F-3 provides an open space summary for both BCE and BCW. A review of this Table shows a total of 49,198 square feet (1.13 acres) of open space for BCW and 95,920 square feet (2.20 acres) of open space for BCE. These total acreage figures include storm water detention ponds, public walkways, a Mini Park/Playground (identified by the applicant as a Tot Lot/Playground) and what is identified by the applicant as Passive Open Space and Active Open Space. The proposed storm water detention ponds are included as part of the open space calculations as are wetland area(s) which are however not uniquely identified as an open space type.
7. The applicant has submitted findings (Attachment 2 – Exhibit C of this Decision Document) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

8. While not addressed by the applicant, the following sections of Volume I (Background Element) of the McMinnville Comprehensive Plan are applicable to the request:

Chapter V. Housing and Residential Development – Land Use Controls

Planned Developments:

"The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area's future residents. [...] As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.) [...] It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required.

4. Future planned developments should be carefully scrutinized to insure that there are trade-offs favorable to the community when zoning ordinance requirements are varied. Those trade-offs should not just include a mixture of housing types.

Additional Design Considerations:

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs.

2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. Planned developments can preserve large open areas for open space by clustering development in smaller areas. [...]

5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land."

Finding: Based on materials submitted by the applicant this proposal minimally meets the intent of this portion of Volume I of the Comprehensive Plan relative to park space, open space and the provision of bike paths. Several private park spaces are proposed which are in addition to what is required by the Parks Master Plan levels of service and the City of McMinnville's Comprehensive Plan policies. Three private park spaces are proposed in the Baker Creek West portion of the subdivision where the residential density is the highest

proposed, totaling approximately 29,000 square feet. One of the private park spaces will need to be a Mini Park with commercial grade playground equipment and picnic tables per Condition of Approval #4. These parks were strategically placed to serve those residences without adjacent access to the planned future public park on Yohn Ranch Drive. Additionally, approximately 21,500 square feet of wetlands will be placed in a conservation easement in the Baker Creek East portion of the proposed subdivision.

There are also two mid-block pedestrian paths proposed to increase pedestrian mobility in BCE and two additional pedestrian paths proposed to connect BCW to both Hill Road and Baker Creek Road.

The balance of open space proposed by the applicant is in the form of storm water detention facilities that are not considered by the City to be open space for the enjoyment of or to meet recreation needs of area residents.

Additional amenities located near this proposal are provided by the City in the form of bikeways along major streets such as are required to be incorporated along Hill Road and Baker Creek Road adjacent to this proposed development. Additionally, there are off-street bicycle/pedestrian connections provided adjacent to the development to provide access to the new barrier-free city park currently being designed, in addition to nearby access to the public West Side Bicycle and Pedestrian Pathway system located between BCE and BCW.

The applicant should be recognized for proposing the open spaces that are shown on the various graphics provided as part of this application. However, with the large amount land area represented by the proposal, and the admonition of the Planned Development process to provide amenities sufficient to justify approval of the requested increase residential density, neighborhood facilities (community meeting buildings, active water features, covered picnic areas, etc.) could have been offered to better meet the intent of the Planned Development process.

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

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

General Housing Policies:

- 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.
- 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

Finding: Goal V 1 and Policies 58.00 and 59.00 are met by this proposal in that it will allow for the development of additional housing opportunity on land that has remained underutilized. The applicant proposes a range of residential lot sizes that, in addition to the inclusion of a multiple-family apartment component in the proposal, will provide opportunities for development of a variety of housing types and at varying densities realized throughout the development site. The eastern portion of the development proposes lot sizes commensurate with those of adjacent existing development. The single-family residential lots proposed for the western portion of the development provide for smaller lot sizes adjacent to Hill Road (a

Minor Arterial) and property owned by the McMinnville School District identified for future school development.

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

Policies:

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

Westside Density Policies:

71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances of trade-offs shall be allowed and encouraged.

4. In no case will a residential development of a higher density than six units per acre be approved if, by allowing the development, some other undeveloped property (which is not included in the application, but which is within the above-mentioned sewer service area) would be caused to develop at less than six units per acre because of lack of sewer capacity.

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

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

71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:

1. The density of development in areas historically zoned for medium and high density development;

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

Finding: Goal V 2 and Policies 71.01, 71.09, 71.10 and 71.13 are met by this proposal in that the development proposes to provide a range of residential single-family lot sizes in addition to multiple-family development opportunities thereby promoting an energy-efficient and land intensive development pattern. This proposal is not subject to topographical or other geographical limitations. Transitional and/or alternating lot sizes are proposed where adjacent to existing abutting development to provide privacy from those established neighborhoods while also creating a transition to the lot designs proposed for the balance of the proposal. There are also private open spaces proposed within the tentative phased subdivision plan in addition to the development of an adjacent 5.7-acre barrier-free public park currently being designed to serve as an extension of the Westside Bicycle and Pedestrian Path located between the proposed BCW and BCE portions of the proposal. Additionally, the proposed residential density of the expanded Planned Development area is 5.8 dwelling units per acre which is less than the six-unit per acre West side residential density limitation; a limitation applicable only to areas located outside of existing or planned transit corridors as noted in Policy 71.01. The portion of the development that is proposed to contain higher residential density (BCW) is located within $\frac{1}{2}$ mile of a transit corridor (Hill Road and Baker Creek Road as shown on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below) where future public transit is planned as the land develops and higher residential densities are encouraged. The portion of the development that is proposed to contain higher residential density (BCW) is also located within $\frac{1}{4}$ mile of land located north of the Bake Creek Road and designated as Commercial on the McMinnville Comprehensive Plan Map.

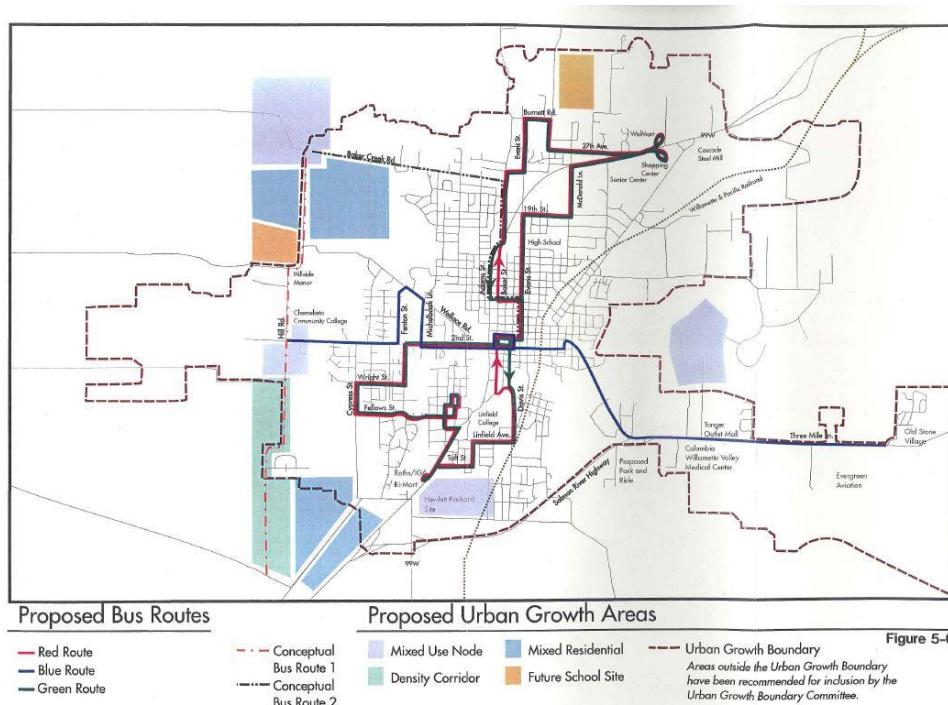


Figure 5-6

Planned Development Policies:

- 72.00 Planned unit developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.
- 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.
- 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.
- 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.
- 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.
- 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.
- 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Finding: Policies 72.00, 73.00, 74.00, 75.00, 76.00, 77.00 and 78.00 are met by this proposal in that, in addition to the findings provided by the applicant, the proposal encourages social and environmental benefits by locating the higher density portion of the proposal within walking distance to the nearby 12.34 acre commercial site (located across NW Baker Creek Road to the north) as demonstrated on Exhibit F-4 of the applicant's submittal, the developing public park adjacent to the subdivision along NW Yohn Ranch

Drive, and adjacent property located to the south owned by the McMinnville School District and currently identified for future school development. In addition to the proposed multiple-family residences, a range of lot sizes is proposed allowing for variety in residential dwelling type, ownership and price points. Retention of natural drainage swales are proposed to be accommodated as much as practicable. Common open spaces and an area playground are proposed, and conditioned, to provide recreational benefits to the residents of this development. Creation of a homeowner's association to administer neighborhood covenants, conditions and restrictions (CC&Rs) shall also be a condition of approval of this proposal. The proposed street design complies with current adopted City public street standards as defined by the adopted McMinnville Transportation System Plan (TSP).

Residential Design Policies:

- 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.
- 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.
- 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.
- 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.
- 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

Finding: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while greater than the underlying R-1 zone (5.8 dwelling units per acre and 4.8 dwelling units per acre, respectively), can be allowed through the review and approval of the requested planned development zoning designation. As part of this development, the approximately two-acres of natural drainage and wetland features are proposed to be preserved wherever feasible. The street layout proposes to connect with the existing street network of adjacent development and preserves the development potential of other adjacent land; i.e., the adjacent school site and land located between the BCE and BCW portions of the development. The proposed street system would provide public connections to adjacent neighborhoods and future school and park sites. Other areas within the development are proposed to be connected by pedestrian pathways increasing opportunities for off-street pedestrian mobility. In addition, given the physical dimensions of the site, streets have been oriented to create opportunities for solar access as practicable.

Low-Cost Housing Development Policies:

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

Multiple-family Development Policies:

- 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.
- 89.00 Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.
- 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)
- 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)
- 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.
- 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)
- 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)

Finding: Policies 84.00, 86.00, 89.00, 90.00, 92.00, 92.01 and 92.02 are satisfied by this proposal in that the multiple-family portion of the proposed development is located on land already zoned by the City as suitable for such development. Landscaping shall be required as a condition of approval for the multiple-family development. Additionally, this multiple-family site is located along NW Hill Road and NW Baker Creek Road which are both identified in the McMinnville Transportation System Plan (TSP) as minor arterials. Further, this site is not located adjacent to or near other multiple-family development thereby implementing the City policy of dispersal of multiple-family developments. The approximately twelve-acre site located to the north and across Baker Creek Road and designated for future commercial development (Ord. No. 4633) and the property owned by the McMinnville School District located adjacent to and south of the subject site are both within a 700-foot walking distance of the proposed multiple-family lot.

Urban Policies:

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

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

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

Lot Sales Policy:

99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Finding: Policy 99.10 shall be satisfied in that, as required in condition of approval 26, the applicant has offered to market twenty-five percent (25%) of the single-family lots (52 of the proposed 208 single-family lots) to the general public for a period of six months following preliminary plat approval. Staff concurs with and supports this effort and had drafted a condition of approval to this effect in order to impose this action.

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

Streets**Policies:**

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

118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.

2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

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

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

Finding: Goal VI 1 and Policies 117.00, 118.00, 119.00 and 120.00 are satisfied by this proposal in that the each of the proposed lots will abut public streets developed to City standards with adequate capacity to safely accommodate the expected trip generation from this development. Further, direct parcel access will not be permitted to either Hill Road or Baker Creek Road. Rather, access to those streets will be directed through NW 23rd Street and Meadows Drive. Local residential streets proposed within the development will connect at intersections except for the proposal of two cul-de-sac streets due to the presence of wetlands. The proposed street design will have minimal adverse effects on the natural features of the land.

Parking

Policies:

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

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

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for the multiple-family development and single-family residences as specified by the McMinnville Zoning Ordinance Section 17.60.060(A)(5) which requires the provision of two vehicle parking spaces per dwelling unit with four or fewer bedrooms, and one additional space for every two additional bedrooms. The applicant proposes to provide a minimum of a two-car garage and a two-car driveway for each single-family residence thereby exceeding the City's requirement.

Bike Paths

Policies:

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

132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.

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

Finding: Policies 130.00, 132.00 and 132.15 are satisfied by this proposal in that the City has constructed the Westside Bicycle and Pedestrian system serving McMinnville's west side and, of particular importance to this proposal, extends between the BCE and BCE portions of this development plan. This public amenity provides the opportunity for future residents of this subdivision to connect to other activity areas, schools and community facilities. The applicant proposes additional pedestrian pathways providing mid-block connections within the subdivision in situations where there are no unique amenities to connect. The public sidewalks that will be constructed as part of the required street improvements will add to the pedestrian connections within and beyond this subdivision.

Supportive of General Land Use Plan Designations and Development Patterns

Policies:

132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses.

Finding: Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the land use designation of the site and urban development patterns within the surrounding area.

Circulation

Policies:

132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:

1. Pedestrian circulation,
2. Enhancement of emergency vehicle access,
3. Reduction of emergency vehicle response times,
4. Reduction of speeds in neighborhoods, and
5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics. (Ord. 4922, February 23, 2010)

132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)

- 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)
- 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)
- 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

Finding: Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this proposal in that the proposed street pattern provides a safe and efficient network of residential streets to serve the proposed and adjacent existing residential neighborhoods. The two cul-de-sac streets are proposed in response to the noted existence of two wetland areas. The proposed street system is also designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the requirements of the McMinnville TSP and provision of additional private pedestrian pathways. Vehicular access points to the adjacent minor arterial streets comply with this policy and promote safe street connectivity to the surrounding transportation network.

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

Sanitary Sewer System

Policies:

- 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.
- 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:
1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.
 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized
 4. Extensions will implement applicable goals and policies of the comprehensive plan.

Storm Drainage

Policies:

- 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through

requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

Water System

Policies:

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

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

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

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

Water and Sewer – Land Development Criteria

Policies:

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

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

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00.20, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Police and Fire Protection

Policies:

- 153.00 The City of McMinnville shall continue coordination between the planning and dire departments in evaluating major land use decisions.
- 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

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

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

Policies:

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

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

- 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.
- 168.00 Distinctive natural features and areas shall be retained, whenever possible, in future urban developments.
- 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

Finding: Policies 167.00, 168.00 and 169.00 are satisfied in that the applicant proposes to provide active open spaces within the development and to preserve area(s) identified as wetlands. These areas shall be maintained by a Home Owners Association according to CC&Rs which shall be recorded following approval of the Planning Director. In addition, the

applicant is proposing to provide storm water detention areas to accommodate natural runoff which shall be designed and maintained in compliance with City requirements.

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

Policies:

- 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.
- 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

Energy Conservation

Policies:

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

Finding: Policy 178.00 is satisfied in that the applicant's proposal has utilized density averaging through the Planned Development process to achieve a mix of residential lot sizes, along with a multiple-family component, to increase the overall residential density above that of the underlying R-1 zone thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

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

Policies:

- 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

General Provisions:

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

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling [...]

17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [...].

17.12.040 Yard Requirements. In an R-1 zone each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet.

17.12.050 Building Height. In an R-1 zone, a building shall not exceed a height of thirty-five feet.

17.12.060 Density Requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].

C-3 General Commercial Zone:

17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

- 3. Multiple-family dwelling subject to the provisions of the R-4 zone.

R-4 Multiple-Family Residential Zone:

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

- C. Multiple-family dwelling

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;

- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height.

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized.

Off-Street Parking and Loading:

17.60.060 Spaces – Number required.

A. Residential land use category

- 4. Multiple-family dwelling. One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.
- 5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms [...].

Finding: Sections 17.12.010(A), 17.12.030, 17.12.040(A-C), 17.12.050, 17.12.060, 17.21.010(C), 17.21.040(A-E), 17.21.050, 17.21.060, 17.33.010(3) and 17.60.060(A)(4- 5) are satisfied by this request in that site built single family residences are proposed for the lots to be created by the proposal with the exception of the multiple-family component which is a permitted use within the C-3 zoning designation of proposed Lot 126 subject to the provisions of the R-4 zone. While projected building heights for the single-family residences and numbers of bedrooms per dwelling unit are not provided as part of this submittal, the building height limitation of the R-1 zone and parking requirements of Chapter 17.60 will be satisfied as part of the building permit review process for each dwelling unit prior to permit issuance. The applicant has proposed a maximum building height of 35 feet for the multiple-family residential units to be constructed as part of the phased development. Lot sizes as proposed do not generally meet the minimums required of single-family residential lots as set forth by R-1 standards. The modification of lot sizes, as well as setbacks, below that typically required is an allowance that can be granted by City Council approval through review and consideration of the Planned Development zone change application process requested by the applicant; this is discussed further below. Regarding multiple-family density, the applicant proposes to construct 70 residential units on the 3.8-acre C-3 PD zoned site (approximately 18.4 dwelling units per gross acre) while Planned Development related policies speak to encouraging such development at a much higher density.

Planned Developments:

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.

Finding: Section 17.51.010 is satisfied by the request in that the applicant proposes a development plan to provide for range of single-family residential density in addition to providing for 70 multiple-family residences. While the proposed residential density is greater than that provided for by the underlying zone, City policies noted above specifically direct higher densities and multiple-family development for locations such as the subject site. This balance or “trade-off” of purposes is allowed and supported through application of the Planned Development application process and goes toward meeting the City’s goals of multiple-family dispersal, increased opportunities for choice in the residential marketplace and location of higher residential densities located along arterials and transit corridors. Common open spaces, while not abundant, are provided in this proposal as are utilization of storm water detention areas to take advantage of natural slope within the site. Beyond the provision of public sidewalks as part of the public street improvements for the area, private mid-block pedestrian pathways are also provided to aid in enhancing pedestrian mobility within the area.

Additionally, staff specifically notes that a portion of the Planned Development purpose statement provides “A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance” and staff encourages the Council to consider this in light of the streetscape discussion provided earlier in this report. In brief, the proposed lots in BCW typically range from 32 to 40 feet in width. To ensure an enhanced pedestrian experience, the applicant has proposed to provide a “Pattern Book” of specific design elements to be used in the construction of the residences for this development; both BCW and BCE. This requirement will result in a more pedestrian friendly streetscape to help mitigate the auto-oriented neighborhood effect of the narrow lots as well as to help visually blend these residences in with those of the adjacent established neighborhoods. The Council has the ability to require such design considerations through the Planned Development process and in doing so could find that, in addition to the provision of the “end cap” and other open spaces and Mini Park/Playground, this development would fully satisfy the admonition that planned development approvals are not intended to be simply a guise to circumvent the intent of the zoning ordinance. Conditions of approval to enact this finding have been provided.

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:

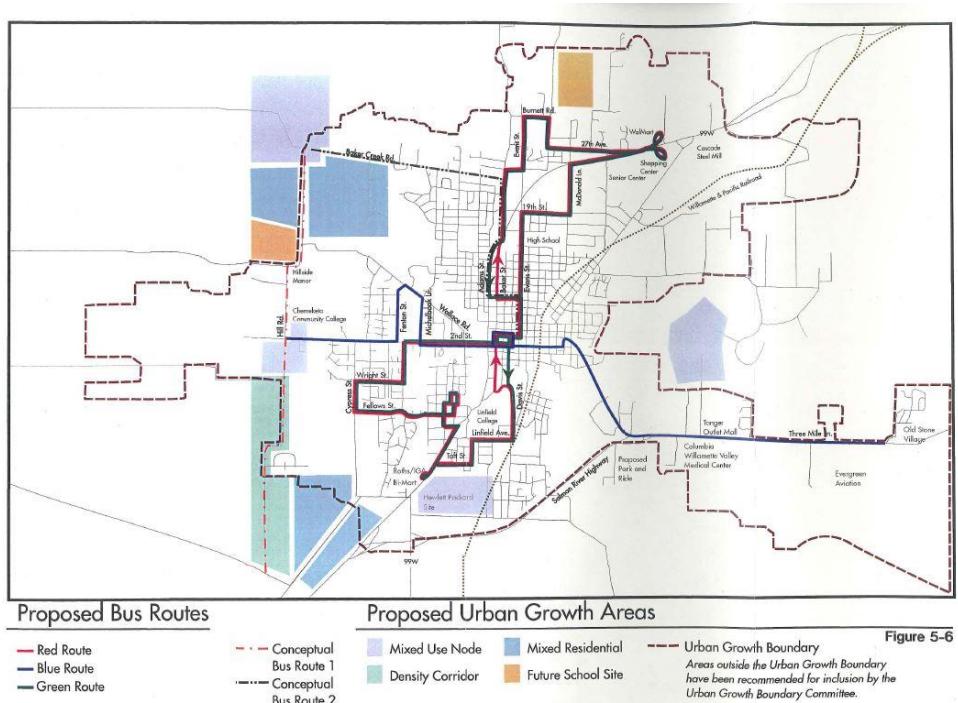
- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: Section 17.51.020 (A-B) are satisfied by the request in that the applicant proposes a development type (single-family and multiple-family residential) consistent with the residential and commercial zoning indicated on the comprehensive plan map and zoning map. While Sub B of this standard states that the density of the residential planned development shall be determined by the underlying zone designations, this standard was supplanted by Policy 79.00. Specifically, Policy 79.00, as noted above, states that “densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy” and was adopted in 2003 (ORD No. 4796). Adoption of this policy was borne out of City efforts to increase land use efficiencies.

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

- 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 (as amended by Ordinance No. 4242, April 5, 1983);
 - (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.

Finding: Section 17.51.030 (C) is satisfied by the request in that the design objective of this proposal is to fulfill the City's policy direction to achieve higher residential densities for developable residential land within $\frac{1}{4}$ mile of identified transit corridors and to continue the City's dispersal policy regarding multiple-family residential development as shown on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below. This proposal helps to enact the intended residential density of the comprehensive plan objectives for this area and can be completed in a reasonable period of time as has been provided for by providing a condition of approval allowing the subdivision phasing plan to remain valid for a period of five years. The proposed street network is adequate to support anticipated traffic which can also be supported by the surrounding existing street network. Public facilities have the capacity to adequately serve the proposed development and there are no indications that the proposal will have an adverse effect due to pollutants or noise on surrounding areas or the City as a whole.



Review Criteria:

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

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

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

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

Finding: Section 17.74.020 is satisfied in that the proposal, as conditioned, is consistent with the goals and policies of the McMinnville Comprehensive Plan, is orderly and timely considering the existing nearby residential development and proximity to land owned by the McMinnville School District and planned for future school development, and the proposal can be adequately served by required utilities and services. In addition, there are no policies contained in the Comprehensive Plan that are being utilized to unnecessarily decrease densities or discourage any form of housing.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. 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.

Finding: The requirements of Section 17.74.070 are met by this major modification to an existing planned development for the reasons enumerated in the finding provided for the Section 17.51.030(C) requirements provided above.

11. Ordinance No. 4626 is applicable to this request and is noted in Attachment 7 of this Decision Document.

Finding: The subject request complies with the requirements of Ordinance No. 4626 as the proposal seeks to add land to the original site addressed by that ordinance approval and proposes a new development plan for the newly added area and the undeveloped portions of land covered by Ordinance No. 4626. The applicant does not request to modify any adopted element governing the developed portions of that original site; specifically, Shadden Claim 1st and 2nd Additions residential subdivisions. As the prior tentative subdivision plan approval associated with this ordinance has long since expired, the applicant is however requesting approval of a new plan for the undeveloped land that more closely embodies the residential development policies addressed elsewhere in this report and findings document. To enable this action, a new ordinance approval is being requested that would incorporate and safeguard the existing development and enable the new. It is recommended that Condition 6 of Section 3 of that ordinance not be carried forward based on the comment provided by the McMinnville Parks and Recreation Director provided earlier in this document. This intent and action is in compliance with the currently realized portions of Ordinance No. 4626.

**Planning Department**

231 NE Fifth Street o McMinnville, OR 97128
 (503) 434-7311 Office o (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	<input type="text"/>
File No.	AP 1-17
Date Received	3-13-17
Fee	100.00
Receipt No.	17M0045
Received by	SP

Appeal Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____
 Provided testimony prior to this appeal.

Applicant Name Baker Creek Development, LLC Phone 503-305-7647

Contact Name Morgan Will, Project Manager (If different than above) Phone SAA

Address 485 S. State Street

City, State, Zip Lake Oswego, OR 97034

Contact Email morgan@staffordlandcompany.com

Original Application Information

File No.: ZC1-16/2C2-16 /S-3-16 Review Body: Planning Commission

Decision: Denied Date of Decision: verbal: 2/16/17 Written 2/24/2017

Date Decision Mailed: 2/24/2017 Appeal Date Deadline: 3/13/2017

Description of Original Application Request: Baker Creek Development, Zone Change portion of site from Remnant county EFU/AG zoning to urban residential zone, zone entire site w/ PD Overlay Amending existing PD approval for a portion of the site to add land, increase housing units, add open space, and approve subdivision plan - See also staff report at Exhibit A.

Appeal of a decision made by the following review body is requested:

- PLANNING DIRECTOR (See Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance for further information.)
 - PLANNING COMMISSION (See Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance for further information.)
-

Please state in detail the basis for and issues raised in this appeal. You must identify the criteria and findings that you are appealing. Attach additional sheets as necessary.

In addition to this completed application, the applicant must provide the following:

- Payment of the applicable review fee, which can be found on the Planning Department web page.*

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.



Appellant's Signature

3/10/2017

Date

Please state in detail the basis for and issues raised in this appeal. You must identify the criteria and findings that you are appealing. Attach additional sheets as necessary. See additional sheets.

In addition to this completed application, the applicant must provide the following:

- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Morgan Hill, Project Manager
Appellant's Signature Date
Baker Creek Development, LLC

DATE: March 13, 2017
TO: Planning Department
FROM: Morgan Will, Project Manager
SUBJECT: Appeal of Planning Commission Decision of Denial Noticed February 24, 2017: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16

I. Overview.

At its February 16, 2017 public hearing, the McMinnville Planning Commission voted to deny the applicant's proposed "Baker Creek" Development, file No. ZC 1-16/ZC 2-16/S 3-16. The Planning Commission's findings are set forth in a letter from Planning Director Heather Richards, PCED, dated February 24, 2017. Exhibit A. In its deliberations, some Commissioners expressed concerns about the need for more open space, additional off-street parking, as well as concerns about the multifamily residential development.

The applicant is appealing the above-cited decision to the City Council and is requesting a "*de novo*" hearing to raise new issues and evidence, to submit modified site plans and proposals, and to review the proposal based on the approval criteria and findings of fact as provided by in the applicant's material and in the Staff Report. In response to the concerns raised by the Planning Commission, the applicant has proposed additional open space tracts in Baker Creek West. The applicant also will submit more documentation demonstrating compliance with parking standards. The applicant will also propose more multifamily density on the 3.8 tract. These plans will be submitted to the Planning Department by March 20, 2017.

The applicant reserves its rights under a *de novo* review to submit new evidence and argument, and to raise new issues to the City Council. The applicant seeks a decision of approval. If needed to avoid a denial, the applicant requests the City Council utilize Section 17.51.030(D) and request the applicant to make any revision the Council deems to be required or desired, as well as adding any additional reasonable conditions as may be prudent and desirable.

II. Analysis.

Section 17.72.180 of the McMinnville Zone Ordinance ("MZO") governs appeals from the Planning Commission. It provides as follows:

17.72.180 Appeal from Ruling of Planning Commission. An action or ruling of the Planning Commission pursuant to this title may be appealed to the City Council within 15 (fifteen) calendar days of the date the written notice of the decision is mailed. Written notice of the appeal shall be filed with the City Planning Department and shall identify the decision sought to be reviewed, including the date of the decision and a statement of interest from the person seeking review specifying that they were party to the initial proceedings. If the appeal is not taken within the 15 (fifteen) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall

hold a public hearing on the appeal. Notice of a City Council hearing on an appeal of a decision of the Planning Commission shall take the form of that provided for the initial application before the Planning Commission.

Compliance with Section 17.72.180 is demonstrated below:

The Decision Sought to be Reviewed: The verbal decision of the Planning Commission from their meeting dated February 16, 2017 is memorialized in a Letter from Planning Director Heather Richards, PCED, dated February 24, 2017. This letter is the decision required by MZO 17.72.130(C)(3). A copy of the decision under appeal is included as an Exhibit thereto.

Date of the Decision: The verbal decision of the Planning Commission was set forth in writing on February 24, 2017.

Statement of Interest from the Person Seeking Review: The appellants, Baker Creek Development LLC and Morgan Will, are the applicants for the underlying land use application that resulted in the decision under appeal. Baker Creek Development LLC and Morgan Will participated in the land use hearing proceeding before the Planning Commission via their appearance and by submitting verbal and written testimony into the record.

The appeals form requires the appellant to provide a detailed explanation in of the basis for the appeal and issues raised in this appeal by the Applicant. The Applicant identifies herein the criteria and findings that are being appealed.

The Notice of Decision mailed on February 24, 2017 states the Planning Commission based its decision to deny the Baker Creek Development applications for zone change, planned development and subdivision, which were under concurrent review, based on the following findings:

- 1) Purpose of McMinnville Zoning Ordinance Section 17.51.010 Planned Development Overlay was not met.
- 2) Procedure of the McMinnville Zoning Ordinance Section 17.51.030 (C)(1) was not met because the above purpose was not met.
- 3) Land Division Standards of McMinnville Zoning Ordinance Section 17.53.040 are not waived, altered or changed without first approval of the application for Planned Development.

The applicant hereby asserts as follows:

- 1) The Planning Commission erred in its determination that the application does not meet Section 17.51.010 Purpose for a Planned Development Overlay by failing to recognize substantial evidential material in the record to support that the Purpose is met by the proposal with conditions.

As an initial matter, Section 17.51.010 does not set forth mandatory approval standards which can form the basis of denial of an application for a PUD. At best, Section 17.51.010 sets forth non-mandatory considerations.

Nonetheless, the applicant further disputes the Planning Commission's conclusion that the application does not:

- facilitate a desirable aesthetic and efficient use of open space;
- create sufficient private open space,
- use a creative approach in land development; and
- demonstrate special objectives which the proposal will satisfy.

As a result of the errors in its findings, the Planning Commission further erred by finding MZO 17.53.040 to be inapplicable to this proposal.

The Planned Development Overlay Section 17.51.010 Purpose is addressed in the Staff Report on Page 36 of Exhibit A. The Staff findings show this section is met by information in the record. Staff findings support approval, and propose conditions of approval to enact the findings.

- 2) The Planning Commission erred in its determination that the applicant did not meet Section 17.51.0030 (C)(1) by failing to recognize substantial evidential material in the record, including the findings prepared in the Staff Report following their review, which support that the Purpose is met by the proposal with conditions.

McMinnville Zoning Ordinance states:

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

...

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;" (Emphasis added):

The actual short list of ways the proposal will depart from the standard regulation requirements are listed in the Applicant's narrative on Page 33. The development objectives and physical conditions that warrant approval are described in the Applicant's narrative Exhibit 'C' beginning on Page 3 under Site Development Concept. They are further addressed under supportive findings and conclusions beginning on Page 28 of the Applicant's narrative where Section 17.74.070 is shown to be met.

The Planned Development Overlay Section 17.51.030 (C)(1) is addressed in the Staff Report on Page 37 of Exhibit A. The Staff findings show this section is met by information in the record. Staff findings support approval, and propose conditions of approval to enact the findings.

- 3) The Application will meet the Land Division Standards of 17.53.040 upon approval of the Planned Development Overlay.
- 4) The Planning Commission further erred in application of the Procedure for a planned development proposal review, specifically 17.51.030 (D), 17.51.030 (E), and 17.51.030 (F).

- a. Section 17.51.030 (D) states the Commission may return the plan to the applicant for revision. It is clear by the Planning Commission's verbal deliberations and comments during the public hearing on February 16, 2017 that the intent was to return the plan to the applicant for revision, as allowed by this code, yet the Commission being unaware of how to implement this code provision moved forward with a vote for denial of S 3-16. The intent is clear in the motion:

Quote #1: Commission Member Martin Chroust-Masin makes the motion: "Based on the information provided...I recommend motion approval of zone change ZC 1-16/ZC 2-16 to McMinnville City Council and deny the application at this time and possibly bring it before us reworked in the future."

Quote #2: The motion received a 2nd by Commission Member Lori Schanche.

Quote #3: The Planning Commission Chair comments after the vote: "I think what is appropriate in light of the testimony...comments from the Commissioners is that the applicant be encouraged to rework the proposal."

Quote #4: A Planning Commission Member states: "I would concur in that."

Quote #5: The Planning Commission Chair also states: "I'm thinking silently here, that decision can also be appealed to the City Council? Is the applicant aware of that?"

This...our decision can also be appealed to the City Council if you choose to do so."

The Commission did not request direction from City Staff on how to return the plan to the applicant for revisions.

- i. The Staff Report does not address Section 17.51.030 (D) because the Staff were recommending approval and find that all the provisions of 17.51.030(C) were met, as reflected in the Staff Report on Page 37 of Exhibit A.
- b. Section 17.51.030 (E) states the Commission may attach conditions to carry out the purpose. Therefore, if the Commission felt the proposal did not meet the Purpose, as is stated in the Notice of Decision, then the procedure in this section allows the Commission to attach conditions to carry out the Purpose. The Commission did not use this procedure, nor ask Staff for direction on how to apply reasonable conditions.
- i. The Staff Report does not address Section 17.51.030 (E) because, as stated above, the Report finds the Purpose is met (Page 36 of Exhibit A, Findings for 17.51.010).
- c. Section 17.51.030 (F) states the Commission shall follow the procedure for considering an amendment in Chapter 17.72 before making a decision, and the Applicant finds the Commission did not follow that procedure. Specifically, Section 17.72.080 (B) states quasi-judicial "decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact." The findings of fact in the Staff Report state the approval criteria are met. The Planning Commission made its decision for denial unsupported by findings of fact. Also, in Section 17.72.090, in the table's right hand column there is the reference to the approval criteria for a Planned Development Amendment. The Commission did not reference the approval criteria of Section 17.74.070 in its deliberations or decision, even though it is addressed in the Staff Report on Pages 38-39 of Exhibit A.
- i. The Staff Report does not directly address Section 17.51.030 (F), however Staff does follow the procedure. Its recommendation for approval are based on findings of fact, as required by Section 17.72.080 (B), and the Staff Report does address approval criteria in Section 17.74.070 on Page 38-39 of Exhibit A, finding all criteria are met.

Some of the topics discussed by the Planning Commission during its deliberations included open space, parking, walkways, and multi-family. All of these topics are addressed in the record:

Open Space

Additional open space will be proposed for BCW. Open space is shown and addressed in the Applicant's exhibits and narrative. See Page 13 of Exhibit 'C-1', the Supplemental Narrative provided December 14, 2016 (Attachment 21 to the 2/16/17 Staff Report), and the Rebuttal Narrative provided February 6, 2017 (Attachment 33 to the 2/16/17 Staff Report) and associated attached tables and graphics. The Staff Report addresses Open Space on Page 22 of Exhibit A under Findings for Volume I (Background Element), Page 26 of Exhibit A under Findings for Goal V 2: Policy 74, 75, & 76, and on Page 33 of Exhibit A under Findings for Goal VII 3: Policy 163, as well as on Page 11 in the General Discussion portion of the Staff Report, and Page 20 of Exhibit A under comments from the City's Parks Department.

Parking

The Applicant's narrative Exhibit 'C-1' addresses off-street parking policies, describing two car garages, on Page 19 and 20, and shows two car garage driveways and on-street parking in Exhibit G-1 (from Attachment 3 listed on Page 17 of the Staff Report's Exhibit A). The Staff Report addresses parking on Page 35 of Exhibit A under Findings of Fact for 17.60.060(A)(4-5), and on Page 14 of the report under General Discussion.

Walkways

Walkability information can be found on Page 12-16, 19, 25, & 30 of the Applicant's narrative Exhibit C, the Supplemental Narrative provided December 14, 2016 (Attachment 21 to the 2/16/17 Staff Report), and the Rebuttal Narrative provided February 6, 2017 (Attachment 33 to the 2/16/17 Staff Report) and associated attached tables and graphics, and in the Staff Report on Page 24 under Findings for Goal V 2: Policy 71.01, 71.09, 71.10 & 71.13, on Pages 26-27 under Findings for Goal V 2: Policy 78, 81 & 92.02, and on Page 30 under Findings for Goal VI 1: Policies 130, 132 & 132.15.

Multi-family

Additional Multi-family density will be proposed. Multi-family density is also discussed in multiple parts of the Applicant's narrative, namely on Pages 1, 16, 19, 29 & 30, and in the Staff Report, and Exhibit A thereto, in multiple locations. Some of the existing information will be updated.



231 NE Fifth Street • McMinnville, Oregon 97128 • www.mcminnvilleoregon.gov

February 24, 2017

Morgan Will
Baker Creek Development, LLC
485 South State Street
Lake Oswego, OR 97304

RE: ZC 1-16/ZC 2-19/S 3-16 (Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M., located south of Baker Creek Road and east of Hill Road))

Dear Mr. Will:

This letter is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, February 16, 2017, your applications: ZC 1-16, for approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land; ZC 2-16, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet; and S 3-16, a tentative residential subdivision plan on approximately 40.55 acres of land were considered by the McMinnville Planning Commission.

Based on the material submitted by the applicant, the testimony received, and material provided by the Planning Department, the Planning Commission voted unanimously to recommend **DENIAL** of your requests (ZC 1-16/ZC 2-16/S 3-16) to the McMinnville City Council.

The Planning Commission determined that your application failed to meet the purpose of a Planned Development as described in Section 17.51.010 of the McMinnville Zoning Ordinance. Specifically, the Commission found that the proposal failed to facilitate a desirable aesthetic and efficient use of open space, to create sufficient private common open spaces, to use a creative approach in land development, and to demonstrate special objectives which the proposal would satisfy. Therefore, the Commission determined that the proposal did not meet the necessary criteria in Section 17.51.030 (C)(1) and did not warrant a departure from the standard regulation requirements.

Due to this determination, the Planning Commission found that Section 17.53.040 of the code did not apply to this proposal, which states "that the subdivision of land in accordance with the planned development section of the City of McMinnville Zoning Ordinance (No. 3380, as revised) may result in the terms and requirements of this chapter (Land Division Standards)

Baker Creek Development, (ZC 1-16, ZC 2-16, S 3-16)

being waived, altered, or otherwise changed as determined by action of the Planning Commission and approved by the City Council," and that the subdivision plan needed to comply to the McMinnville Zoning Ordinance, Section 17.12.040, which it does not comply.

Pursuant to the Zoning Ordinance of the City of McMinnville, Section 17.72.130(5)(b), the decision of the Planning Commission to recommend denial of the application is final unless an appeal of the Planning Commission's decision is filed - "If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed."

Per Section 17.72.180 of the Zoning Ordinance of the City of McMinnville, "an action or ruling of the Planning Commission may be appealed to the City Council within 15 calendar days of the date the written notice is mailed. The appeal shall be filed with the Planning Department and shall identify the decision sought to be reviewed, including the date of the decision and a statement of interest from the person seeking review specifying that they were party to the initial proceedings."

If no appeal is filed with the Planning Department on or before March 13, 2017, the Planning Commission's decision is final.

If you have any questions or comments, you may reach me at (503) 434-7311.

Sincerely,



Heather Richards, PCED
Planning Director

HR:sjs

c: McMinnville Planning Commission
Manuel Abt
Renee Carr
Susan Dirks and Kent Stevens
Peter & Linda Enticknap
Sandra Ferguson
Ray Fields
Roger Goodwin
Corissa Holmes
Ronald & Sally Hyde
Patty O'Leary
Gordon Root, Stafford Land Company
David StLouis
Gene & Deanna White
John Hutt
The Hayes Family
Don Larson



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

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MEMORANDUM

DATE: February 15, 2017
TO: McMinnville Planning Commissioners
FROM: Heather Richards, Planning Director
SUBJECT: Amended Meeting Agenda for the Planning Commission Meeting February 16, 2017, and Staff Report and Land-Use Decision for Baker Creek Development

Staff amended the Meeting Agenda for the Planning Commission Meeting February 16, 2017, and made a couple of amendments to the Staff Report and Land-Use Decision for Baker Creek Development that was issued on February 7, 2017. Those amendments are reflected in the attached documents and are outlined below. Some are editorial housekeeping and one is a clarification associated with a condition of approval.

Amended Agenda: Changed Baker Creek Development agenda item from a public hearing to an action item for the purposes of public clarification of the status of the application review. Historically, the city has retained the title of public hearing for the project's agenda item even after the public hearing has been closed. However, this is misleading as the Planning Commission will not be conducting a public hearing at the meeting since the public hearing portion of the deliberation and evaluation of the project was closed.

Staff Report: Amended the discussion of the Conditions of Approval amendments on pages 25-27.

Condition of Approval #2 – Added language to clarify that the C-3 PD acreage would be limited to multi-family development.

Condition of Approval #4. Eliminated the last bold strikeout sentence. This was part of an internal review and editing process and is not reflective of language that the Planning Commission had originally seen in previous documents. The current version accurately reflects the language that was deleted and added from previous versions of this condition of approval that had been entered into the public record.

Condition of Approval #43. Eliminated the bold strikeout sub-set of described phases. This was part of an internal review and editing process and is not reflective of language that the Planning Commission had originally seen in previous documents. The current version

Attachments:

Amended Planning Commission Agenda
Amended Staff Report for Baker Creek Development, ZC 1-16, ZC 2-16, S 3-16
Amended Land-Use Decision for Baker Creek Development, ZC 1-16, ZC 2-16, S 3-16

Memorandum

Date: February 15, 2017

Re: Amendment PC Agenda, Staff Report and Land-Use Decision for Baker Creek Development

Page 2

accurately reflects the language that was deleted and added from previous versions of this condition of approval that had been entered into the public record.

Land-Use Decision: Amended Condition of Approval #2 amendments on page 10.

Condition of Approval #2 – Added language to clarify that the C-3 PD acreage would be limited to multi-family development.



**City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
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**Planning Commission
McMinnville Civic Hall, 200 NE 2nd Street
February 16, 2017
6:30 p.m.**

Commission Members	Agenda Items
Roger Hall, Chair	1. Call to Order
Zack Geary, Vice-Chair	2. Citizen Comments
Martin Chroust-Masin	3. Approval of Minutes: January 19, 2017 (<i>Exhibit 1</i>)
Charles Hillestad	4. Action Items
Jack Morgan	A. <u>Zone Change, Planned Development Amendment, & Subdivision (ZC 1-16, ZC 2-16 & S 3-16)</u> (<i>Exhibit 2</i>) <i>Public Hearing was conducted on January 19, 2017. At that meeting the public hearing was closed but the record was held open for written testimony until February 2, 2017.</i> Request: Approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. Concurrently, the applicant is requesting approval of a tentative residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes and the construction of 65 multiple-family dwellings on one lot.
Nanette Pirisky	
Lori Schanche	
Erica Thomas	
John Tidge	
	Location: South of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.
	Applicant: Baker Creek Development, LLC

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

5. Old/New Business

- Work Session: Proposed Zoning Ordinance Text Amendments, Landscape Review and Trees (*Exhibit 3*)
- Work Session: Long-Range Strategic Planning (*Presentation at Meeting*)

6. Commissioner/Committee Member Comments**7. Staff Comments****8. Adjournment**



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
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EXHIBIT 2 - STAFF REPORT

DATE: February 16, 2017
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
SUBJECT: ZC 1-16/ZC 2-16/S 3-16 (Baker Creek Development).
Additional written testimony, rebuttal testimony, and staff comments.

Report in Brief:

This is the consideration of Baker Creek Development, LLC's application requesting approval for a Zone Change (ZC 1-16), Planned Development Amendment (ZC 2-16) and Tentative Subdivision Approval (S 3-16) as part of the existing Shadden Claim residential master plan located south of Baker Creek Road and east of Hill Road.

More specifically, Baker Creek Development, LLC, is requesting approval of a zone change from EF-80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.61 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. A table provided below summarizes the requested setback adjustments. Concurrently, the applicant is requesting approval of a tentative phased residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes and the construction of 65 multiple-family dwellings on one lot.

The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

Exhibit A to this staff report contains the Decision, Conditions of Approval, Findings of Fact, Comments, Attachments, and Conclusionary Findings.

The Planning Commission conducted a public hearing on January 19, 2017. At that meeting, the Planning Commission elected to close the public hearing but keep the written record open until 5:00 pm, February 2, 2017. The applicant provided their rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. This staff report will outline the basic information associated with the land-use applications in the background section (pages 2 - 16) and then provide a synopsis of the testimony and rebuttal received as well as any changes made to the conditions of approval in the discussion section (pages 17 – 28) of this staff report.

Attachments:

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Requested Setback Adjustments

Lot Type	Setbacks	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
R-1 Lots	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	50 feet	19	8.2%
R-2 Adjusted	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	50 feet	29	13.6%
R-3 Adjusted	Front - 20 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	50 feet	35	16.4%
R-3 Modified	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	30 feet	75	35.2%
R-4 Modified	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	26 feet	55	25.8%

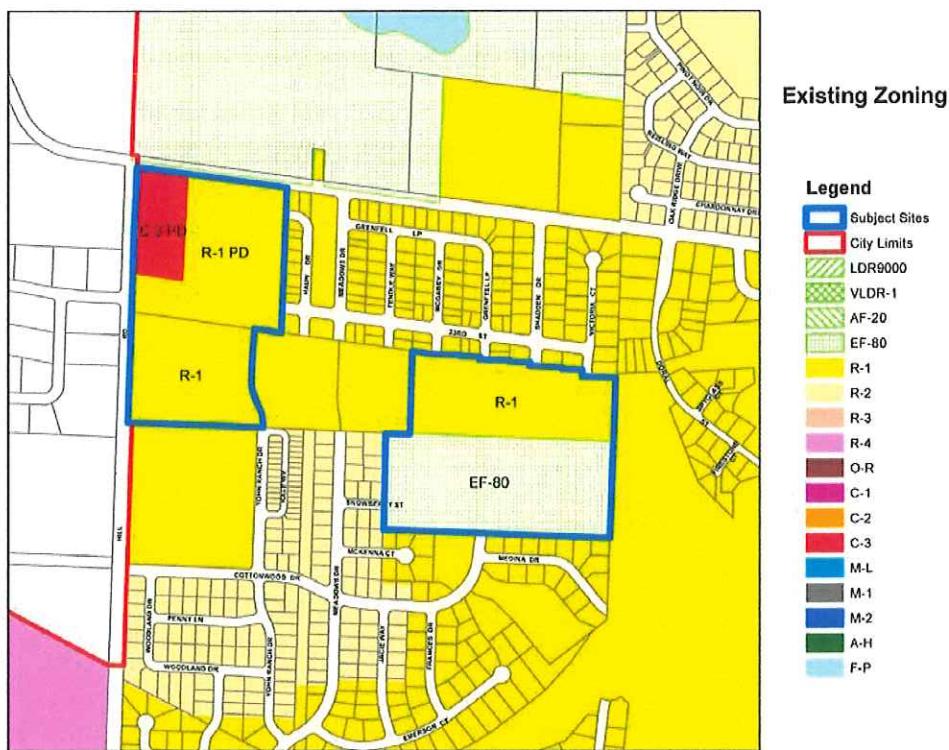
Background:**Description of Request:**

- The applicant has submitted a proposal comprised of three land use requests: a zone change request, a planned development amendment request, and a tentative residential subdivision plan. A brief description of each request follows:
 - Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):**
The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.6 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD. These zone changes are proposed, essentially, to apply a common zone to the area proposed for single-family residential development.

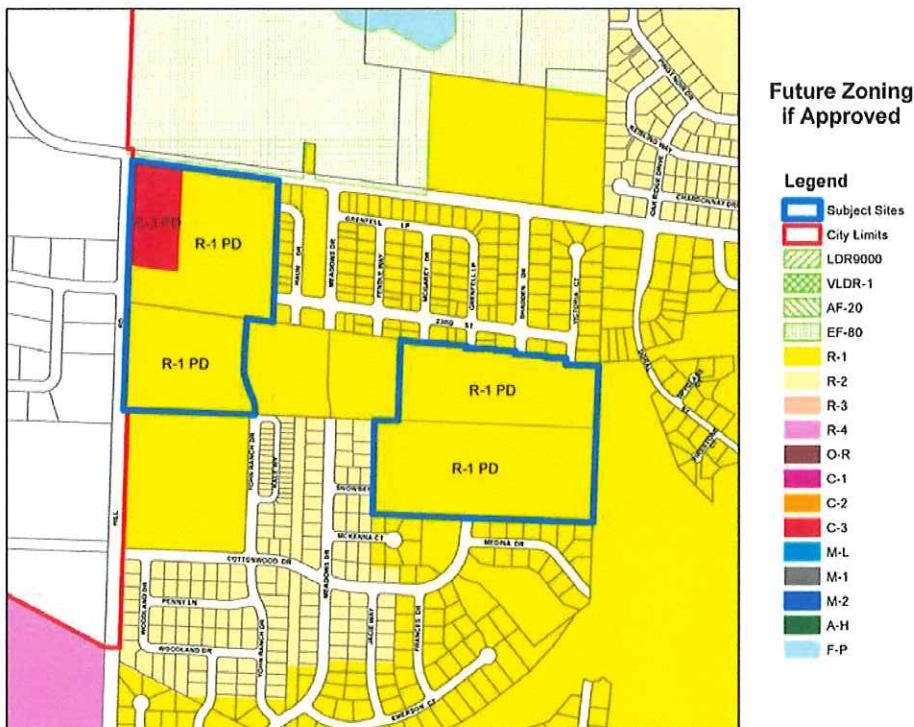
Attachments:

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Current Zoning



Future Zoning if approved



Attachments:

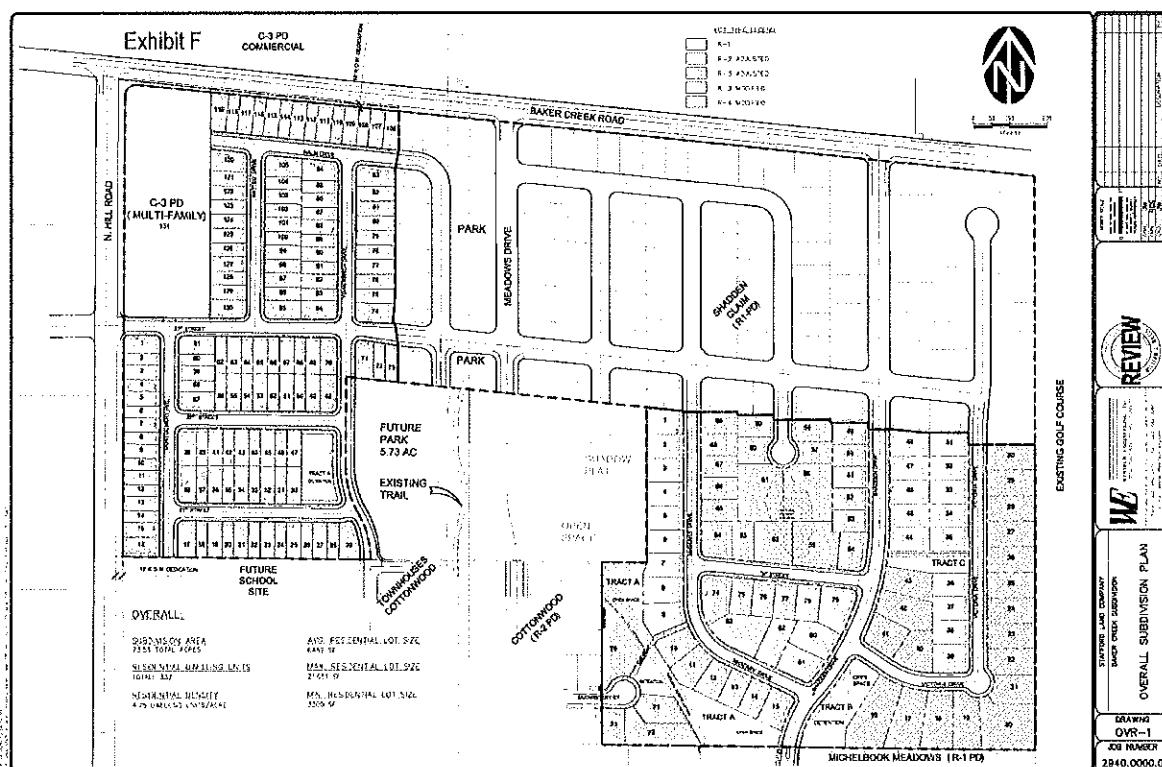
ZC 1-16/ZC 2-16/S 3-16 Decision, Conditions of Approval, Findings of Fact, Conclusionary Findings

2. Planned Development Amendment – Amendment of Ord. No. 4626 (ZC 2-16):

The applicant is proposing to amend the existing planned development ordinance that currently governs a portion of the area proposed for residential development in a number of ways including: 1) Expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above; 2) lot size averaging over the area proposed to be governed by Ord. No. 4626; 3) a reduction in the front yard setback for certain lots from 20 to 15 feet; 4) a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, 5) a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.

3. Tentative Subdivision (S 3-16):

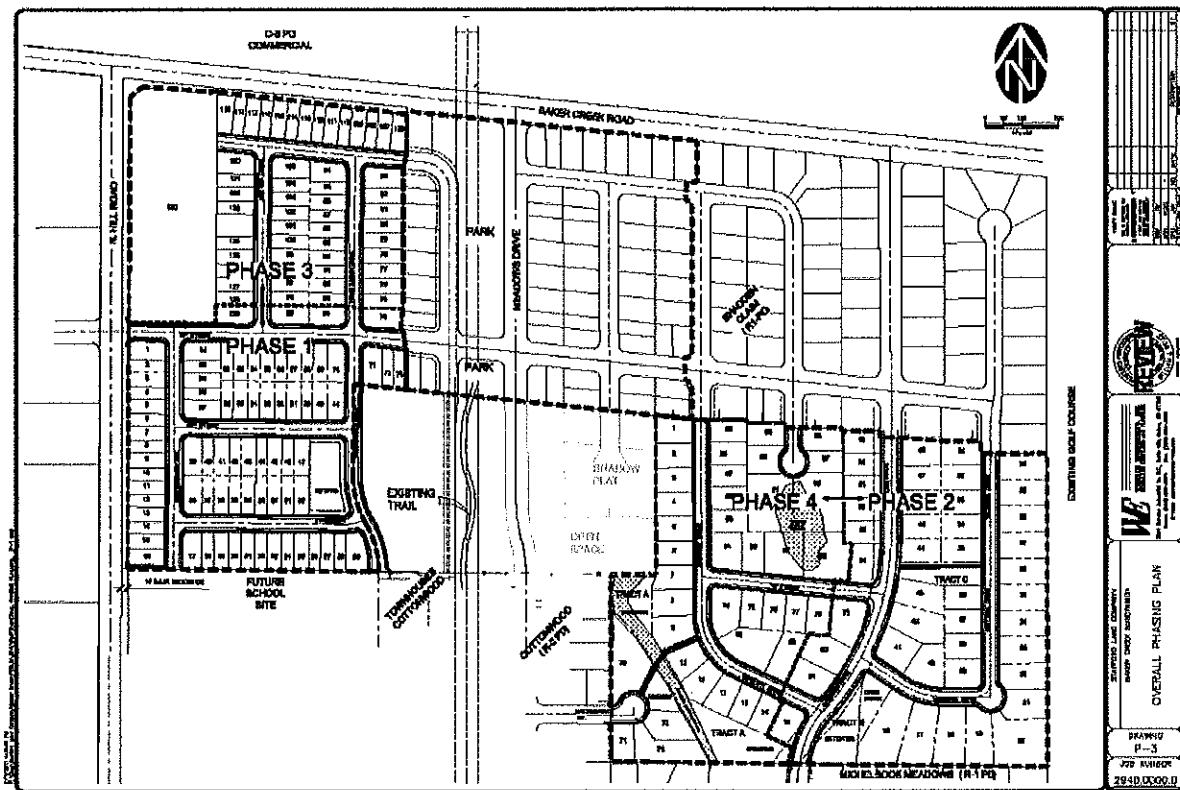
The applicant is requesting approval of a tentative phased subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes on lots ranging in size from 3,200 to 21,051 square feet in size and one multiple-family lot approximately 3.8 acres in size to accommodate 65 multiple-family dwellings. In addition, four open space tracts are proposed as well as three storm water detention sites.



Per attachments 34, 35 and 36, the project will be developed in four phases. The development plan for phase one would include all land south of and including the northern row of lots adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW). Phase two is proposed to include all land east of and including the western row of lots located along the west edge of Shadden Drive of Baker Creek East (BCE). Phase 3 is proposed to include the northern balance of BCW inclusive of the C-3 PD zoned land. Phase 4 is proposed to include the western balance of BCE. In testimony provided by the applicant on February 6, 2017, (Attachment 34) states "So in four years from land use approval we would likely be done with all phases of site construction of public improvements and platting." A graphic depicting the proposed four-phase development plan is provided below.

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- While rationale was not provided, the applicant's narrative puts forward a number of new terms not commonly found in McMinnville's land use parlance. For the Commission's benefit, those terms most frequently referenced by the applicant relate to types of proposed lots and their practical definitions are provided below:
 - Adjusted Lots – Lots with reduced side yard setbacks; either 3-feet or 5-feet in width
 - Modified Lots – Lots proposed to be either 32-feet wide or 40-feet wide

Observations:

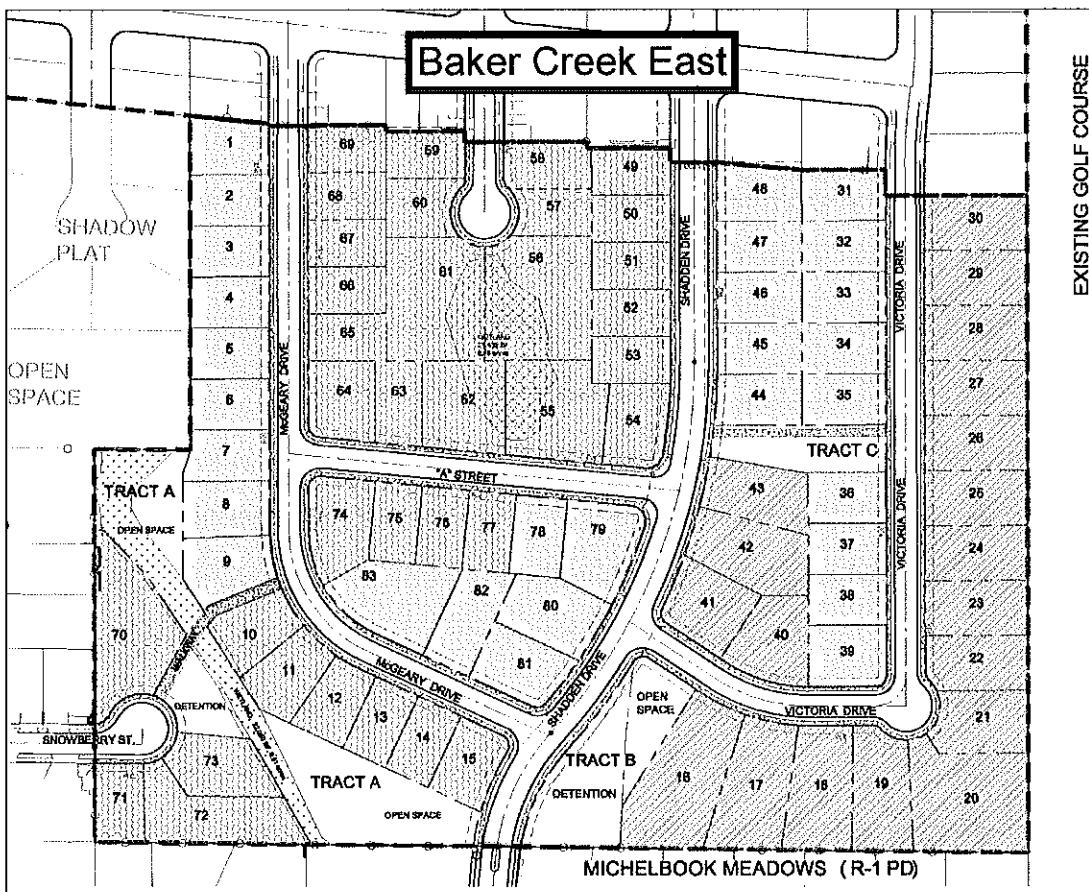
The applicant has provided a detailed narrative and numerous exhibits to support the submitted land use requests. To aid the Commission in review of this material, it is beneficial to initially consider the Baker Creek East (BCE) and Baker Creek West (BCW) portions of this proposal separately. This will allow staff to discuss the design of these two distinct portions of the proposal independently in order to provide additional clarity to the various elements of the proposal. Following this, the discussion of the residential density and Planned Development aspects of the proposal will address the project in total.

Baker Creek East (BCE)

- The applicant proposes the platting of 83 single-family residential lots ranging from 5,536 square feet to 21,051 square feet in size on 23-acres of land yielding an average lot size of approximately 8,567 square feet.

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- The 83 single-family lots are proposed to be one of three styles and are referenced by the applicant as R-1, R-2 Adjusted, and R-3 Adjusted. As noted above and on page 28 of Attachment 3(c), the R-1 lots would meet all minimum requirements of the R-1 zone. Of the 83 proposed single-family lots in BCE, 19 are identified by the applicant as R-1 (23% of the proposed lots in BCE). The applicant states that the proposed R-1 lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-1 lots is approximately 10,927 square feet in size. For comparison, this average lot size exceeds the minimum 9,000 square foot lot size required in the R-1 (Single-Family Residential) zone.

The applicant's submittal also provides that the R-2 Adjusted lots are those lots proposed to be at least 6,463 square feet in size with 7.5-foot side yard setbacks and a minimum lot width of 65 feet. Of the 83 proposed single-family lots in BCE, 29 are identified by the applicant as R-2 Adjusted (35% of the proposed lots in BCE). The applicant states that the proposed R-2 Adjusted lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-2 Adjusted lots is approximately 7,445 square feet in size. For comparison, this average lot size more closely compares to, and is some 445 square feet larger than, the 7,000 square foot minimum lot size required in the R-2 (Single-Family Residential) zone.

On page 28 of Attachment 3(c) the applicant also states that the R-3 Adjusted lots are those lots proposed to be at least 5,536 square feet in size with 5-foot side yard setbacks and having a minimum lot width of 60 feet. Staff notes that the R-3 Adjusted lots having a larger average lot size than that of the R-2 Adjusted lots is mostly due to four of the R-3 Adjusted lots containing a sizable amount of undevelopable wetland area within their boundaries; see lots 55, 56, 61 and 62 on

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Attachment 3(g) in addition to the uniquely configured lots 70 and 72. Of the 83 proposed single-family lots in BCE, 35 are identified by the applicant as R-3 Adjusted (42% of the proposed lots in BCE). The applicant's narrative also states that the proposed R-3 Adjusted lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-3 Adjusted lots is approximately 8,215 square feet in size. For comparison, this average lot size is between the minimum required lot sizes of standard R-1 and R-2 zoned lots.

The average lot size of all residential lots in BCE, combined, is approximately 8,567 square feet in size; about 785 square feet smaller than a minimum sized standard R-1 zoned lot. Due to open space, on-site storm water detention tracts and identified wetland areas, the average residential density 3.61 dwelling units per net acre which is less than the 4.8 dwelling units per net acre that is the maximum residential dwelling unit density for R-1 zoned land; a net acre of land consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets.

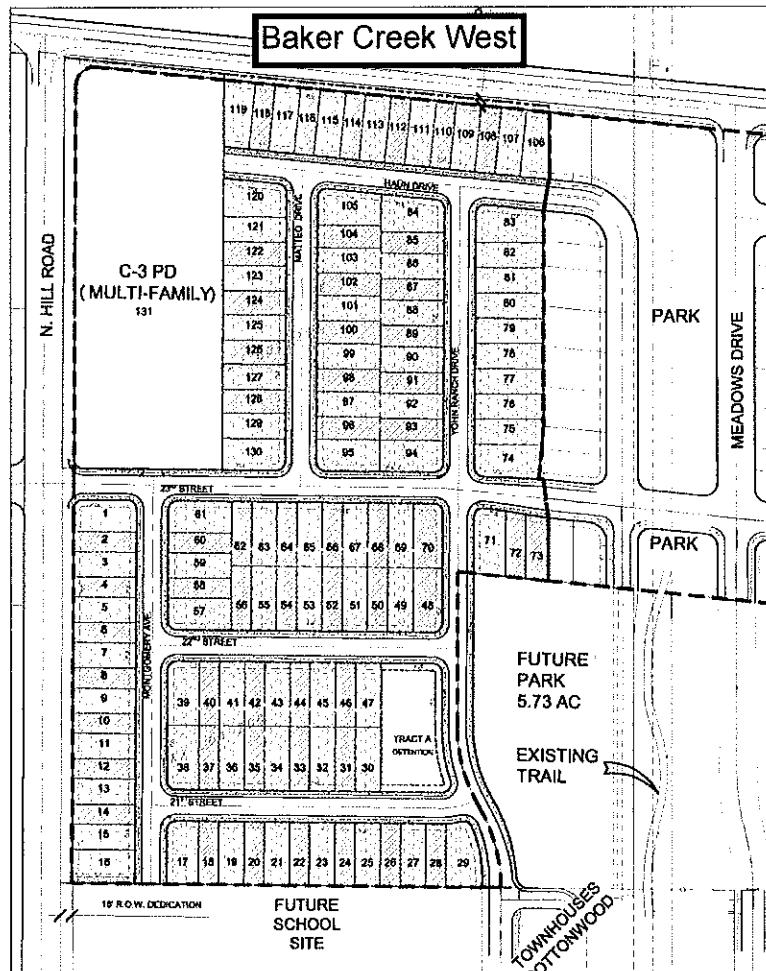
Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGahey Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGahey Drive to Shadden Drive and is identified as "A" Street in the applicant's submittal. Mahala Way and Snowberry Street are proposed to terminate with cul-de-sacs within this portion of the development. All streets would be public streets within BCE and are proposed to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips) with the exception of Shadden Drive which will be developed with a 36-foot wide paved section within a 60-foot right-of-way. In addition, the applicant also proposes three open space tracts and two on-site storm water detention areas. A 15-foot wide pedestrian walkway is proposed to cross near the midsection of the Tract "A" open space area providing a pedestrian connection between the Snowberry Court cul-de-sac and McGahey Drive; Tract "A" also includes a linear wetland area along its western edge. Similarly, Tract "C" also provides a 15-foot wide pedestrian path along its northern edge to connect NW Shadden Drive with NW Victoria Drive. Please refer to Attachments 3(q)-(t) for additional detail.

Baker Creek West (BCW)

- The applicant proposes the platting of 130 single-family residential lots ranging from 3,200 square feet to 6,009 square feet in size with an average lot size of approximately 3,952 square feet; about 1,048 square feet (or 21%) smaller than a minimum sized R-4 single family lot which is 5,000 square feet. Also proposed is a future multiple-family development on a 3.8-acre lot (Lot number 131).

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The 130 single-family lots are proposed to be one of two styles referenced by the applicant as R-3 Modified and R-4 Modified. As noted above and on page 29 of Attachment 3(c), the R-3 Modified lots are those lots proposed to be at least 4,000 square feet in size with 5-foot side yard setbacks and a minimum lot width of 40-feet. Of the 130 proposed single-family lots in BCW, 75 are identified by the applicant as R-3 Modified (58% of the proposed lots in BCW). The applicant states that the proposed R-3 Modified lots would provide a minimum building envelope width of 30 feet. The average lot size of the R-3 Modified lots is approximately 4,358 square feet in size. For comparison, this average lot size is about 1,642 square feet smaller than the 6,000 square foot minimum lot size for a standard single-family lot in the R-3 (medium density) zone and 624 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone.

On page 29 of Attachment 3(c) the applicant also states that the R-4 Modified lots are those lots proposed to be at least 3,200 square feet in size with 3-foot side yard setbacks and having a minimum lot width of 32-feet. Of the 130 proposed single-family lots in BCW, 55 are identified by the applicant as R-4 Modified (42% of the proposed lots in BCW). The applicant's narrative also states that the proposed R-4 Modified lots would provide a minimum building envelope width of 26 feet. The average lot size of the R-4 Modified lots is approximately 3,398 square feet in size. For comparison, this average lot size is about 1,602 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone; or approximately 68% of the size of a 5,000 square foot lot.

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Access to BCW would be provided by the westerly extensions of NW Haun Drive and NW 23 Street and the northerly extension NW Yohn Ranch Drive. New north-south oriented local streets identified by the applicant as Matteo Drive and Montgomery Avenue as well as the creation of new east-west oriented local streets identified by the applicant as NW 21st and NW 22nd Streets are also proposed. NW Haun Drive is proposed to provide access to the northeastern portion of the multiple-family site while NW Montgomery Drive is proposed to provide future access to the northwest portion of the future school site located south of the proposed subdivision. All streets within BCW are proposed to be public streets are constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips). The applicant also proposes one on-site storm water detention area to be located west of NW Yohn Ranch Drive. Please refer to Attachments 3(h)-(p) for additional detail.

Also included in the BCW portion of the site is a 3.8-acre lot identified by the applicant as Phase 3 of this proposal and shown on Attachment 36. This site is zoned C-3 PD (General Commercial, Planned Development) and currently designated for multiple-family development by Ord. No. 4626. It is instructive to note that a companion subdivision tentative plan was also approved by the Commission in 1996 as part of the land use proposal that resulted in the adoption of Ord. No. 4626. That subdivision approval (S 2-96) limited the multiple-family site to a maximum residential density of 20 units per acre. A portion of this subdivision plan was constructed as Shadden Claim 1st and 2nd Additions, but the balance of the tentative plan approval has long since expired. This is relevant context in that the condition of approval of S 2-96 (Subdivision proposal for VJ2 Development approved by the Planning Commission on May 9, 1996) wherein condition of approval number 19 limiting density on the multiple-family site to a maximum density of 20-units per acre has also expired. Although, while that previous condition would have allowed construction of 76 residential units on that site, the applicant proposes construction of only 65 multiple-family units in this current proposal; a reduction of 11 proposed units from the previous approval limit.

General Discussion of Overall Development Proposal

- Essentially, the applicant is requesting approval to modify a twenty-year old partially developed Planned Development tentative subdivision plan with a new tentative subdivision plan on a larger geographic footprint. The following observations are grouped into distinct topics to aid the Commission in its review.

PRELIMINARY NOTES

- Section 17.53.105(A) of the McMinnville Zoning Ordinance states that "the depth of lot shall not ordinarily exceed two times the average width." Of the 130 proposed lots in BCW, all except for perhaps 14 of the lots exceed this standard. While the operative phrase in this standard is "shall not *ordinarily* exceed," staff would contend that, with some 116 of the lots (89% of BCW and 50% of the total development site) exceeding this standard it is, in fact, ordinarily exceeded in the western portion of this proposal. That said, the applicant is proposing an expansion and modification of the existing Planned Development and through this process it is possible for the City to support accommodation of this lot design should the overall development concept successfully meet or exceed the applicable land use policies and approval criteria of a planned development.
- The lots identified as R-1 by the applicant and proposed for BCE meet all applicable minimum requirements for standard R-1 zoned lots with one exception; Lot 22 is shown to be 8,944 square feet in size whereas the minimum lot size for a standard R-1 zoned lot is 9,000 square feet. Staff understands that this was an oversight by the applicant and, in the context of the full application, is inconsequential as the entire development site is proposed for lot size averaging as part of the Planned Development Amendment application.

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- The applicant identifies a total of 58 lots (residences) for the combined Shadden Claim 1st and 2nd Addition subdivisions. While 58 lots were platted, the McMinnville Building Department has accepted a covenant agreement (CA 1-02) for lots identified as 97A and 97B on the recorded 2nd Addition plat and located at the southwest quadrant of the intersection of NW 23rd Street and NW Haun Drive. This agreement essentially holds the two lots together as one and allowed development of the lots with one single-family residence without regard to the common lot line shared by Lots 97A and 97B. The result of the action is that while 58 lots were legally platted by these two subdivisions, only 57 single-family residences were constructed. The effect of this is that, while the applicant's supplemental narrative dated November 4, 2016, notes a total of 336 total residential dwelling units for the expanded planned development area, the number of dwelling units is slightly less at 335 units.
- It was previously stated that wetlands are preliminarily noted on lots 55, 56, 61 and 62 (Attachment 3(g)) of BCE. Prior to platting, a wetland quality assessment will be required to determine if preservation of this area is necessary. If so, a wetland delineation may be required prior to platting to ensure protection and that a usable building footprint remains on each of the affected lots as addressed in recommended condition of approval number 26.

RESIDENTIAL DENSITY

- Due to concerns related to sanitary sewer drainage basin flow capacities, the City Council acted in 1979 to limit the average residential density of McMinnville's west side (west of Hwy 99W, Adams Street, and South Baker Street) to a maximum of six dwelling units per net acre. This residential density limitation remains relevant and in force. Residential densities exceeding the six dwelling units per acre maximum were typically reviewed and approved as part of larger development proposals with overall densities averaging six dwelling units or less over the project site. This west side density limitation is also memorialized in Comprehensive Plan Policy 71.01.

In this current application, the applicant is proposing the platting of 213 single-family residential lots and one 3.8-acre multiple-family residential lot to contain 65 dwelling units on a combined area total of approximately 44.35 acres of land. It is important to note however, that while the applicant has identified the multiple-family site as Lot 131 and Phase 2 of the proposed subdivision tentative plan, the residential density of this site is considered separately from Phase I of the proposed subdivision for the following reasons.

In 1991, the McMinnville City Council voted to legislatively change the comprehensive plan designation of this site, which was five-acres in size at the time, from Residential to Commercial and to change the site's zoning designation from R-1 (Single-Family Residential) to C-3 PD (General Commercial Planned Development (Ord. No. 4506). Subsequently, the 1996 Council approval of Ord. No. 4626 reduced the size of this C-3 PD designated site from five-acres to 3.8 acres. This ordinance also identified these 3.8 acres as a multiple-family phase of the subdivision (S 2-96) that was approved by the Planning Commission the prior month. The tentative phased subdivision plan that was reviewed and approved by the Planning Commission, and subsequently provided to the Council prior to the approval of the companion ordinance (Ord. No. 4626), addresses the density of the single-family portion of the tentative plan separately from the multiple-family site. Similarly, the staff report makes no attempt to address residential dwelling unit density as a calculation relative to the overall development site inclusive of the multiple-family component. Additionally, the associated public meeting minutes do not demonstrate an interest, intent or action to consider the single-family and multiple-family portions of the proposal together as one combined residential density calculation. The land use review history regarding residential density calculations did not, and did not intend to, include the multiple-family component of this development area. Further, the Council's 1991 designation of five-acres at this location as C-3 PD

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allowed for multiple-family development with no unique limitation relative to residential density. Also, as previously indicated the 20-unit per acre residential limitation noted in the S 2-96 approval expired in 1997 as no approval extensions were subsequently requested by the applicant or granted by the City.

- The applicant is now requesting approval to modify Ord. No. 4626 by increasing the size of the planned development area and receive approval for a new tentative residential subdivision plan for the currently undeveloped portion of that site (see Attachment 3(g)). A key factor in considering this request is the resulting residential density.

Material provided by the applicant, dated November 4, 2016 (see Attachment 4), provides a table showing a residential density calculation for the entire expanded Ord. No. 4626 area including the subject site (both single-family and multiple-family areas) and the Shadden Claim, and Shadden Claim 1st and 2nd Addition residential subdivisions. This table indicates that the total area referenced in the residential density calculation is 57.48 acres. The proposed number of dwelling units plus the existing dwelling units in this area is reported as 336 units. This yields an overall residential density of 5.85 dwelling units per acre which is slightly less than the maximum allowable residential density of 6 dwelling units per acre for McMinnville's west side. While this calculation is part of the required density analysis, it is not the whole story. The other important and necessary question regarding density is how the proposed residential density complies with the density allowance of the underlying zones of the proposal (R-1 and C-3).

- As previously noted, Comprehensive Plan Policy 71.01 limits residential density on the west side of McMinnville to an average of six dwelling units per acre. The proposal requests approval of a residential density of 6.38 dwelling units per acre for the single-family portion of the development. Inclusion of the multiple-family portion of the site yields an overall net density of 7.39 dwelling units per acre. The ability to exceed the average of six dwelling units per acre is provided by Policy 79.00 which states in part "The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. [...] Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy."

OPEN SPACE

- As part of the subdivision application form, the applicant indicates that 115,000 square feet (2.64 acres) of park(s)/open space will be provided to serve this development. For clarity, the open spaces the applicant proposes to provide are as follows:
 - Tract "A" - BCW – 22,192 square feet – Storm Water Detention – Attachments 3(i) and (j)
 - Tract "A" - BCE – 58,365 square feet – Open Space (an undetermined portion is identified as Wetlands) – Attachment 3(q)
 - Tract "B" - BCE – 25,193 square feet – Storm Water Detention (an undefined portion of which is identified as Open Space) – Attachments 3(q) and (r)
 - Unlabeled Detention Area - BCE – Square footage not provided – Attachment 3(q)
 - Tract "C" - BCE – 12,130 square feet – Open Space – Attachment 3(r)

Together, these spaces yield somewhere between approximately 12,130 and 74,500 square feet (between 0.28 and 1.7 acres) of open space depending on how much of the areas noted above are identified as either wetlands or storm water detention areas. The resulting balance of the proposed tracts are either wetland or storm water detention areas with the majority being utilized for storm water detention purposes. Additionally, staff observes that the open space portion of Tract "A" within BCE does not abut a public sidewalk and is separated from other access by an area the applicant identifies as wetland.

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It is instructive to note that there is no open space proposed in the BCW portion of the proposal. Rather there is one storm water detention area proposed to be located across Yohn Ranch Drive from the planned public park. In the BCE portion of the proposal it appears that four open space areas are proposed as noted above. The size of three of those spaces however is quite small (estimated to be around 6,500 square feet on average) with one of them being located next to a storm water detention area and the other abutting an established and fence wetland area that is part of the platted Michelbook Meadows residential subdivision.

The applicant's November 4, 2016, supplemental narrative indicates that, in the expanded Planned Development area (BCW, BCE and Shadden Claim 1st and 2nd Additions) there would be a combined 3.69 acres of open space provided for the entire 57.63 acre site; or about 6.4 percent of the total site. However, if the wetland/storm water detention areas are removed from this acreage figure, between 2.25 and 3.23 open space acres, depending on the actual size of the storm water detention facilities, would be provided for the total 57.63 acre site. It is also interesting to note that the 1.98 acres of open space provided as part of the Shadden Claim 2nd Addition subdivision was dedicated to the City in lieu of park System Development Charges (SDCs) and today exists under public ownership as part of the Westside Bicycle and Pedestrian Linear Path. If we were to remove this publically dedicated open space from the total, there remains an allocation of between 0.28 and 1.7 acres of open space for this development proposal.

- The Planning Commission is well aware of the benefits of McMinnville's Westside Linear Park that provide a bicycle and pedestrian system to serve the west side of McMinnville. The northern segment of this greenway continues generally from West 2nd Street northward to Baker Creek Road within, or adjacent to, an existing Bonneville Power Administration (BPA) easement and extends between the BCE and BCW portions of this proposed development. The City recently purchased approximately five-acres of land for development of a future barrier-free neighborhood park located adjacent to the planned extension of Yohn Ranch Drive which forms the west boundary of the park (a distance of about 510 feet). Staff understands that the McMinnville Parks and Recreation Department has been involved in continuing discussions with the applicant to work in a mutually supportive way to coordinate the proposed neighborhood streetscape and elevations with the City's desired parkscape to enable both projects to successfully advance along that street interface. The general location of this developing city park can be seen on Attachment 3(g).

While this planned city park will provided additional needed recreational opportunities and active open space for the public in this part of town, it is important for the Commission to remember that this park is not, and cannot be, relied upon by the applicant in helping to meet their obligation to provide active open spaces for the proposed development as will be addressed further in the Findings portion of this report; this is in similar fashion to vehicle parking stalls located in public parking lots not being relied upon to meet private parking requirements.

STORM WATER DETENTION AREAS

- In comments provided below by the McMinnville Engineering Department, the proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. Of particular note, it appears that the detention and wetland areas identified as Tract "A" of BCE would likely follow the area topography and drain toward the wetland area identified as Tract "A" of the Michelbook Meadows subdivision adjacent to and south of BCE. In this case, additional flow would be directed through that system. The proposed storm water facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat. Conditions of approval are provided by the Engineering department relative to storm water systems and requirements to ensure adequate flow conveyance through the subject site and into surrounding systems.

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PEDESTRIAN CONNECTIONS

- Pedestrian connections in the form of public sidewalks are required as part of public street design standards adopted in the McMinnville Transportation System Plan (TSP, 2010). As noted below, public sidewalks will be required along both sides of all public streets should the proposed tentative subdivision plan be approved. This is an appropriate requirement for much of the development that occurs locally. However when a planned development is proposed an additional level of importance is placed on pedestrian connections.

To point, Comprehensive Plan Policy 77.00 states "the internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways." The pedestrian pathways mentioned here are in addition the public sidewalks mentioned above. Toward this, the applicant notes that 15-foot wide paved pedestrian pathways providing mid-block connections are proposed at Tracts "A" and "C" in BCE (connecting Snowberry Court and McGeary Drive, and Shadden Drive and Victoria Drive, respectively. A similar pathway is also shown within a private easement to be recorded along the southern edge of lot 16 in BCW (see Attachments 3(g), 3(j), 3(s) and 3(t)). The applicant also points out in their November 4, 2016, supplemental narrative that an additional pedestrian connection not shown on the earlier submittal is proposed within and along the eastern edge of the multiple-family lot, adjacent to lot 119 of BCW. This additional pedestrian walkway would connect Haun Drive to Baker Creek Road.

It is clear to staff that the main function of these proposed pedestrian walkways is to provide mid-block connections and thereby enhance pedestrian circulation throughout the neighborhood. The intended purpose of providing these connections within planned development areas however is to tie destination points together. In staff's opinion, this is not occurring within or adjacent to this proposed development. That is not to say that these connections are being avoided by the applicant, rather that neighborhood destination points are just not part of this proposal. Consequently, the only feature to connect to is actually the next street one block away. Another view of this topic is that within the proposed 40.55-acre tentative subdivision plan, there are four proposed pedestrian walkways and they all connect street to street. The only exception to this is found in Tract "C" in BCE that proposes to provide accessible active open space adjacent to the private walkway for a distance of approximately 218 feet and a width of about 45-feet at the east end narrowing to approximately 25 at the western edge; about 7,630 square feet or approximately 0.18 acres. While the pedestrian connections shown in the proposal are appreciated and will provide some benefit to future residents, staff notes that had active usable neighborhood amenities been provided as part of this proposal (i.e., tot lots, covered picnic spaces, etc.), these connections would provide meaningful walkable access to more than just the next street over.

STREETSCAPE

Architectural Street Appeal

- The examples of proposed types of residential front facades provided by the applicant reflect a general garage dominance in the design. These residential examples (Attachment 3(y)) show a general design approach where the garage dominates the front of the house or protrudes forward of the front door which then deemphasizes the importance of the front door and relegates it, at best, to a secondary priority.

It is important to recall that this subdivision review is occurring within the context of a planned development review. While development and density flexibility is potentially achievable through this

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process, additional amenities or features of the development are necessary components of the proposal to justify approval of the request. In this instance, staff does not find evidence in the applicant's submittal that would result in variation in the housing style to create an aesthetically pleasing residential community. Rather, given the examples provided, staff is concerned that the resulting housing design would be garage dominant and lack architectural interest sufficient to achieve designs primarily related to the pedestrian experience. To achieve residential façade designs sufficient to aid in justifying the requested planned development request, staff has drafted a condition of approval requiring that the applicant provide a pattern book of development styles and features to enhance the curb appeal and reduce the potential adjacent duplication of styles to aid in achieving variety and pedestrian orientation to the planned residences.

On-Street Parking

- A typical residential streetscape in McMinnville provides opportunity for on-street parking for additional neighborhood vehicles as well as those of visitors. On average, single-family residential development in McMinnville typically results in a linear distance of around 40-feet between driveway aprons allowing for adequate on-street parking opportunities. Driveway locations often alternate between the right and left sides of residential lots allowing for driveways to be "paired" providing an alternating streetscape throughout the block. At the practical level however, on-street parking opportunities remain a function of lot width; the narrower the lot, the higher percentage of its street frontage will be utilized for the property's driveway apron leaving less street frontage for vehicle parking.

There are local examples of single-family residential development in McMinnville with reduced on-street parking. For example: the Townhomes residential development located along the west side of NW Cypress Street in the Cypress Hills subdivision; and, the Townhomes residential development located along the west side of NW Meadows Drive in the Barclay Heights First Addition subdivision. While on-street parking opportunities are greatly reduced along the street frontage of these lots, ample on-street parking opportunities exist directly across the street from most of these residences due to nearby residences gaining access from other adjacent streets.

The majority of lot widths proposed for the BCW portion of the applicant's submittal generally range from 32 to 40 feet in width. Assuming a one-car garage and single-wide driveway for each of these lots allows, at best, the ability to park one on-street vehicle in front of each residence. The color examples of similar style development for 26 and 30-foot wide dwellings provided by the applicant (Attachment 3(y)) demonstrate the limited on-street parking opportunities for neighborhoods such as the proposed BCW. While the applicant's obligation in this regard is to provide two off-street paved parking spaces for each single-family residence, the City's street standards provide widths to accommodate additional on-street parking for the balance of uses within a typical neighborhood. While the private residential parking standard can be met by the proposal, it is important to note that the proposed design of BCW will eliminate much of the public on-street parking opportunity typically provided by City street design standards. Toward a partial remedy, a condition of approval has been provided to require the adjacent pairing of driveways to create on-street parking opportunities of increased lengths to provide for increase parking opportunities.

Street Trees

- The McMinnville Zoning Ordinance requires that a street trees planting plan be submitted to and reviewed by the Landscape Review Committee as a condition of approval for residential subdivision development. The standards require street tree spacing of between 20 (twenty) and 40 (forty) feet apart dependent on the mature branching width of the approved tree(s). Given the limited street tree planting opportunities provided by the lotting pattern proposed in BCW, the City's opportunity of

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effect the desired tree cover and tree-lined streets will be less than optimal. It is understood that this may be some of the "give and take" mechanism of the Planned Development process, but staff is not clearly seeing an added aesthetic benefit to balance the likely reduction in street tree planting opportunities. That said, the pairing of driveways would provide the opportunity for better space for street trees, which would greatly improve the aesthetic quality of the neighborhood.

REFERRALS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. As of the date this report was written, the following comments had been received:

McMinnville Engineering Department

STREETS

The McMinnville Engineering Department has provided comments relative to the applicant's proposed transportation and street design as follows:

- The western portion of the proposed subdivision is located adjacent to and south of NE Baker Creek Road, adjacent to the Shadden Claim Second Addition subdivision. Baker Creek Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). Per the City's adopted Land Division Ordinance, the cross-section for a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.
- Baker Creek Road adjacent to the proposed subdivision is currently improved with a total of 25' of pavement south of centerline, a planter strip with street trees, and a sidewalk. Thus, no additional improvements to Baker Creek Road will be necessary as part of the subdivision.
- The right-of-way width for Baker Creek Road adjacent to the subdivision is only 30' south of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Baker Creek Road along the subdivision's frontage so that the right-of-way totals 48' south of centerline.
- The western portion of the proposed subdivision is also located adjacent to and east of NE Hill Road. Hill Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). As noted above, as per the City's adopted Land Division Ordinance, the cross-section for a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.
- Hill Road adjacent to the proposed subdivision will be improved by the City as part of the voter approved 2014 Transportation Bond. Thus, no additional improvements to Hill Road will be necessary as part of the subdivision.
- The right-of-way width for Hill Road adjacent to the subdivision is only 30' east of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Hill Road along the subdivision's frontage so that the right-of-way totals 48' east of centerline.

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- No direct access from the proposed subdivision lots will be allowed to Hill Road or to Baker Creek Road.
- As proposed, all of the interior streets, except Shadden Drive, in the subdivision will be constructed to the Local Residential street standard included in the City's Land Division Ordinance, including a 28-foot-wide paved section with curb and gutter, five-foot-wide curbside park strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way.
- The proposed cul-de-sacs at the east end of Snowberry Street and the south end of Mahala Way shall be constructed to meet the requirements of the McMinnville Fire Department.
- As proposed, Shadden Drive will be extended to the south to connect to Cottonwood Drive. The proposed improvements will match the existing width of Shadden Drive, including a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
- Street profiles were not included with the subdivision application materials. Staff would note that the street grades and profiles shall be designed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be designed to meet PROWAG requirements (diagonal ramps are not allowed). Additionally, parking will be restricted at all street intersections, in conformance with the Land Division Ordinance standards.

SANITARY SEWER

The McMinnville Engineering Department has provided comments related to the sanitary sewer system as follows:

- The proposed plans indicate that existing sanitary mainlines will be extended throughout the proposed development to serve all proposed lots. The sanitary sewer mainlines shall be designed to facilitate the extension of service to adjacent properties within the City's Urban Growth Boundary, as appropriate.

STORM DRAINAGE

The McMinnville Engineering Department has provided comments related to the storm drainage system as follows:

- The existing topography of the site is such that most of the site area naturally drains to the east or to the southeast.
- The proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. The facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat.
- The City will maintain all public storm facilities within the proposed detention tracts. The final subdivision plans shall incorporate access for maintenance to all public storm facilities, including any proposed overflow weirs.

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McMinnville Water & Light

An extension agreement is required for provision of water and electric services to the site which shall include: Development fees, engineered/approved drawings, etc. Contact McMinnville Water & Light for details.

McMinnville Parks Department

In an email provided on February 9, 2017, the McMinnville Parks Director stated that because the City purchased and now owns and maintains the Roma Sitton greenway (landscaped greenway previously developed by VJ-2 Development within the BPA easement between 23rd and Baker Creek Rd.) as well as the additional easement property (now landscaped) within the Shadden neighborhood south of 23rd, the agreement for continued maintenance of greenway/park spaces by VJ-2 or the homeowners association is no longer pertinent. Therefore it probably should be removed from the record as discussed with Ron Pomeroy this morning.

Discussion:

At their meeting on January 19, 2017, the Planning Commission closed the public hearing but kept the written record open until 5:00 pm, February 2, 2017.

Written Testimony received by the McMinnville Planning Department between Friday, January 20, 2017 and 5:00 p.m., Thursday, February 2, 2017.

- Email – Susan Dirks, January 20, 2017 (Attachment 25)
- Letter – Patty O’Leary, dated January 23, 2017, and received by the Planning Department via email on January 23, 2017 and hand delivered on January 27, 2017 (Attachment 26)
- Letter – David and Carol StLouis, dated January 26, 2017, and received by the Planning Department on January 26, 2017 (Attachment 27)
- Letter – Gene and Deanna White, dated January 25, 2017, and received by the Planning Department on January 27, 2017 (Attachment 28)
- Email – Ray Fields, January 30, 2017 (Attachment 29)
- Letter – Patty O’Leary, dated January 30, 2017, and received by the Planning Department on January 30, 2017 (Attachment 30)
- Letter – The Hayes Family, dated February 2, 2017, and received by the Planning Department on February 2, 2017 (Attachment 31)
- Letter – Renee Carr, undated, and received by the Planning Department on February 2, 2017 (Attachment 32)

The Applicant, Baker Creek Development, LLC, had seven days to prepare a rebuttal to the written testimony received after the Planning Commission closed the public hearing. They provided that rebuttal via email after 5:00 pm on February 6, 2017, and elected to waive the rest of their seven-day rebuttal period.

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Applicant's written response testimony provided on February 6, 2017.

- Email – Morgan Will, Stafford Land Company, LLC, dated February 6, 2017, and received by the Planning Department on February 7, 2017 (Attachment 33).

Applicant's written response testimony provided on February 7, 2017.

- Email – Morgan Will, Stafford Land Company, LLC, dated February 7, 2017, and received by the Planning Department on February 7, 2017 (Attachment 34).
- Email – Morgan Will, Stafford Land Company, LLC, dated February 7, 2017, and received by the Planning Department on February 7, 2017 (Attachment 35).
- Email – Morgan Will, Stafford Land Company, LLC, dated February 7, 2017, and received by the Planning Department on February 7, 2017 (Attachment 36).

Summary of Public Written Testimony Comments:

Much of the written testimony received since this proposal's January 19, 2017, public hearing is similar to that previously submitted and addressed on pages 17 through 27 of the January 19, 2017, staff report. However, there remain a few recurrent themes and some new opinion which staff will address that may prove beneficial for the Commission in their deliberation.

Public Safety, Police and Crime:

- The Hayes Family (Attachment 31) asserts that the McMinnville Planning Department staff has performed in a dismissive and irresponsible manner specific to the McMinnville Police Department. This issue was raised in previous testimony and a response was provided on page 3 of the January 19, 2017, supplemental staff memo with additional information detailing the City's process to invite inter-departmental participation on land use reviews also provided on page 21 of the January 19, 2017, Staff Report. However, in the recent letter submitted by the Hayes Family (Attachment 31) they state that their "questions and concerns were not truly addressed by your department's reply."

Response: Land-use decisions, by law, need to be made based upon specific criteria and principles that are in the Oregon Revised Statutes governing the state land-use program, the local comprehensive plan and policies and the local zoning ordinance. These governing principles and criteria are developed through a public process and adopted by the City Council. Any land-use approval or denial needs to be based upon whether or not the land-use application complies with these adopted covenants. With that said, the City of McMinnville makes a concerted effort to engage all interested partners and city departments for comments when reviewing land-use applications. Even if a department's comments are not relevant to the governing criteria for the land-use decision they are provided with the land-use staff report as part of the public record so that the planning commission and city council can evaluate any concerns or trends that are emerging that are not being captured with the existing McMinnville Comprehensive Plan policies and goals, and the Zoning Ordinance. A complete copy of the Baker Creek Development proposal, including all maps, diagrams and text, was provided to the McMinnville Police Department for their review on September 29, 2017, followed by a 29 day review and comment period ending on October 28, 2017. While standard inter-departmental comment periods are 10 (ten) days, City departments were each provided 29 days in this instance to provide as much time as possible to review the material and reach their determinations. The Police Department did not provide any comments or concerns associated with this land-use application.

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- Other public safety related concerns generally either draw a relationship between renters and an increased incidence of crime, or claim a relationship between higher residential density/smaller lots and an increased incidence of crime. In no case was statistical actionable evidence provided in this record to substantiate either of these opinions. With the lack of factual data being entered into the record to support these concerns, and with no comment from the McMinnville Police Department raising these or similar issues, there is no legal basis for the Planning Commission to deny the land-use applications based upon these opinions and feelings. Additionally, the City's Zoning Ordinance does not determine whether a house built in the city is used as a rental property or is owner-occupied. Land-use decisions are specific to how the land is divided and developed and not a subjective application of social justice ideology.

Planned Development and Density Averaging:

Written testimony provided by a number of parties that relate, in part, to matters of residential density and, specifically, the density on only a portion of the proposed planned development area (Attachments 25, 27 and 30).

Specifically, in Attachment 25, Susan Dirks states, in part:

"I understand that the approval process and the rules governing changes to the Comprehensive Plan permit the applicant to calculate the average density per acre for two separate tracts and to apply that average to the entire project. But the result is mathematical sleight-of-hand and does not reflect reality. Once constructed, the houses and apartments in the Baker Creek West (BCW) tract will still have a density higher than 7 units per acre."

In Attachment 27, David and Carol StLouis state, in part:

"We don't believe anyone is saying that future development should not occur at a higher density. However the magnitude of the proposed medium density BCW single-family development and its 32-foot lots and six-foot setbacks appears to go far beyond what the city needs in terms of higher density and affordable housing on the west side."

Also,

"The proposed BCW development is clearly an urban development in the midst of an existing suburban development [...]"

In Attachment 30, Patty O'Leary states, in part:

"And the BCW section of the development is what is creating the most concern with the density concessions that have been requested."

Since the applicant's land-use application is utilizing McMinnville's Comprehensive Plan policies and Planned Development Zoning Ordinance to meet density criteria, it may be beneficial to provide a brief discussion of McMinnville Planned Development zoning designation as a land use tool and its relevance to this application.

- Section 17.51.010 of the McMinnville Zoning Ordinance states, in part:

"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."

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In a neighborhood that has been granted Planned Development approval by the City Council, it is common to expect and find that numerous elements of that neighborhood will be different than a development required to strictly adhere to all of the base requirements of that zone. Typical modifications that have been approved through McMinnville's Planned Development process (of which there are over 325) include variations to, or elimination of, setbacks, increases or decreases of allowable building heights, reductions in minimum lot sizes, permitting uses not otherwise allowed in the base zone, limitation of hours of operation, and architectural design requirements. However, one of the most common uses of the Planned Development process is for the Council to be able to allow density averaging. The Council's ability to allow the averaging of residential densities provides a means to achieve a mix of housing types and densities that would otherwise not be achieved in a given area. The McMinnville Comprehensive Plan is clear in its policies to encourage a mixture of housing types in neighborhoods so that McMinnville can provide a number of different types of housing for residents. A Planned Development allows City Council to consider a mix of housing types in a neighborhood that are integrated and connected with key elements such as pathways and open spaces. Most of the apartment complexes constructed on McMinnville's west side exist in single-family residential zones as part of a Planned Development project.

Density averaging through the Planned Development process works and complies with density requirements as long as the Planned Development site remains considered as a whole. For example, if a Planned Development area was 20-acres in size and received approval for 120 dwelling units, they may be constructed as any configuration of townhouses, apartments or single-family homes. But, if townhomes or apartments were constructed and someone looked only at that part of the development, the density would be too high and they would not be approved on their own. Regarding density, the Planned Development process requires that you look at the entire Planned Development area as a whole and not disconnect its pieces. Separating a Planned Development area into distinct pieces to consider density dismantles the land use tool and runs counter to its purpose.

Baker Creek Development, LLC has requested to amend an existing Planned Development by expanding its boundaries, and be allowed to apply density averaging within that area to construct housing of different types, at different price points, and on lots of different sizes in. This request fits within the purpose statement of a Planned Development overlay and implements the associated Comprehensive Plan Policies that guide medium and higher residential density locations in McMinnville. Detailed analysis of the Planned Development review criteria as well as associated Comprehensive Plan Policies and Zoning standards and requirements are provided in the January 19, 2017, Staff Report on pages 9 – 16, and on pages 9 – 29 of Exhibit A, the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings document ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion.

Clarification of Historic Land Use Actions Relative to the Subject Site:

- There remains confusion regarding the multiple Planning Commission and City Council land use actions associated with the subject site that occurred over the last twenty-six years (since 1991). A number of those approvals were nullified through failed voter annexation requests and have no bearing on the current proposal and will not be addressed here. Portions of this 26-year history are discussed in recent testimony provided by Ms. O'Leary (Attachment 26) and are addressed by staff below to provide clarity:
 - Ms. O'Leary's testimony provides a graphic with a hand drawn arrow and notation indicating that tax lot 200 is located south of the commercially designated land area (identified with the number

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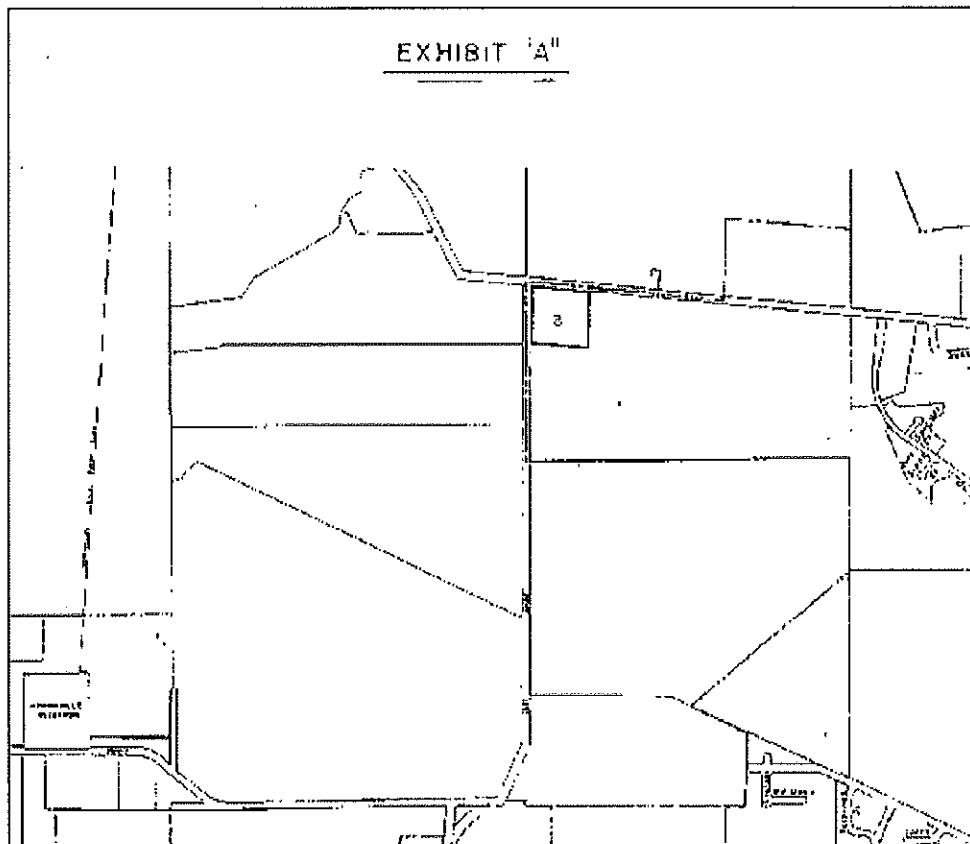
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"3)." This graphic demonstrates Ms. O'Leary's position that the Council's commercially designated corner is not part of tax lot 200. The effect of this opinion is that Ordinance 4626 (adopted in 1996) then does not apply to the commercially designated portion of the applicant's site. Ms. O'Leary then offers that perhaps staff has made a "leap" (Attachment 26, page 3) to apply a C-3 PD designation to this corner acreage based on a Conditional Use provision that would allow multiple-family development in the General Commercial zone to exceed the standard height limitation if the development is located in the downtown core defined as that area bounded by First Street, Fifth Street, Adams Street and Johnson Street (McMinnville Zoning Ordinance Section 17.33.030(F)(5)); this same provision is also found in Section 17.21.020(L) of the R-4 Multiple-Family zone.

- o Additional information is provided regarding different building heights allowed for commercial development in the C-3 zone, and by Ordinances 4128 (adopted in 1981), 3380 (adopted in 1968) and 4506 (adopted in 1991) as referenced on page 3 of Attachment 26. This testimony submittals ends with the statement:

"It would be a shame if we end up with a residential equivalent of the dump through inaccurate planning interpretations."

- o Ordinance 4506 was approved by the City Council in 1991 for the purpose of modifying the Comprehensive Plan map and Zoning map relative to 85 (eighty five) specific locations within the McMinnville city limits. Some of those locations were entire platted parcels (or lots) while some were merely portions of platted parcels or lots. Section 2 of Ordinance 4506 states that "parcel" 3 was rezoned from AH PD (Agricultural Holding Planned Development) to C-3 PD (General Commercial Planned Development). A graphic from Ordinance 4506 depicting the configuration and location of "parcel 3" at the southeast quadrant of the intersection of NW Hill and Baker Creek Roads is provided below.



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- Section 1 of Ordinance 4506 (adopted December 10, 1991) states "That the City's Comprehensive Plan Map shall be amended as follows:" Subsection (a) of Section 1, "That parcels 1, 2, and 3 as shown on Exhibit "A," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation." This means that the land area identified with the number 3 (as can be seen on the graphic provided above) was designated as Commercial on the City's Comprehensive Plan Map by the Council's approval of Ordinance 4506. McMinnville's current Comprehensive Plan Map continues to identify that same area as Commercial.

Continuing on to Section 2 of Ordinance 4506 it is states "That parcels 1, 2, and 3 as shown on Exhibit "A" are hereby rezoned from AH PD (Agricultural Holding Planned Development) to C-3 PD (General Commercial Planned Development). From R-1 PD (Single-Family Planned Development) to C-3 PD (General Commercial Planned Development). And from R-1 (Single-Family Residential) to C-3 PD (General Commercial Planned Development), respectively, subject to the following conditions:". This means that the same area identified as parcel 3 was designated as C-3 PD (General Commercial Planned Development) on the City's Zoning Map by the Council's approval of Ordinance 4506.

Regarding the conditions stipulated by Section 2 of Ordinance 4506, there are nine (9) subsections addressing a range of concerns including hours of commercial operation, temporary display and sales of merchandise, commercial signage and, perhaps most pertinent to the Baker Creek Development land use application, subsection (d) states: "No building shall exceed the height of 35 feet."

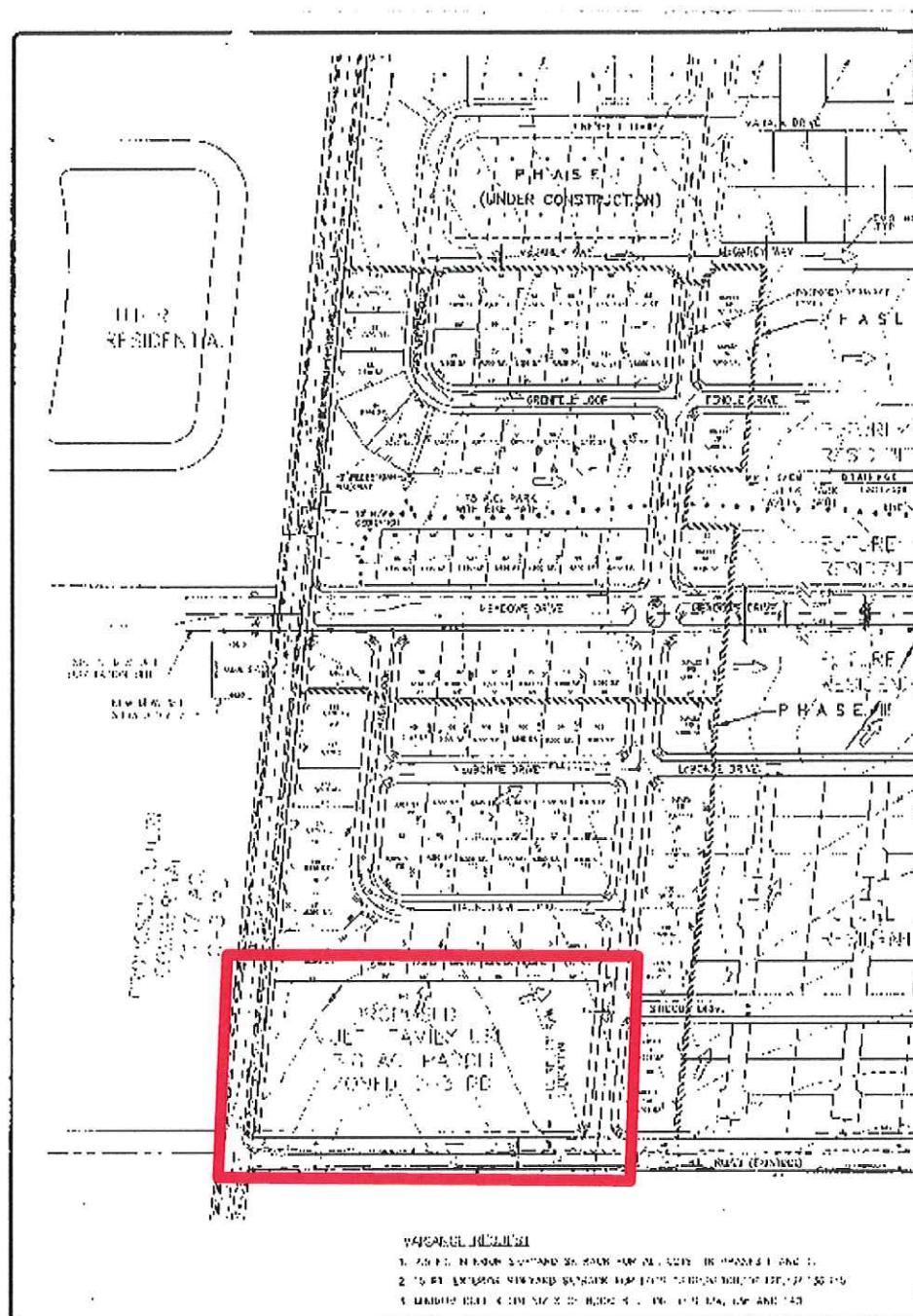
The 1991 usage of the word "parcel" in Ordinance 4506 is a misnomer. The five acres graphically identified as "parcel 3" in the ordinance is not a legal property parcel but a conceptual parcel for zoning purposes with the legal parcel being the larger tax lot identified as R4418-00200 on the Yamhill County tax maps. It is instructive to note that the Council's adoption of Ordinance 4506 approved no action to partition any of the 88 separate property locations identified in the ordinance or to adjust any associated property lines. The Council's adoption of this ordinance created a dual zoned parcel (R4418-00200) carrying both an R-1 zone and a C-3 PD zone.

Ordinance 4626 (adopted in 1996) identifies the subject site as R4418-00200 and, in part, amended the five-acre commercially designated portion of tax lot 200 by redesignating 1.2-acres of that land to R-1 PD zoning leaving 3.8-acres of that land zoned C-3 PD. This 3.8-acre C-3 PD zoned area of land located at the corner of NW Hill and Baker Creek Roads is the same as currently exists today and is part of the development proposal currently before you.

Section 3 of Ordinance 4626 contained six (6) conditions of approval. Specific to this discussion is condition of approval number 2 which states: "That site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of an building permits for said units. The multiple-family project(s) must be nonlinear in design and parking lots must be broken up by landscaping. In addition, useable open space shall be provided within the development, and streetside landscaping shall be emphasized." The master plan that was reviewed and approved by adoption of Ordinance 4626 identifies the location of the 3.8-acre C-3 PD site and its proposed use for multiple-family development as is identified by the graphic below; staff apologizes for the poor quality of the graphic but this is the best reproduction that could be obtained. The multiple-family portion of the approved master plan can be seen as the rectangularly shaped area located in the bottom left corner of the graphic and geographically situated at the southeast quadrant of the intersection of NW Hill and Baker Creek Roads. For additional orientation of this graphic, north is located to the left side the image.

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With the platting of Shadden Claim 1st and 2nd Addition residential subdivisions that followed, the original parent parcel (R4418-00200) became reduced in size resulting in the 13.49-acre vacant parcel that exists today. This parcel, now referenced as R4418-00203 (tax lot 203), still retains the same 3.8-acre commercially zoned area that was created through adoption of Ordinance 4626.

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Multiple-family building height

- The 35-foot building height limitation noted in Ordinance 4506 reflected the idea, as did the other design-related conditions of Section 2 of that ordinance, that this commercially designated area would be developed with commercial use(s). With the later adoption of Ordinance 4626 (in 1996) this smaller yet still commercially designated site was approved for multiple-family development but the 35-foot height limitation was not amended. Staff errantly referenced a maximum building height of 65 feet in the January 2017 Staff Report. Baker Creek Development, LLC, has since requested a maximum building height or 45 feet for the multiple family buildings to be constructed on their C-3 PD zoned land (Attachment 34). As justification for amending the 35-foot maximum building height limitation of Ordinance 4506 was not provided by the applicant, staff does not find justification for recommending an amendment to that condition. Condition of Approval number 2 regarding ZC 1-16/ZC 2-16 has been amended to reflect a maximum building height of 35 feet.

Proximity to Commercial Development

- There has been a concern voiced that there are no nearby commercial opportunities to serve this residential area. On October 8, 1996, the McMinnville City Council adopted Ordinance 4633 that designated 12.34 acres of land located at the northeast quadrant of the intersection Hill and Baker Creek Roads exclusively for commercial use. This commercial designation is located directly north of and across Baker Creek Road from the proposed BCW. This commercial designation has also been shown on the City's Comprehensive Plan Map for twenty-one years (since 1996).

Adequacy of open space

- Some of the testimony expressed concerns about the amount of open space in the planned development amendment. General observations of open spaces within this proposal were provided by staff on pages 11 and 12 of the January 19, 2017 Staff Report with specific findings provided in the Land-use Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion.

Additionally, Condition of Approval number four requires a 6,000 minimum square foot tot-lot be centrally located within BCW and not located with the multiple-family site.

Should the City be Party to Private CC&Rs?

- Since the land-use decision requires open space maintenance that will need to be the responsibility of the home owner's association, the city wants to ensure that the home owner's association will not disband and abdicate their responsibility to the city. A condition of approval was written to make the city a party to the CC&R's. After this was expressed as a concern at the public hearing on January 19, 2017, staff engaged legal counsel again to review the language and the concerns expressed. Condition of Approval number 38 has been revised to reflect new language to address the concerns heard at the public hearing but still achieve the intent of the city.

Summary of Applicant's Written Rebuttal:

Baker Creek Development, LLC provided a written rebuttal to the public testimony comments that the City of McMinnville received via email on February 6, 2017, after 5:00 pm. (Attachment 33)

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Setbacks

The applicant's rebuttal testimony draws comparisons between the currently proposed setbacks and those of some other residential subdivisions. While staff concurs with most of the comparisons, a couple of additional observations are offered. Specifically, the applicant notes that the interior minimum side yard setback for residential lots in the Shadden Claim subdivision are 7.5 feet in width, this is actually true only for lots 36 through 68. So, while the 7.5-foot interior side yard setback is accurate for those 34 lots, a minimum ten foot wide interior side yard setback applies to the remaining 32 lots. Additionally, the applicant notes that the required exterior side yard setback for corner lots in the Cottonwood subdivision is a minimum of 15-feet in width, the subdivision approval actually calls for a 20-foot minimum. Although these two statements needed to be addressed, staff contends that these differences do not substantially alter the applicant's narrative, the appropriateness of the development proposal before you, or the sense of community that would be experienced by the public should this request be approved.

Shadden Claim 2nd Addition Lot 97A

The applicant draws a comparison between the proposed 3,716 square foot Lot 73 of BCW and the two adjacent similarly sized single-family attached lots sizes in Shadden Claim 2nd Addition. The applicant's size comparison is essentially correct except that in 2002, the owner of those two platted lots in the Shadden Claim 2nd Addition residential subdivision the subject of a covenant agreement (CA 1-02) filed with the McMinnville Building Department that, from then on, considers those two lots as one for building purposes. These two lots were then developed with one single-family residential dwelling and function as one platted lot for development purposes. Again, while staff felt compelled to note this discrepancy, this does not effectively alter the merits of the proposal before you.

Amended Conditions of Approval Recommended:

Since the public hearing on January 19, 2017, staff has responded to some of the concerns raised by the public testimony and the applicant with the following recommended amendments to the Conditions of Approval.

Text to be deleted is identified with a **bold strikeout** font and text to be added is identified with a **bold underlined** font.]

2. **That per the applicant's proposal, the 3.8-acres of land zoned C-3 PD shall be limited to a multi-family unit complex of no more than 65 dwelling units and any supportive services deemed appropriate to serve the multi-family complex. That** Site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. **The approximately 3.8 acres multiple-family site shall be limited to no more than 65 dwelling units.** The multi-family buildings shall be no more than **6535** feet in height and must be nonlinear in design and parking lots must be broken up by landscaping. Prior to the release of building permits, a landscape plan for a minimum of 25 percent of the multi-family site shall be provided to the Landscape Review Committee for review and approval. In addition, useable open space and a paved pedestrian connection to Baker Creek Road located near the east edge of this site shall be provided within the development, and streetside landscaping shall be emphasized.
4. That one private Mini-Park/Playlot be provided in BCW to serve this portion of the proposed neighborhood. This Mini-Park/Playlot shall be a minimum of 6,000 square feet in size and maintained by the Homeowners Association. **This Mini-Park/Playlot shall be located between lots 123 and 124 of Baker Creek West (BCW) as shown on the applicant's phasing plan (Attachment 36).**

Attachments:

ZC 1-16/ZC 2-16/S 3-16 Decision, Conditions of Approval, Findings of Fact, Conclusionary Findings

7. That, as the Shadden Claim 1st and 2nd Addition residential subdivisions were constructed according to the conditions stipulated in Ord. No. 4626, those same conditions are incorporated in this approval and remain in full force and effect for those two completed subdivision phases:
- A. That the conceptual plan for that portion of the subject site not included in the tentative subdivision plan shall not be binding on the City.
 - B. That the minimum interior side yard setback shall be 7.5 feet.
 - C. That duplexes shall be allowed on corner lots 134, 136, and 140 with a minimum lot size of 8,000 square feet.
 - D. That the exterior side yard setback for lots 68, 69, 96, 108, 109, 120, 134, 136, and 140 shall be a minimum of 15 feet.
 - E. ~~That VJ-2 Company dedicate to the City of McMinnville the parkland as designated on the tentative plan for Shadden Claim, First Addition. VJ-2 Company shall submit to the City for review and approval a detailed design plan for the development of the proposed parkland. At a minimum the park design plan shall include grading, drainage, lighting and irrigation system information, proposed landscaping, and path location and construction details. The improvement and maintenance of the parkland shall be the responsibility of VJ-2 Company and their successors in interest in the Shadden Claim development. VJ-2 Company shall enter into an agreement with the City of McMinnville setting out the terms and provisions of the improvement and maintenance responsibilities for the parkland. Said agreement shall be prepared by the City Attorney. The City shall also be authorized to improve and maintain the parkland if VJ-2 Company or its successors in interest fail to do so and to levy a lien against each and every lot within this subdivision for said costs and to record these liens in the City's Docket of Liens.~~
38. That documents creating a ~~Homeowner's Association~~ for the subdivision, and assigning to it maintenance responsibilities of any common ownership features, must be submitted to and approved by the Planning Director. In order to assure that the Homeowners Association maintains and repairs any needed improvements, including landscaping of common areas and the planter strips between the subdivision fence line and the public streets, ~~the applicant shall make the City of McMinnville a party to the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director.~~ The CC&Rs shall be reviewed and subject to City approval prior to final plat approval.
43. That plat phasing, ~~described as the single-family residential development as Phase I and the multiple-family development as Phase II, is approved. Is as depicted on the applicant's submittal listed as Attachment 36 of the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion and generally described as:~~
- a. ~~Phase 1 – All land south of and including the northern row of lots adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW).~~
 - b. ~~Phase 2 – All land east of and including the western row of lots located along the west edge of Shadden Drive of Baker Creek East (BCE).~~
 - c. ~~Phase 3 – The northern balance of BCW inclusive of the C-3 PD zoned land.~~
 - d. ~~Phase 4 – The western balance of BCE.~~

This four-phase development plan shall be valid for a period of five years from the date of this approval. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the 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 Planning 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.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

ZC 1-16 and ZC 2-16

The Planning Department recommends the Commission make the following motion recommending approval of ZC 1-16 and ZC 2-16 to the City Council:

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 ZC 1-16 AND ZC 2-16 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

S 3-16

The Planning Department recommends the Commission make the following motion for approval of S 3-16:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES S 3-16 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

RP:sjs

Attachments:

ZC 1-16/ZC 2-16/S 3-16 Decision, Conditions of Approval, Findings of Fact, Conclusionary Findings

Amended February 15, 2017



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

503-434-7311
www.mcminnvilleoregon.gov

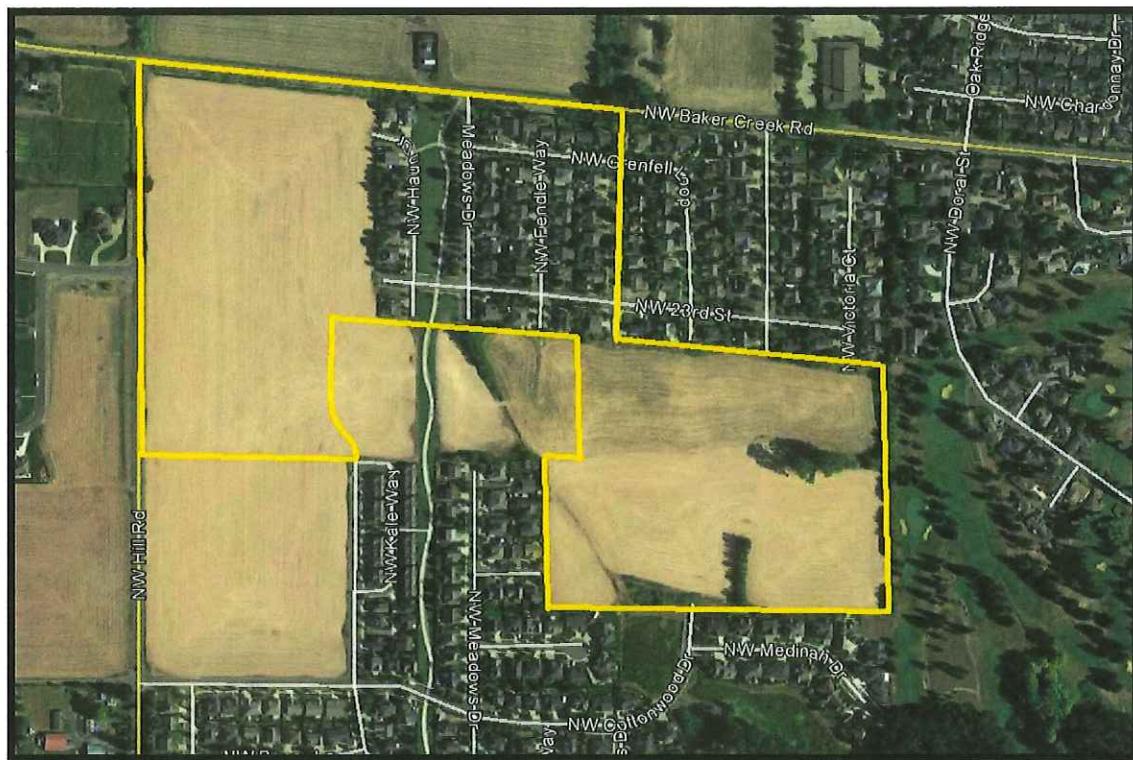
DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE BAKER CREEK DEVELOPMENT FOR APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT, ZONE CHANGE AND TENTATIVE RESIDENTIAL SUBDIVISION PLAN.

DOCKET: ZC 1-16, ZC 2-16 & S 3-16

REQUEST: The applicant has submitted a proposal comprised of three land use requests: a zone change request, a planned development amendment request, and a tentative residential subdivision plan. A brief description of each request follows:

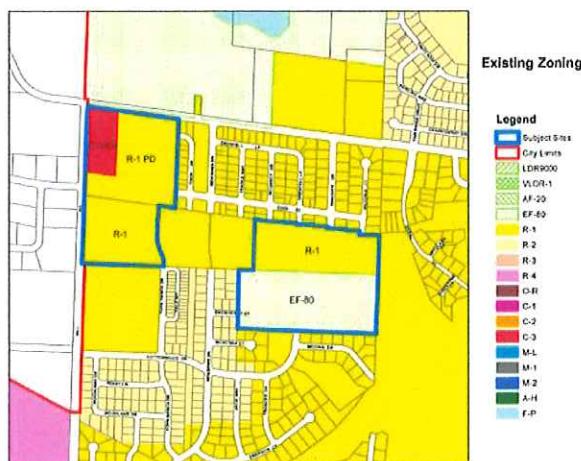
1. **Zone Change** - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):
The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.6 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD. These zone changes are proposed, essentially, to apply a common zone to the area proposed for single-family residential development.
2. **Planned Development Amendment** –
Amendment of ORD No. 4626 (ZC 2-16):
The applicant is proposing to amend the existing planned development ordinance that currently governs a portion of the area proposed for residential development in a number of ways including: 1) Expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above; 2) lot size averaging over the area proposed to be governed by ORD No. 4626; 3) a reduction in the front yard setback for certain lots from 20 to 15 feet; 4) a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, 5) a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.
3. **Tentative Subdivision** (S 3-16):
The applicant is requesting approval of a tentative phased subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes on lots ranging in size from 3,200 to 21,051 square feet in size and one multiple-family lot approximately 3.8 acres in size to accommodate 65 multiple-family dwellings. In addition, four open space tracts are proposed as well as three storm water detention sites.

LOCATION: The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

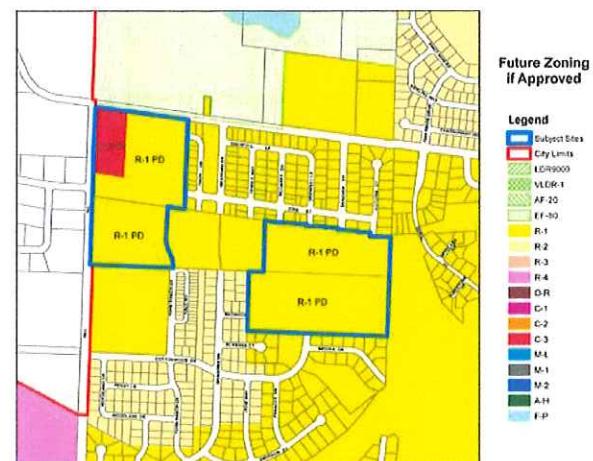


ZONING: The subject site's current zoning is C-3 PD, R-1, R-1 PD, EF-80.

Current Zoning



Requested Zoning



APPLICANT: Baker Creek Development, LLC

STAFF: Ron Pomeroy, Principal Planner

S 3-16

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: November 17, 2016, December 15, 2016, January 19, 2017 and February 16, 2017. Meetings held at the Civic Hall, 200 NE 2nd Street, McMinnville Oregon

ZC 1-16/ZC 2-16

HEARINGS BODY: McMinnville Planning Commission, McMinnville City Council

DATE & TIME: Planning Commission meetings November 17, 2016, December 15, 2016, January 19, 2017 and February 16, 2017. City Council meeting March 14, 2017. Meetings held at the Civic Hall, 200 NE 2nd Street, McMinnville Oregon

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Zone Changes (ZC 1-16, ZC 2-16) to the McMinnville City Council and approves the Tentative Subdivision Plan (S 3-16) for Baker Creek Development **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

City Council: _____ Date: _____
Scott Hill, Mayor of McMinnville

Planning Commission: _____ Date: _____
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: _____ Date: _____
Heather Richards, Planning Director

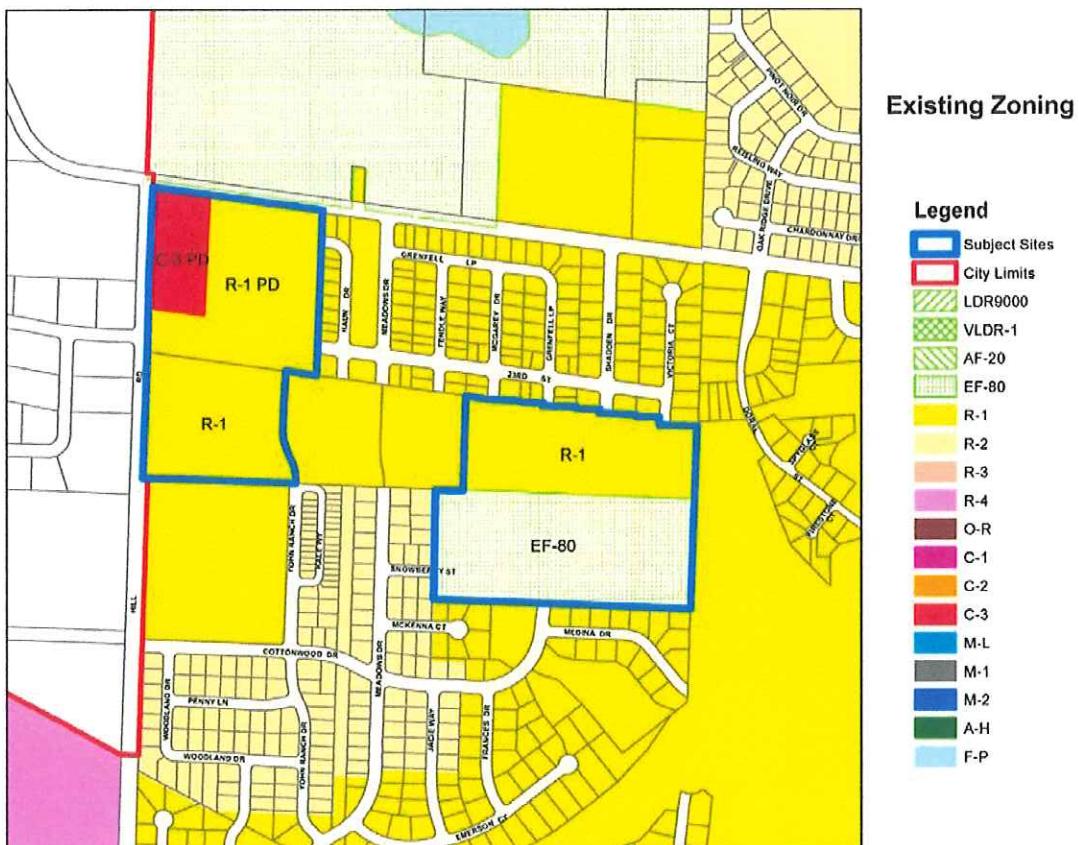
Application Summary:

- The applicant has submitted a proposal comprised of three land use requests: a zone change request, a planned development amendment request, and a tentative residential subdivision plan. A brief description of each request follows:

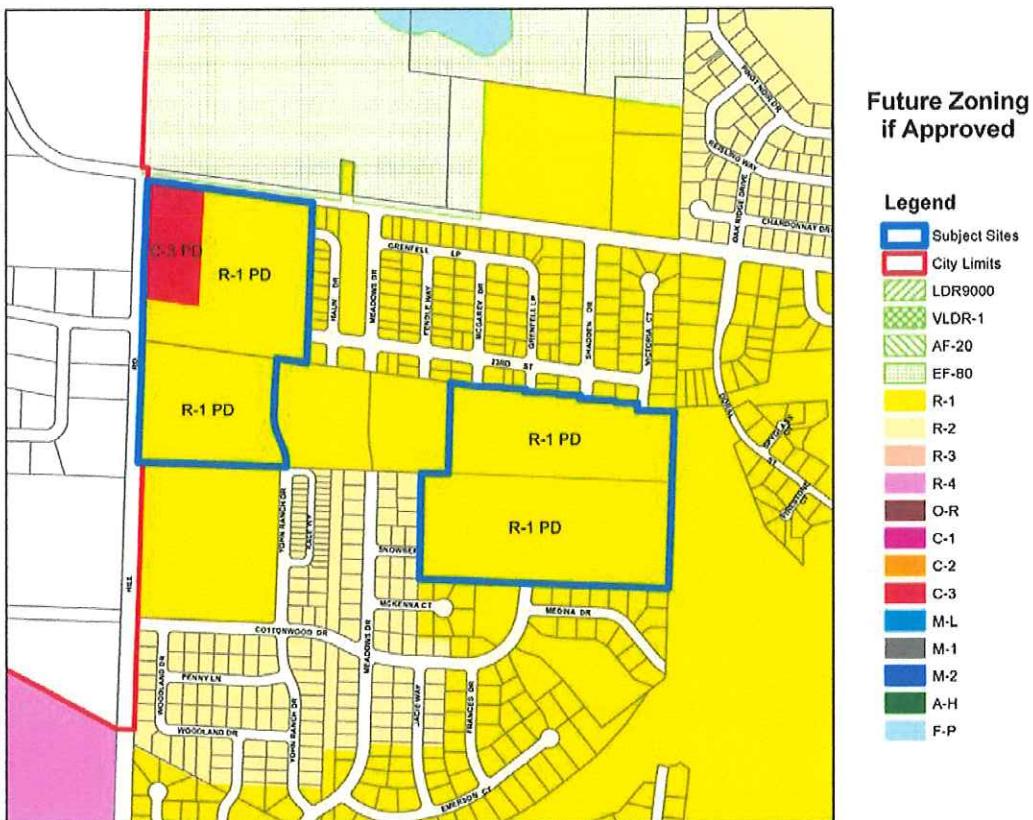
- Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):**

The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.6 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD.

Current Zoning



Future Zoning if approved

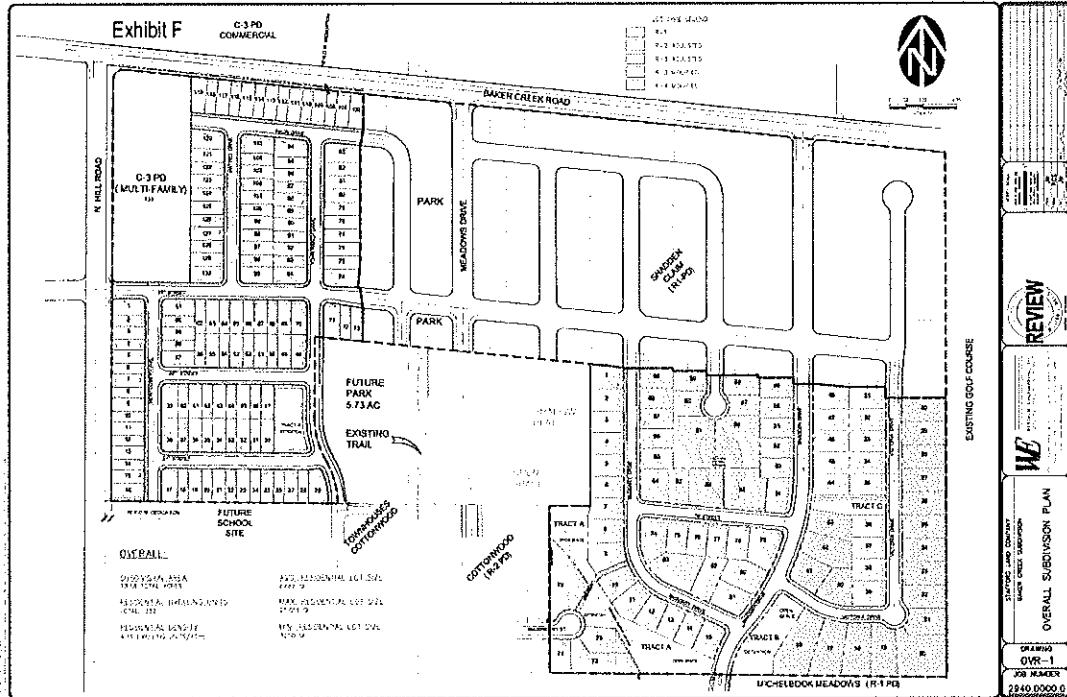


2. Planned Development Amendment – (ZC 2-16):

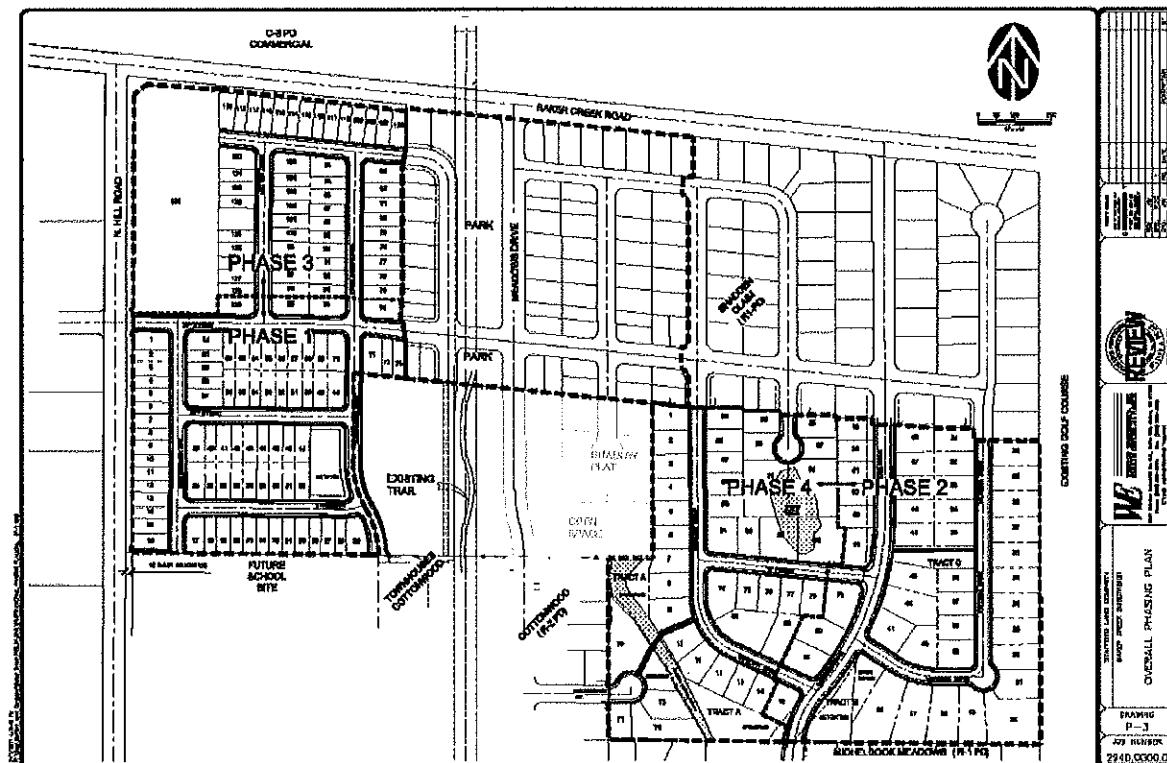
The applicant is proposing to amend the planned development described in Ordinance No. 4626 that currently governs a portion of the area proposed for residential development in a number of ways including: 1) Expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above; 2) lot size averaging over the area proposed to be governed by Ord. No. 4626; 3) a reduction in the front yard setback for certain lots from 20 to 15 feet; 4) a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, 5) a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.

3. Tentative Subdivision (S 3-16):

The applicant is requesting approval of a tentative phased subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes on lots ranging in size from 3,200 to 21,051 square feet in size and one multiple-family lot approximately 3.8 acres in size to accommodate 65 multiple-family dwellings. In addition, four open space tracts are proposed as well as three storm water detention sites.

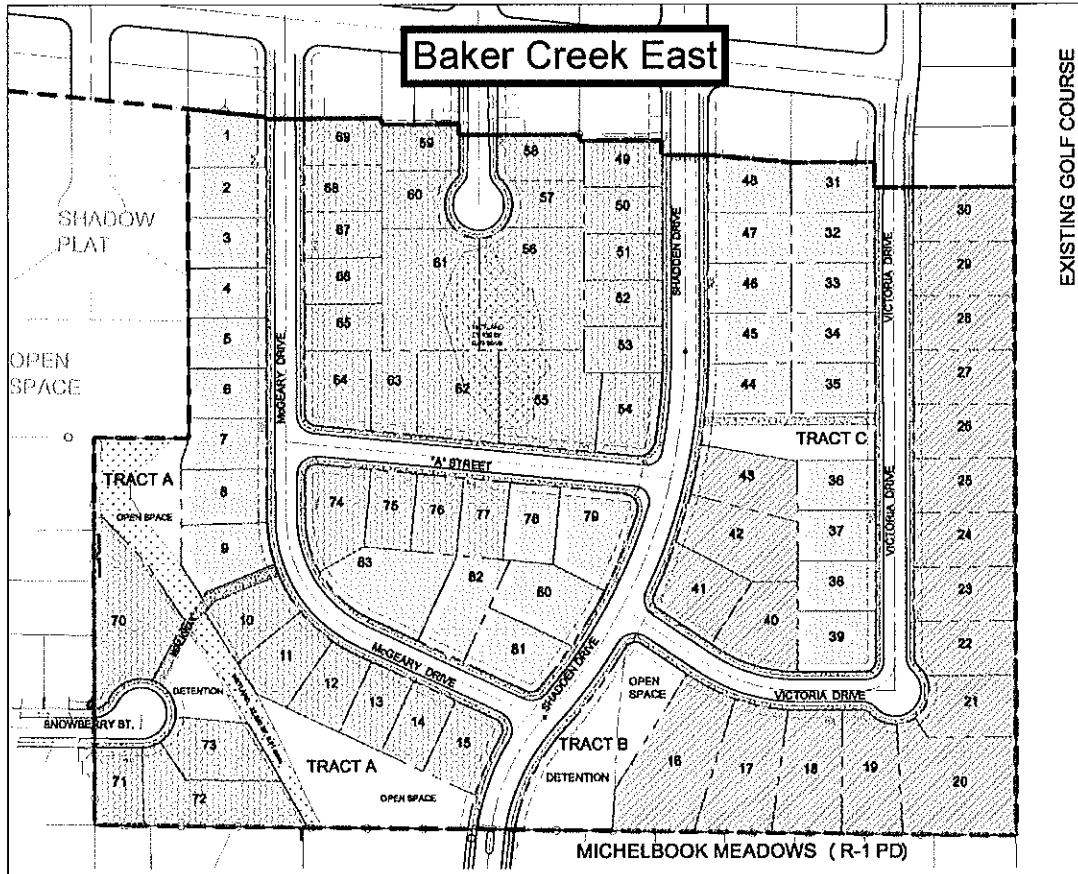


Per attachments 34, 35 and 36, the project will be developed in four phases. The development plan for phase one would include all land south of and including the northern row of lots adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW). Phase two is proposed to include all land east of and including the western row of lots located along the west edge of Shadden Drive of Baker Creek East (BCE). Phase 3 is proposed to include the northern balance of BCW inclusive of the C-3 PD zoned land. Phase 4 is proposed to include the western balance of BCE. A graphic depicting the proposed four-phase development plan is provided below.



Baker Creek East (BCE)

The applicant proposes the platting of 83 single-family residential lots ranging from 5,536 square feet to 21,051 square feet in size on 23-acres of land yielding an average lot size of approximately 8,567 square feet.



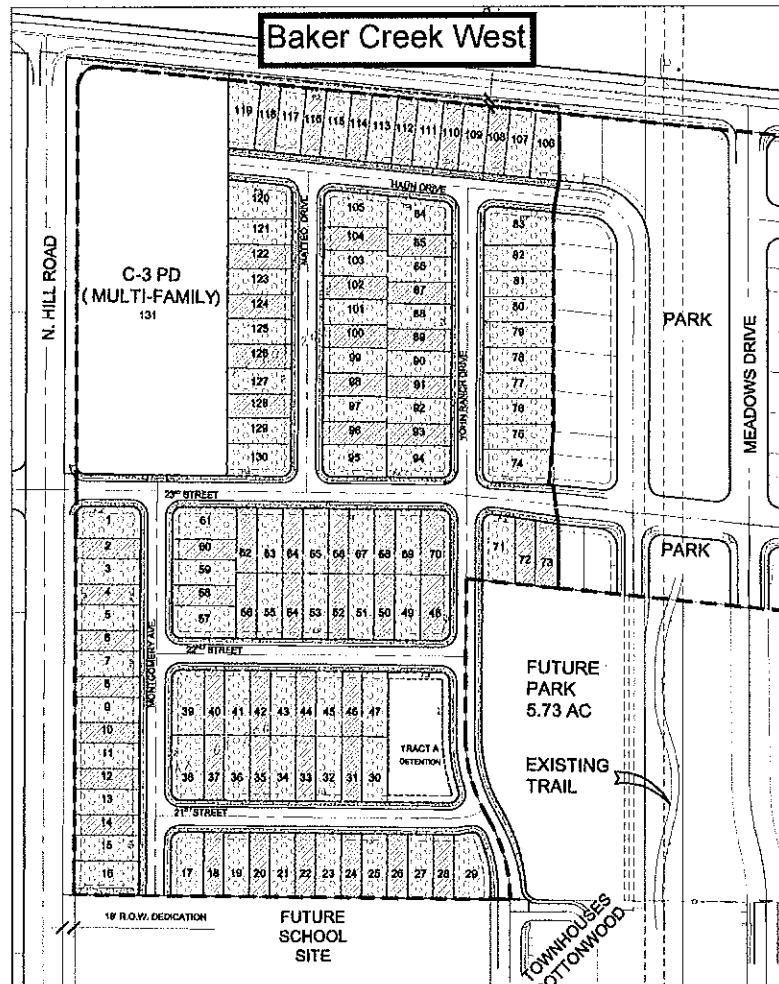
The 83 single-family lots are proposed to be one of three styles and are referenced by the applicant as R-1, R-2 Adjusted, and R-3 Adjusted. Of the 83 proposed single-family lots in BCE, 19 are identified by the applicant as R-1 (23% of the proposed lots in BCE). The applicant states that the proposed R-1 lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-1 lots is approximately 10,927 square feet in size. The R-2 Adjusted lots are those lots proposed to be at least 6,463 square feet in size with 7.5-foot side yard setbacks and a minimum lot width of 65 feet. Of the 83 proposed single-family lots in BCE, 29 are identified by the applicant as R-2 Adjusted (35% of the proposed lots in BCE). The applicant states that the proposed R-2 Adjusted lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-2 Adjusted lots is approximately 7,445 square feet in size. The R-3 Adjusted lots are those lots proposed to be at least 5,536 square feet in size with 5-foot side yard setbacks and having a minimum lot width of 60 feet. The R-3 Adjusted lots having a larger average lot size than that of the R-2 Adjusted lots is mostly due to four of the R-3 Adjusted lots containing a sizable amount of undevelopable wetland area within their boundaries; see lots 55, 56, 61 and 62 on Attachment 3(g) in addition to the uniquely configured lots 70 and 72. Of the 83 proposed single-family lots in BCE, 35 are identified by the applicant as R-3 Adjusted (42% of the proposed lots in BCE). The applicant's narrative also states that the proposed R-3 Adjusted lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-3 Adjusted lots is approximately 8,215 square feet in size.

The average lot size of all residential lots in BCE, combined, is approximately 8,567 square feet in size. Due to open space, on-site storm water detention tracts and identified wetland areas, the average residential density is 3.61 dwelling units per net acre; a net acre of land consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets.

Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGeary Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGeary Drive to Shadden Drive and is identified as "A" Street in the applicant's submittal. Mahala Way and Snowberry Street are proposed to terminate with cul-de-sacs within this portion of the development. All streets would be public streets within BCE and are proposed to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips) with the exception of Shadden Drive which will be developed with a 36-foot wide paved section within a 60-foot right-of-way. In addition, the applicant also proposes three open space tracts and two on-site storm water detention areas. A 15-foot wide pedestrian walkway is proposed to cross near the midsection of the Tract A open space area providing a pedestrian connection between the Snowberry Court cul-de-sac and McGeary Drive; Tract A also includes a linear wetland area along its western edge. Similarly, Tract C also provides a 15-foot wide pedestrian path along its northern edge to connect NW Shadden Drive with NW Victoria Drive. Please refer to Attachments 3(q)-(t) for additional detail.

Baker Creek West (BCW)

The applicant proposes the platting of 130 single-family residential lots ranging from 3,200 square feet to 6,009 square feet in size with an average lot size of approximately 3,952 square feet; about 1,048 square feet (or 21%) smaller than a minimum sized R-4 single family lot which is 5,000 square feet. Also proposed is a future multiple-family development on a 3.8-acre lot (Lot number 131).



The 130 single-family lots are proposed to be one of two styles referenced by the applicant as R-3 Modified and R-4 Modified. The R-3 Modified lots are those lots proposed to be at least 4,000 square feet in size with 5-foot side yard setbacks and a minimum lot width of 40-feet. Of the 130 proposed single-family lots in BCW, 75 are identified by the applicant as R-3 Modified (58% of the proposed lots in BCW). The applicant states that the proposed R-3 Modified lots would provide a minimum building envelope width of 30 feet. The average lot size of the R-3 Modified lots is approximately 4,358 square feet in size. The R-4 Modified lots are those lots proposed to be at least 3,200 square feet in size with 3-foot side yard setbacks and having a minimum lot width of 32-feet. Of the 130 proposed single-family lots in BCW, 55 are identified by the applicant as R-4 Modified (42% of the proposed lots in BCW). The applicant's narrative also states that the proposed R-4 Modified lots would provide a minimum building envelope width of 26 feet. The average lot size of the R-4 Modified lots is approximately 3,398 square feet in size.

Access to BCW would be provided by the westerly extensions of NW Haun Drive and NW 23 Street and the northerly extension NW Yohn Ranch Drive. New north-south oriented local streets identified by the applicant as Matteo Drive and Montgomery Avenue as well as the creation of new east-west oriented local streets identified by the applicant as NW 21st and NW 22nd Streets are also proposed. NW Haun Drive is proposed to provide access to the northeastern portion of the multiple-family site while NW Montgomery Drive is proposed to provide future access to the northwest portion of the future school site located south of the proposed subdivision. All streets within BCW are proposed to be public streets are constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and

five-foot wide curbside planter strips). The applicant also proposes one on-site storm water detention area to be located west of NW Yohn Ranch Drive. Please refer to Attachments 3(h)-(p) for additional detail.

Also included in the BCW portion of the site is a 3.8-acre lot identified by the applicant as Phase 3 of this proposal and shown on Attachment 36. This site is zoned C-3 PD (General Commercial, Planned Development) and currently designated for multiple-family development by Ord. No. 4626. While that ordinance allows construction of 76 residential units on this site, the applicant proposes construction of only 65 multiple-family units in this current proposal; a reduction of 11 proposed units from the previous approval limit.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

ZC 1-16 AND ZC 2-16: ZONE CHANGE AND PLANNED DEVELOPMENT AMENDMENT – CONDITIONS OF APPROVAL

ZC 1-16 and ZC 2-16 is approved subject to the following conditions:

1. That the Baker Creek tentative subdivision 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 per the applicant's proposal, the 3.8-acres of land zoned C-3 PD shall be limited to a multi-family unit complex of no more than 65 dwelling units and any supportive services deemed appropriate to serve the multi-family complex. Site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. The multi-family buildings shall be no more than 35 feet in height and must be nonlinear in design and parking lots must be broken up by landscaping. Prior to the release of building permits, a landscape plan for a minimum of 25 percent of the multi-family site shall be provided to the Landscape Review Committee for review and approval. In addition, useable open space and a paved pedestrian connection to Baker Creek Road located near the east edge of this site shall be provided within the development, and streetside landscaping shall be emphasized.
3. That the minimum lot sizes, widths, building envelope widths and yard setbacks for single-family residential lots shall be as follows according to the following lot types identified by the applicant on the Overall Subdivision Plan:

A. R-1 Lots

9,000 square foot minimum lot size
Minimum Lot Width of 70 feet
Minimum Building Envelope Width of 50 feet

Setbacks:

Front Yard – 20 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 10 feet

Exterior Side Yard – 20 feet

B. R-2 Adjusted Lots

6,463 square foot minimum lot size
Minimum Lot Width of 65 feet
Minimum Building Envelope Width of 50 feet

Setbacks:

Front Yard – 20 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 7.5 feet
Exterior Side Yard – 20 feet

C. R-3 Adjusted Lots

5,536 square foot minimum lot size
Minimum Lot Width of 60 feet
Minimum Building Envelope Width of 50 feet

Setbacks:

Front Yard – 20 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 5 feet
Exterior Side Yard – 20 feet

D. R-3 Modified – Permitted Exclusively in BCW

4,000 square foot minimum lot size
Minimum Lot Width of 40 feet
Minimum Building Envelope Width of 30 feet

Setbacks:

Front Yard – 15 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 5 feet
Exterior Side Yard – 15 feet

E. R-4 Modified – Permitted Exclusively in BCW

3,200 square foot minimum lot size
Minimum Lot Width of 32 feet
Minimum Building Envelope Width of 26 feet

Setbacks:

Front Yard – 15 feet
Distance to Garage Front – 20 feet
Rear Yard – 20 feet
Interior Side Yard – 3 feet
Exterior Side Yard – 15 feet

4. That one private Mini-Park/Playlot be provided in the single-family dwelling subdivision of BCW to serve this portion of the proposed neighborhood. This Mini-Park/Playlot shall be a minimum of 6,000 square feet in size and maintained by the Homeowners Association. This Mini-Park/Playlot shall be located between lots 123 and 124 of Baker Creek West (BCW) as shown on the applicant's phasing plan (Attachment 36).

5. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Baker Creek development. This book will contain architectural elevations, details, materials and colors of each building type. The dominant building style for residences in the area identified in the Baker Creek subdivision tentative plan can be best described as Northwest Craftsman or English Cottage style dwelling. In order to protect property values, front entries will need to be clearly defined, garages will need to either be on the same plane as the front entry or recessed from the front entry, at least three material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
- b) Quality and Type of Exterior Materials
- c) Front Porches / Entry Areas
- d) Roof Design and Materials
- e) Exterior Doors and Windows
- f) Garage Door Types
- g) Exterior Lighting
- h) Sample Exterior Colors

6. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.
7. That, as the Shadden Claim 1st and 2nd Addition residential subdivisions were constructed according to the conditions stipulated in Ord. No. 4626, those same conditions are incorporated in this approval and remain in full force and effect for those two completed subdivision phases:
 - A. That the conceptual plan for that portion of the subject site not included in the tentative subdivision plan shall not be binding on the City.
 - B. That the minimum interior side yard setback shall be 7.5 feet.
 - C. That duplexes shall be allowed on corner lots 134, 136, and 140 with a minimum lot size of 8,000 square feet.
 - D. That the exterior side yard setback for lots 68, 69, 96, 108, 109, 120, 134, 136, and 140 shall be a minimum of 15 feet.
8. That Planned Development Ordinance No. 4626 is repealed in its entirety.

S 3-16: TENTATIVE SUBDIVISION – CONDITIONS OF APPROVAL

Based on the materials submitted by the applicant, the findings of fact, and the conclusionary findings for approval, **S 3-16** is approved subject to the following conditions:

9. That the subdivision approval does not take effect until and unless the companion zone change requests (ZC 1-16 and ZC 2-16) are approved by the City Council.
10. The final plat shall include the dedication of additional right-of-way, totaling 48' east of centerline, along the subdivision's Hill Road frontage.
11. The final plat shall include the dedication of additional right-of-way, totaling 48' south of centerline, along the subdivision's Baker Creek Road frontage.
12. The final plat shall include prohibitions against direct access to Hill Road and to Baker Creek Road for any individual lot.

13. With the exception of Shadden Drive, the interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.
14. Shadden Drive shall be constructed to a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
15. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
16. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
17. The applicant shall install a barricade at the southern terminus of proposed Montgomery Avenue consistent with City standards. The barricades shall include signage with text stating: "This Street is planned for extension to serve future development."
18. On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
19. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
20. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict 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 Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
21. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat.
22. A detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
23. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
24. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
25. The proposed detention facility tracts shall be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within

- the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
26. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
 27. Prior to recording the subdivision plat, that applicant shall provide to the Planning Director a wetland quality assessment for the areas identified as wetlands on the tentative subdivision plan. The applicant shall either protect or mitigate the wetland(s) as necessary. If wetlands are identified and required to be protected on tentative lots 55, 56, 61 and/or 62 of BCE, the applicant shall provide verification that a reasonable building envelope remains on each affected lot.
 28. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities, including any proposed overflow weirs.
 29. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
 30. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
 31. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
 32. The applicant shall secure all required state and federal permits, including, if applicable, those related to wetland fill and impacts, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
 33. The applicant shall submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
 34. The required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
 35. The applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
 36. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
 37. The applicant shall submit copies of the proposed restrictive covenants prepared for the development prior to the final plat approval. The covenants shall define a standard fence design for those properties which back onto Hill Road, onto Baker Creek Road, onto the open spaces / detention tracts, and onto the pedestrian accessway facilities between Snowberry Street/McGarey Drive and between Shadden Drive/Victoria Drive. The fence design shall be of a style which

- provides visual relief, interest and long-term durability. In addition, the covenants shall require that the area within the wetland easements shall be kept in natural condition, to the extent practicable.
38. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowners Association maintains and repairs any needed improvements, including landscaping of common areas and the planter strips between the subdivision fence line and the public streets, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&R's shall be reviewed and subject to City approval prior to final plat approval.
39. The applicant shall submit Plans for the pedestrian accessways between Snowberry Street/McGarey Drive and between Shadden Drive/Victoria Drive. The accessways shall be improved by the applicant with a minimum 10-foot wide concrete surface. Plans shall also depict landscaping and underground irrigation along both sides of the pathways. Improvement plans shall be forwarded for review and approval by the McMinnville Landscape Review Committee prior to commencing improvements of the accessway. All required improvements to the pedestrian accessways shall be completed by the applicant prior to filing of the final plat.
40. That adjacent pairing of driveways shall be required to create on-street parking opportunities of increased lengths to provide for increase parking opportunities.
41. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. Street tree specifications will be provided by the City of McMinnville for Hill Road and Baker Creek Road. All other street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. 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 which does not meet this standard.
- A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
- B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees. This provision does not apply to the multi-family lot.
- C. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting
42. That, if the property owner wishes a one-year extension of the Commission approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
43. That plat phasing is as depicted as shown on the applicant's submittal listed as Attachment 36 of the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion and generally described as:

- a. Phase 1 – All land south of and including the northern row of lots adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW).
- b. Phase 2 – All land east of and including the western row of lots located along the west edge of Shadden Drive of Baker Creek East (BCE).
- c. Phase 3 – The northern balance of BCW inclusive of the C-3 PD zoned land.
- d. Phase 4 – The western balance of BCE.

This four-phase development plan shall be valid for a period of five years from the date of this approval. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the 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 Planning 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.

44. That street names shall be submitted to the Planning Director for review and approval prior to submittal of the final plat.

ATTACHMENTS:

1. McMinnville Staff Report – December 15, 2016
2. ZC 1-16/ZC 2-16/S 3-16 Applications and Fact Sheets
3. Applicant's Narrative including:
 - a. Exhibit A – Title Report including Legal Descriptions
 - b. Exhibit B – Yamhill County Tax Map
 - c. Exhibit C – Zone Change, Planned Development and Subdivision Overview & Findings
 - d. Exhibit D – Existing Zoning Map
 - e. Exhibit D-1 – Aerial Map
 - f. Exhibit E – Existing Conditions – Topographical Survey
 - g. Exhibit F – Drawing OVR-1 – Overall Subdivision Plan
 - h. Exhibit G – Drawing PL-1 – Preliminary Plat – West
 - i. Exhibit G – Drawing PL-2 – Preliminary Plat – West
 - j. Exhibit G – Drawing PL-3 – Preliminary Plat – West
 - k. Exhibit G-1 – Drawing SP-1 – Site Plan - West
 - l. Exhibit G-1 – Drawing SP-2 – Site Plan - West
 - m. Exhibit G-1 – Drawing SP-3 – Site Plan - West
 - n. Exhibit G-2 – Drawing C-1 - Utility & Drainage Plan - West
 - o. Exhibit G-2 – Drawing C-2 - Utility & Drainage Plan - West
 - p. Exhibit G-2 – Drawing C-3 - Utility & Drainage Plan - West
 - q. Exhibit H – Drawing PL-4 - Preliminary Plat - East
 - r. Exhibit H – Drawing PL-5 - Preliminary Plat - East
 - s. Exhibit H-1 – Drawing C-4 – Utility & Drainage Plan - East
 - t. Exhibit H-1 – Drawing C-5 – Utility & Drainage Plan - East
 - u. Exhibit I – Nash & Associates Architects – Cypress – Building Elevations
 - v. Exhibit J – Davis Construction, Inc., – Building Elevations
 - w. Exhibit K – Front Façade Elevation
 - x. Exhibit L – Sample Photo Elevations for 50-Foot Wide Dwellings
 - y. Exhibit M – Sample Photo Elevations for 26-Foot and 30-Foot Dwellings (11 pages)
 - z. Exhibit N – Gales Creek Terrace Preliminary Plat East & West (two pages)
 - aa. Exhibit O – Phase II & III Tentative Plan
 - bb. Exhibit P – NW Neighborhood Park Master Plan
 - cc. Bear Creek PUD – Site Plan
 - dd. South Fork – Preliminary Plat
4. Memo from Baker Creek Development, LLC to Ron Pomeroy received 9-30-2016
5. McMinnville Ord. No. 4626
6. November 4, 2016 Memo from Morgan Will received November 4, 2016
7. November 5, 2016 Letter from Sandra Ferguson received November 8, 2016
8. November 8, 2016 Letter from Ronald and Sally Hyde received November 10, 2016
9. December 7, 2016 Email from John Hutt
10. December 8, 2016 Letter from David StLouis received December 8, 2016
11. McMinnville Staff Report – November 17, 2016
12. Vicinity Sketch
13. Affidavit of Publication
14. Notification Map
15. List of property owners to whom notice was sent
16. Referrals
17. December 5, 2016 Letter from Gene and Deanna White received December 12, 2016
18. December 13, 2016 Letter from Susan Dirks and Kent Stevens received December 13, 2016
19. December 14, 2016 Letter from Peter M. and Linda C. Enticknap received December 14, 2016
20. December 14, 2016 Email from Gene White received December 14, 2016
21. December 14, 2016 Memo from Morgan Will received December 15, 2015
22. January 2, 2017 Letter from Patty O'leary received January 3, 2017

23. January 6, 2017 Email from Don Larson received January 6, 2017
24. Memorandum from Planning Department staff dated January 19, 2017
25. January 20, 2017 Email from Susan Dirks received January 20, 2017
26. January 23, 2017 Letter from Patty O'Leary received January 23, 2017, hand delivered January 27, 2017
27. January 26, 2017 Letter from David and Carol StLouis received January 26, 2017
28. January 25, 2017 Letter from Gene and Deanna White received on January 27, 2017
29. January 30, 2017 Email from Ray Fields received January 30, 2017
30. January 30, 2017 Letter from Patty O'Leary received January 30, 2017
31. February 2, 2017 Letter from The Hayes Family received February 2, 2017
32. Undated Letter from Renee Carr received January 2, 2017
33. February 6, 2017 Rebuttal Testimony Email from Baker Creek Development LLC received February 7, 2017
34. February 7, 2017 Rebuttal Testimony Clarification Email from Baker Creek Development LLC received February 7, 2017
35. February 7, 2017 Rebuttal Testimony Clarification Email from Baker Creek Development LLC received February 7, 2017
36. February 7, 2017 Rebuttal Testimony Clarification Email from Baker Creek Development LLC received February 7, 2017
37. McMinnville Staff Report to the Planning Commission, January 19, 2017

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. As of the date this report was written, the following comments had been received:

McMinnville Engineering Department

STREETS

The McMinnville Engineering Department has provided comments relative to the applicant's proposed transportation and street design as follows:

- The western portion of the proposed subdivision is located adjacent to and south of NE Baker Creek Road, adjacent to the Shadden Claim Second Addition subdivision. Baker Creek Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). Per the City's adopted Land Division Ordinance, the cross-section for a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.
- Baker Creek Road adjacent to the proposed subdivision is currently improved with a total of 25' of pavement south of centerline, a planter strip with street trees, and a sidewalk. Thus, no additional improvements to Baker Creek Road will be necessary as part of the subdivision.
- The right-of-way width for Baker Creek Road adjacent to the subdivision is only 30' south of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Baker Creek Road along the subdivision's frontage so that the right-of-way totals 48' south of centerline.
- The western portion of the proposed subdivision is also located adjacent to and east of NE Hill Road. Hill Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). As noted above, as per the City's adopted Land Division Ordinance, the cross-section for

a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.

- Hill Road adjacent to the proposed subdivision will be improved by the City as part of the voter approved 2014 Transportation Bond. Thus, no additional improvements to Hill Road will be necessary as part of the subdivision.
- The right-of-way width for Hill Road adjacent to the subdivision is only 30' east of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Hill Road along the subdivision's frontage so that the right-of-way totals 48' east of centerline.
- No direct access from the proposed subdivision lots will be allowed to Hill Road or to Baker Creek Road.
- As proposed, all of the interior streets, except Shadden Drive, in the subdivision will be constructed to the Local Residential street standard included in the City's Land Division Ordinance, including a 28-foot-wide paved section with curb and gutter, five-foot-wide curbside park strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way.
- The proposed cul-de-sacs at the east end of Snowberry Street and the south end of Mahala Way shall be constructed to meet the requirements of the McMinnville Fire Department.
- As proposed, Shadden Drive will be extended to the south to connect to Cottonwood Drive. The proposed improvements will match the existing width of Shadden Drive, including a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
- Street profiles were not included with the subdivision application materials. Staff would note that the street grades and profiles shall be designed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be designed to meet PROWAG requirements (diagonal ramps are not allowed). Additionally, parking will be restricted at all street intersections, in conformance with the Land Division Ordinance standards.

SANITARY SEWER

The McMinnville Engineering Department has provided comments related to the sanitary sewer system as follows:

- The proposed plans indicate that existing sanitary mainlines will be extended throughout the proposed development to serve all proposed lots. The sanitary sewer mainlines shall be designed to facilitate the extension of service to adjacent properties within the City's Urban Growth Boundary, as appropriate.

STORM DRAINAGE

The McMinnville Engineering Department has provided comments related to the storm drainage system as follows:

- The existing topography of the site is such that most of the site area naturally drains to the east or to the southeast.

- The proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. The facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat.
- The City will maintain all public storm facilities within the proposed detention tracts. The final subdivision plans shall incorporate access for maintenance to all public storm facilities, including any proposed overflow weirs.

McMinnville Water & Light

- An extension agreement is required for provision of water and electric services to the site which shall include: Development fees, engineered/approved drawings, etc. Contact McMinnville Water & Light for details.

McMinnville Parks Department

- In an email provided on February 9, 2017, the McMinnville Parks Director stated that because the City purchased and now owns and maintains the Roma Sitton greenway (landscaped greenway previously developed by VJ-2 Development within the BPA easement between 23rd and Baker Creek Rd.) as well as the additional easement property (now landscaped) within the Shadden neighborhood south of 23rd, the agreement for continued maintenance of greenway/park spaces by VJ-2 or the homeowners association is no longer pertinent. Therefore it probably should be removed from the record as discussed with Ron Pomeroy this morning.

Additional Testimony

- Notice of this request was mailed to property owners located within 1,000 feet of the subject site. As of the date this report was written, seven letters and four emails have been received (Attachments 7, 8, 9, 10, 17, 18, 19, 20, 21, 22 and 23).
- Letter - Sandra Ferguson, dated November 5, 2016, and received by the Planning Department on November 8, 2016, (Attachment 7).
- Letter – Ronald and Sally Hyde, dated November 8, 2016, and received by the Planning Department on November 10, 2016, (Attachment 8).
- Email – John Hutt, December 7, 2016, (Attachment 9).
- Letter – David StLouis, dated December 8, 2016, and received by the Planning Department on December 8, 2016, (Attachment 10).
- Letter – Gene and Deanna White, dated December 5, 2016, and received by the Planning Department on December 12, 2016, (Attachment 17).
- Letter – Susan Dirks and Kent Stevens, dated December 13, 2016, and received by the Planning Department on December 13, 2016. (Attachment 18).
- Letter – Peter M. and Linda C. Enticknap, dated December 14, 2016, and received by the Planning Department on December 14, 2016, (Attachment 19).

- Email – Gene White, December 14, 2016, (Attachment 20).
- Email – Morgan Will, Applicant, December 14, 2016, and received by the Planning Department on December 15, 2016, (Attachment 21).
- Letter – Patty O’Leary, dated January 2, 2017, and received by the Planning Department on January 3, 2017, (Attachment 22).
- Email – Doug Larson, January 6, 2017, (Attachment 23).
- The Planning Commission conducted a public hearing on January 19, 2017. At that meeting, the Planning Commission elected to close the public hearing but keep the written record open until 5:00 pm, February 2. As of the date this report was written, six letters and two emails have been received (Attachments 25, 26, 27, 28, 29, 30, 31 and 32).
- Email – Susan Dirks, dated January 20, 2017 (Attachment 25).
- Letter – Patty O’Leary, dated January 23, 2017, and received by the Planning Department via email on January 23, 2017 and hand delivered January 27, 2017, (Attachment 26).
- Letter – David and Carol StLouis, dated January 26, 2017, and received by the Planning Department on January 26, 2017, (Attachment 27).
- Letter – Gene and Deanna White, dated January 25, 2017, and received by the Planning Department on January 27, 2017, (Attachment 28).
- Email – Ray Fields, dated January 30, 2017 (Attachment 29).
- Letter – Patty O’Leary, dated January 30, 2017, and received by the Planning Department on January 30, 2017, (Attachment 30).
- Letter – The Hayes Family, dated February 2, 2017, and received by the Planning Department on February 2, 2017, (Attachment 31).
- Letter – Renee Carr, undated, and received by the Planning Department on February 2, 2017, (Attachment 32).
- As part of the continuance, the Planning Commission kept the record open to receive written rebuttal testimony from the applicant from February 3, 2017 until 5:00 p.m., February 9, 2017. As of the date this report was written, the applicant submitted four email communications of rebuttal testimony (Attachments 33, 34, 35 and 36).
- Email – Morgan Will, Baker Creek Development, dated February 6, 2017 (Attachment 33).
- Email – Morgan Will, Baker Creek Development, dated February 7, 2017 (Attachment 34).
- Email – Morgan Will, Baker Creek Development, dated February 7, 2017 (Attachment 35).
- Email – Morgan Will, Baker Creek Development, dated February 7, 2017 (Attachment 36).

FINDINGS OF FACT

1. Baker Creek Development, LLC, is requesting approval of a zone change from EF-80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.61 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. Concurrently, the applicant is requesting approval of a tentative phased residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes and the construction of 65 multiple-family dwellings on one lot. The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-1 (Single-Family Residential), R-1 PD (Single-Family Residential, Planned Development), EF-80 (Exclusive Farm Use – 80-Acre Minimum) and C-3 PD (General Commercial Planned Development) and is designated as residential and commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. As of the date this report was written, no comments in opposition have been provided.
5. The applicant has submitted substantial findings (Attachment 3 c) in support of this application. Those findings are herein incorporated.
6. The following sections of Volume I (Background Element) of the McMinnville Comprehensive Plan are applicable to the request:

Chapter V. Housing and Residential Development – Land Use Controls – Planned Developments:

"The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area's future residents. [...] As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.) [...] It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required.

4. Future planned developments should be carefully scrutinized to insure that there are trade-offs favorable to the community when zoning ordinance requirements are varied. Those trade-offs should not just include a mixture of housing types.

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs.

2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. Planned developments can preserve large open areas for open space by clustering development in smaller areas. [..]

6. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land."

Finding: Based on materials submitted by the applicant this proposal does not meet the intent of this portion of Volume I of the Comprehensive Plan relative to park space, open space or the provision of bike paths. However, Mini-Parks/Playlots range from 2,500 square feet to one acre in size (based on Table 1 of the McMinnville Parks, Recreation, and Open Space Master Plan) and are provided at a ratio of one such park per 1,000 anticipated residents (based on Table 2 of that same plan). Based on information provided in response to question number eight (8) on the submitted subdivision application form, the applicant anticipates adding 596 residents to the single-family portion of the proposal. Adding to this the number of residents projected to reside in the 65 future multiple-family units brings the total number of residents anticipated by this proposal to 800 persons. Applying the Mini-Parks/Playlots allocation standard noted above results in a need to provide one such lot to serve the proposed development. The proposal already provides some open space opportunities within BCE, thus the one required Mini-Park/Playlot should be provided in BCW as part of the single family development portion of the subdivision to serve this portion of the proposed neighborhood. Condition of Approval #4 of the Zoning Change request has been drafted to meet this requirement. Additionally, there are off-street bicycle/pedestrian connections provided for access to the city neighborhood park being planned, the new school planned for the future and Baker Creek Road for access to a future commercial development. On this basis, the requirements of this portion of the Comprehensive Plan, Volume I have been met.

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

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

General Housing Policies:

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

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

Finding: Goal V 1 and Policies 58.00 and 59.00 are met by this proposal in that a range of residential lot sizes are proposed that, in addition to the intent to construct multiple-family apartments, will provide opportunity for development of a variety of housing types and densities. The eastern portion of the development proposes lot sizes commensurate with

those of adjacent existing development. The single-family residential lots proposed for the western portion of the development provides for smaller lot sizes adjacent to Hill Road (a Minor Arterial) and property owned by the McMinnville School District identified for future school development.

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

Policies:

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

Westside Density Policies:

71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances of trade-offs shall be allowed and encouraged.

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

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

71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:

1. The density of development in areas historically zoned for medium and high density development;
2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
3. The capacity of the services;

4. The distance to existing or planned public transit;
5. The distance to neighborhood or general commercial centers; and
6. The distance from public open space.

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

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

Finding: Goal V 2 and Policies 71.01, 71.09, 71.10 and 71.13 are met by this proposal in that the proposal provides a range of residential single-family lot sizes in addition to multiple-family development thereby promoting an energy-efficient and land intensive development pattern. The portion of the proposal that exceeds a residential density of six units per acre, identified by the applicant as BCW, is entirely located within ¼ mile of and has direct access to Hill Road which is identified in the McMinnville Transportation System Plan as a minor arterial street and a public transit route. This proposal is not subject to topographical or other geographical limitations. Transitional and/or alternating lot sizes are proposed where adjacent to existing abutting development to provide privacy from those established neighborhoods while also creating a transition to the lot designs proposed for the balance of the proposal. Additionally, private open spaces are proposed within the tentative subdivision plan in addition to the planned development of an adjacent 5.7 acre public park to serve as an extension of the Westside Bicycle and Pedestrian Path located between the proposed BCW and BCE portions of the tentative plan.

Planned Development Policies:

- 72.00 Planned unit developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.
- 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.
- 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.
- 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or

accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

- 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.
- 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.
- 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Finding: Policies 72.00, 73.00, 74.00, 75.00, 76.00, 77.00 and 78.00 are met by this proposal in that, in addition to the findings provided by the applicant, the proposal encourages a social and environmental benefits by locating the higher density portion of the proposal within walking distance to the nearby commercial site (located across NW Baker Creek Road to the north), the developing public park adjacent to the subdivision along NW Yohn Ranch Drive, and adjacent the property located to the south owned by the McMinnville School District and identified for future school development. In addition to the multiple-family residences, a range of lot sizes is proposed allowing for variety in residential dwelling type, ownership and price points. Retention of natural drainage swales are proposed to be accommodated as much as practicable. In addition, small open spaces are proposed, and conditioned, to provide benefit the residents of this development. Creation of a homeowner's association to administer neighborhood covenants, codes and restrictions (CC&Rs) shall also be a condition of approval of this proposal. The proposed street design complies with current adopted City public street standards.

Residential Design Policies:

- 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.
- 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.
- 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.
- 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.
- 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

Finding: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while greater than the underlying R-1 zone, can be allowed

through the review and approval of the requested planned development zoning designation. As part of this development, the natural drainage and wetland features are proposed to be preserved wherever feasible. The street layout proposes to connect with the existing street network of adjacent development and preserves the development potential of other adjacent land; i.e., the adjacent school site and land located between the BCE and BCW portions of the development. The proposed street system would provide public connections to adjacent neighborhoods and future school and park sites. Other areas within the development are proposed to be connected by pedestrian pathways increasing opportunities for pedestrian mobility. In addition, given the physical dimensions of the site, streets have been oriented to create opportunities for solar access as practicable.

Multiple-family Development Policies:

- 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.
- 89.00 Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.
- 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)
- 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)
- 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.
- 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)
- 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)

Finding: Policy 86.00, 89.00, 90.00, 92.00, 92.01 and 92.02 are satisfied by this proposal in that the multiple-family portion of the proposed development is located on land already identified by the City as suitable for such development. Landscaping shall be required as a condition of approval for the multiple-family development. Additionally, this multiple-family site is located along NW Hill Road and NW Baker Creek Road which are both identified in the McMinnville Transportation System Plan (TSP) as minor arterials. Further, this site is not located adjacent to or near other multiple-family development thereby implementing the City policy of dispersal of multiple-family developments. An approximately twelve-acre site located to the north and across Baker Creek Road is identified for future commercial development (Ord. No. 4633) and the afore mentioned property owned by the McMinnville

School District is located to the south, both of which are within a 700-foot walking distance of the multiple-family site.

Urban Policies:

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

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

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

Lot Sales Policy:

99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Finding: Policy 99.10 shall be satisfied in that, while the City has not developed this formula, it shall be a condition of approval of this request that the applicant shall provide information detailing how this policy is met by the minimum number of lots they proposed to be offered for individual sale. This information shall be provided to the Planning Director for review and approval prior to issuance of building permits for said lots. The referenced lots will be made available for sale to the general public for a minimum of ninety (90) days prior to building permit issuance for said lots.

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

Streets

Policies:

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

118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

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

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

Finding: Goal VI 1 and Policies 117.00, 118.00, 119.00 and 120.00 are satisfied by this proposal in that the each of the proposed lots will abut public streets developed to City standards with adequate capacity to safely accommodate the expected trip generation from this development. Further, direct parcel access will not be permitted to either Hill Road or Baker Creek Road. Rather, access to those streets will be directed through NW 23rd Street and Meadows Drive. Local residential streets proposed within the development will connect at intersections except for the proposal of two cul-de-sac streets due to the presence of wetlands. The proposed street design will have minimal adverse effects on the natural features of the land.

Parking

Policies:

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

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

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for the multiple-family development and single-family residences as specified by the McMinnville Zoning Ordinance.

Bike Paths

Policies:

- 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.
- 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.
- 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00, 132.00 and 132.15 are satisfied by this proposal in that the City has constructed the Westside Bicycle and Pedestrian system serving McMinnville's west side and, of particular importance to this proposal, extends between the BCE and BCE portions of this development plan. This public amenity provides the opportunity for future residents of this subdivision to connect to other activity areas, schools and community facilities. The applicant proposes additional pedestrian pathways providing mid-block connections within the subdivision in situations where there are no amenities to connect. The public sidewalks that will be constructed as part of the required street improvements will add to the pedestrian connections within and beyond this subdivision.

Supportive of General Land Use Plan Designations and Development Patterns

Policies:

- 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses.

Finding: Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the land use designation of the site and urban development patterns within the surrounding area.

Circulation

Policies:

- 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:
1. Pedestrian circulation,
 2. Enhancement of emergency vehicle access,
 3. Reduction of emergency vehicle response times,
 4. Reduction of speeds in neighborhoods, and
 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.
(Ord. 4922, February 23, 2010)

- 132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)
- 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)
- 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)
- 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

Finding: Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this proposal in that the proposed street pattern provides a safe and efficient network of residential streets to serve the proposed and adjacent existing residential neighborhoods. The two cul-de-sac streets are proposed in response to the noted existence of two wetland areas. The proposed system is also designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the requirements of the McMinnville TSP and provision of additional private pedestrian pathways. Vehicular access points to the adjacent minor arterial streets comply with this policy and promote safe street connectivity to the surrounding transportation network.

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

Sanitary Sewer System

Policies:

- 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Storm Drainage

Policies:

- 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.
- 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Water System

Policies:

- 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Water and Sewer – Land Development Criteria**Policies:**

- 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:
1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
 4. Federal, state, and local water and waste water quality standards can be adhered to.
 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Police and Fire Protection**Policies:**

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

Policies:

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

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

- 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

Finding: Policy 169.00 is satisfied in that the applicant proposes to provide detention areas to accommodate natural storm run-off. These areas shall be designed and maintained in compliance with City requirements.

- 170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used.

Finding: Policy 170.05 is satisfied in that the McMinnville Parks, Recreation, and Open Space Master Plan was relied upon for calculation of the additional open space area to be required in the BCW portion of the development plan as provided in the attached conditions of approval.

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

Policies:

- 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

General Provisions:

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

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling [...]

17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]

17.12.040 Yard Requirements. In an R-1 zone each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet.

17.12.050 Building Height. In an R-1 zone, a building shall not exceed a height of thirty-five feet.

17.12.060 Density Requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].

C-3 General Commercial Zone:

17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

3. Multiple-family dwelling subject to the provisions of the R-4 zone.

R-4 Multiple-Family Residential Zone:

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

- C. Multiple-family dwelling

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;

- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height.

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized.

Off-Street Parking and Loading:

17.60.060 Spaces – Number required.

A. Residential land use category

- 4. Multiple-family dwelling. One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.
- 5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms [...].

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

Finding: Sections 17.12.010(A), 17.12.030, 17.12.040(A-C), 17.12.050, 17.12.060, 17.21.010(C), 17.21.040(A-E), 17.21.050, 17.21.060, 17.33.010(3) and 17.60.060(A)(4- 5) are satisfied by this request in that site built single family residences are proposed for the lots to be created by the proposal with the exception of the multiple-family component which is a permitted use within the C-3 zoning designation of proposed Lot 131 subject to the provisions or the R-4 zone. While projected building heights for the single-family residences and numbers of bedrooms per dwelling unit are not provided as part of this submittal, the building height limitation of the R-1 zone and parking requirements of Chapter 17.60 will be satisfied as part of the building permit review process for each dwelling unit prior to permit issuance. The applicant has proposed a maximum building height of 35 feet for the multiple-family residential units to be constructed as part of the phased development. Lot sizes as proposed do not generally meet the minimums required of single-family residential lots as set forth by R-1 standards. The modification of lot sizes, as well as setbacks, below that typically required is an allowance that can be granted by Planning Commission recommendation and City Council approval through the Planned Development zone change application process requested by the applicant; this is discussed further below. Regarding multiple-family density, the applicant proposes to construct 65 residential units on the 3.8-acre C-3 PD zoned site (approximately 17 dwelling units per gross acre) while Planned Development related policies speak to encouraging such development at a much higher density.

Planned Developments:

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.

Finding: Section 17.51.010 is satisfied by the request in that the applicant proposes a development plan to provide for range of single-family residential density in addition to providing for 65 multiple-family residences. While the proposed residential density is greater than that provided for by the underlying zone, City policies noted above specifically direct higher densities and multiple-family development for locations such as the subject site. This balance or "trade-off" of purposes is allowed and supported through application of the Planned Development application process and goes toward meeting the City's goals of multiple-family dispersal, increased opportunities for choice in the residential marketplace and location of higher residential densities located along arterials and transit corridors. Common open spaces, while not abundant, are provided in this proposal as are utilization of storm water detention areas to take advantage of natural slope within the site. Beyond the provision of public sidewalks as part of the public street improvements for the area, private mid-block pedestrian pathways are also provided to aid in enhancing pedestrian mobility within the area.

Additionally, staff specifically notes that a portion of the Planned Development purpose statement provides "A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance" and staff encourages the Commission to consider this in light of the streetscape discussion provided earlier in this report. In brief, the proposed lots in BCW typically range from 32 to 40 feet in width. This, along with the photographic examples of a typical streetscape view provided by the applicant, is a good indication of the type of single-family residential design that may likely result should this request be approved. As the applicant did not provide any design elements for the single-family residences as part of this proposal, staff suggests that some design direction be provided to the applicant in the form of a condition of approval in addition to a requirement that the applicant provide a "Pattern Book" of specific design elements to be used in the construction of the residences for BCW and BCE. This requirement will result in a more pedestrian friendly streetscape for the proposed development to help mitigate the auto-oriented effect of the narrow lots as well as to help visually blend these residences in with those of the adjacent established neighborhoods. The Commission has the ability to require such design considerations through the Planned Development process and in doing so could find that this development would fully satisfy the admonition that planned development approvals are not intended to be simply a guise to circumvent the intent of the zoning ordinance. Conditions of approval to enact this finding have been provided.

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;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: Section 17.51.020 (A-B) are satisfied by the request in that the applicant proposes a development type (single-family and multiple-family residential) consistent with the residential and commercial zoning indicated on the comprehensive plan and zoning map; again, the density of the plan is addressed through discussion and findings noted above. While Sub B of this standard states that the density of the residential planned development shall be determined by the underlying zone designations, this standard was supplanted by Policy

79.00. Specifically, Policy 79, as noted above, states that “densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy” and was adopted in 2003 (ORD No. 4796). Adoption of this policy was borne out of City efforts to increase land use efficiencies. The subsection of this standard currently under discussion was first adopted in 1968 and later modified in 1981. This standard was to be amended to reflect the more recent 2003 adoption of the Comprehensive Plan Policy 79.00 which unfortunately still reflects the 1981 policy preventing greater residential land use efficiencies. Therefore, the matter of amending Section 17.51.020(B) remains one of a number of zoning ordinance “housekeeping” tasks, it does not override or take precedence above the clear policy direction of Policy 79.00 which is utilized by this proposal and supported by staff.

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

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 (as amended by Ordinance No. 4242, April 5, 1983);
- (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.

Finding: Section 17.51.030 is satisfied by the request in that the design objective of this proposal is to fulfill the City’s policy direction to achieve higher residential densities for developable residential land within $\frac{1}{4}$ mile of identified transit corridors and to continue the City’s dispersal policy regarding multiple-family residential development. This proposal helps to enact the intended residential density of the comprehensive plan objectives for this area and, as noted by the applicant, can be completed in a reasonable period of time; targeted buildout in 2017. The proposed street network is adequate to support anticipated traffic which can also be supported by the surrounding existing street network. Public facilities have the capacity to adequately serve the proposed development and there are no indications that the proposal will have an adverse effect due to pollutants or noise on surrounding areas or the City as a whole.

Review Criteria:

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

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

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

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

Finding: Section 17.74.020 is satisfied in that the proposal, as conditioned, is consistent with the goals and policies of the McMinnville Comprehensive Plan, is orderly and timely considering the existing nearby residential development and proximity to land owned by the McMinnville School District and planned for future school development, and the proposal can be adequately served by required utilities and services. In addition, there are no policies contained in the Comprehensive Plan that are being utilized to unnecessarily decrease densities or discourage any form of housing.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

G. 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.

Finding: The requirements of Section 17.74.070 are met by this major modification to an existing planned development for the reasons enumerated in the finding provided for the Section 17.51.030(C) requirements provided above.

9. Ordinance No. 4626 is applicable to this request and is noted in Attachment 5 of this staff report.

Finding: The subject request complies with the requirements of Ordinance No. 4626 as the proposal seeks to add land to the original site addressed by that ordinance approval and proposes a new development plan for the newly added area and the undeveloped portions of land covered by Ordinance No. 4626. The applicant does not request to modify any adopted element governing the developed portions of that original site; specifically, Shadden Claim 1st and 2nd Additions residential subdivisions. As the prior tentative subdivision plan approval associated with this ordinance has long since expired, the applicant is however requesting approval of a new plan for the undeveloped land that more closely embodies the residential development policies addressed elsewhere in this report and findings document. To enable this action, a new ordinance approval is being requested that would incorporate and safeguard the existing development and enable the new. This intent and action is in compliance with the currently realized portions of Ordinance No. 4626.

RP:sjs

Baker Creek Development LLC

Subdivision, Planned Development Amendment & Zone Change Application

March 2017

Westech Engineering, Inc.
3841 Fairview Industrial Drive SE, Suite 100
Salem, OR 97302
(503) 585-2474 FAX: (503) 585-3986

Exhibit Index

**Baker Creek Development, LLC
McMinnville, OR**

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Exhibit 'B'	Yamhill County Tax Map
Exhibit 'C'	Zone Change, Planned Development, and Subdivision Narrative
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Exhibit 'C-2'	Zone Change Findings Narrative
Exhibit 'C-3'	Subdivision Findings Narrative
Exhibit 'C-4'	Comprehensive Plan Findings Narrative
Exhibit 'D'	Existing Zoning Map
Exhibit 'D-1'	Aerial Map
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Exhibit 'F'	Planned Development Site Area
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Exhibit 'F-3'	Overall Development Plan
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Exhibit 'G-1'	Proposed Tentative Site Plan – West – Sheets SP-1, SP-2
Exhibit 'G-2'	Proposed Tentative Utility Plan – West – Sheets C-1, C-2
Exhibit 'H'	Proposed Tentative Subdivision Plat – East – Sheets PL-3 PL-4
Exhibit 'H-1'	Proposed Tentative Site Plan – East – Sheets SP – 3, SP-4
Exhibit 'H-2'	Proposed Tentative Utility Plan – East – Sheets C-3, C-4
Exhibit 'I'	Photo Rendering of Baker Creek West Streetscape
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Exhibit 'K'	Elevations – Baker Creek East
Exhibit 'L'	Sample Photo Elevations for 50' Wide Dwellings
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Exhibit 'N'	Example Approved Tentative Plats
Exhibit 'O'	Approved Shadden Claim Phase II & Phase III Tentative Plan
Exhibit 'P'	Future Public Park Plans (Preliminary)
Exhibit 'P-1'	Example Tot Lot and Active Open Space Photos
Exhibit 'P-2'	Example Tot Lot Playground Equipment

Exhibit A Property Descriptions

Yamhill County Parcel Information



First American Title

Parcel Information

Parcel #: R441800200

Account: 145239

Related:

Site Address:

McMinnville, OR 97128

Owner: Baker Creek Development LLC

Owner2:

Owner Address: 485 S State St
Lake Oswego, OR 97034

Phone:

Twn/Rng/Section: T: 04S R: 04W S: 18 Q:

Parcel Size: 7.82 Acres (340,639 SF)

Plat/Subdivision:

Lot:

Block:

Map Page/Grid: 770-E3

Census Tract/Block: 030701/2003

Waterfront:

Land

Cnty Land Use: 540 - Farm - Unzoned farm land - Vacant

Land Use Std: VAGR - VACANT AGRICULTURE/RURAL

Neighborhood: D005

Watershed: Yamhill River

Assessment Information

Market Value Land: \$616,607

Market Value Impr: \$0

Market Value Total: \$616,607

Assessed Value: \$7,054

Tax Information

Levy Code Area: 40.0

Levy Rate: 17.0105

Tax Year: 2015

Annual Tax: \$120.00

Exemption Description:

Legal

POTENTIAL ADDITIONAL TAX LIABILITY 7.82 ACRES IN SEC 18 T4S R4W

Cnty Bldg Use: -

Zoning: R-1 - Single Family Residential

Recreation: -

School District: 40

Improvement

Year Built: 0

Attic Fin/Unfin: 0 / 0 SF

Foundation:

Bedrooms: 0

Bathrooms: 0.00

Roof Covering:

Bldg Fin: 0 SF

Bsmt Fin/Unfin: 0 / 0 SF

Garage: 0 SF

1st Floor: 0 SF

2nd Floor: 0 SF

Ext Walls:

A/C: No

FirePlace: 0

Heat Type:

Transfer Information

Rec. Date: 1/15/2016	Sale Price: \$5,800,000.00	Doc Num: 2016/557	Doc Type: BS
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Yamhill County Parcel Information**First American Title****Parcel Information****Parcel #:** R441800203**Account:** 532606**Related:****Site Address:**

McMinnville, OR 97128

Owner: Baker Creek Development LLC**Owner2:****Owner Address:** 485 S State St
Lake Oswego, OR 97034**Phone:****Twn/Rng/Section:** T: 04S R: 04W S: 18 Q:**Parcel Size:** 13.49 Acres (587,624 SF)**Plat/Subdivision:****Lot:****Block:****Map Page/Grid:** 770-E3**Census Tract/Block:** 030701/2003**Waterfront:****Land****Cnty Land Use:** 540 - Farm - Unzoned farm land - Vacant**Land Use Std:** VAGR - VACANT AGRICULTURE/RURAL**Neighborhood:** I005**Watershed:** Yamhill River**Cnty Bldg Use:** -**Zoning:** R-1 - Single Family Residential**Recreation:** -**School District:** 40**Improvement****Year Built:** 0**Attic Fin/Unfin:** 0 / 0 SF**Foundation:****Bedrooms:** 0**Bathrooms:** 0.00**Roof Covering:****Bldg Fin:** 0 SF**Bsmt Fin/Unfin:** 0 / 0 SF**Garage:** 0 SF**1st Floor:** 0 SF**2nd Floor:** 0 SF**Ext Walls:****A/C:** No**FirePlace:** 0**Heat Type:****Transfer Information**

Rec. Date:	01/15/16	Sale Price:	\$5,800,000	Doc Num:	2016/557	Doc Type:
Orig Loan Amt:						
Loan Type:		Finance Type:		Lender:		

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Yamhill County Parcel Information**First American Title****Parcel Information****Parcel #:** R441800205**Account:** 545578**Related:****Site Address:**

McMinnville, OR 97128

Owner: Baker Creek Development LLC**Owner2:****Owner Address:** 485 S State St
Lake Oswego, OR 97034**Phone:****Twn/Rng/Section:** T: 04S R: 04W S: 18 Q:**Parcel Size:** 23.00 Acres (1,001,880 SF)**Plat/Subdivision:****Lot:****Block:****Map Page/Grid:** 770-F3**Census Tract/Block:** 030701/2003**Waterfront:****Land****Cnty Land Use:** 500 - Farm - Vacant**Land Use Std:** VAGR - VACANT AGRICULTURE/RURAL**Neighborhood:** I005**Watershed:** Yamhill River**Assessment Information****Market Value Land:** \$1,813,550**Market Value Impr:** \$0**Market Value Total:** \$1,813,550**Assessed Value:** \$20,263**Tax Information****Levy Code Area:** 40.0**Levy Rate:** 17.0105**Tax Year:** 2015**Annual Tax:** \$344.70**Exemption Description:****Legal**POTENTIAL ADDITIONAL TAX LIABILITY 23.00 ACRES IN SEC 18 T4S
R4W**Cnty Bldg Use:** -**Zoning:** EF-80 - Exclusive Farm Use Dist. 80Ac Min**Recreation:** -**School District:** 40**Improvement****Year Built:** 0**Attic Fin/Unfin:** 0 / 0 SF**Foundation:****Bedrooms:** 0**Bathrooms:** 0.00**Roof Covering:****Bldg Fin:** 0 SF**Bsmt Fin/Unfin:** 0 / 0 SF**Garage:** 0 SF**1st Floor:** 0 SF**2nd Floor:** 0 SF**Ext Walls:****A/C:** No**FirePlace:** 0**Heat Type:****Transfer Information**

Rec. Date:	1/15/2016	Sale Price:	\$5,800,000.00	Doc Num:	2016/557	Doc Type:	BS
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Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



After recording return to:
Baker Creek Development LLC
485 S. State St
Lake Oswego, OR 97034

Until a change is requested all tax statements shall be sent to the following address:
Baker Creek Development LLC
485 S. State St
Lake Oswego, OR 97034

File No.: 1031-2452031 (JLW)
Date: January 05, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records	201600557
DMR-DDMR	01/15/2016 11:38:19 AM
Str=12 CONFERM	
10Pgs \$50.00 \$11.00 \$5.00 \$20.00	\$86.00

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

STATUTORY BARGAIN AND SALE DEED

Bankruptcy Estate of Berjac of Oregon, acting by and through Thomas A. Huntsberger, Chapter 7 Bankruptcy Trustee, Oregon bankruptcy case number 12-63884-tmr7, Grantor, conveys to **Baker Creek Development LLC, an Oregon limited liability company**, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to: See Exhibit B attached hereto and by this reference incorporated herein.

The true consideration for this conveyance is [REDACTED]. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

APN: **124109**

Bargain and Sale Deed
- continued

File No.: **1031-2452031 (JLW)**
Date: **01/05/2016**

Dated this 8th day of January, 2016.

Chapter 7 Bankruptcy Trustee for Berjac of
Oregon, an Oregon general partnership

By: Thomas A. Huntsberger, Trustee

Name: Thomas A. Huntsberger

Title: Trustee

STATE OF Oregon)
)
)ss.
County of Lane)

This instrument was acknowledged before me on this 8th day of January, 2016
by Thomas A. Huntsberger as Trustee of Chapter 7 Bankruptcy Trustee for Berjac of Oregon, on behalf of
the general partnership.

Laurie A Funkhouser

Notary Public for Oregon
My commission expires:

9-7-2018

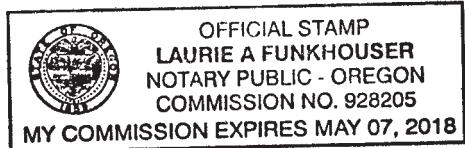


EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

PARCEL 1:

A tract of land in Section 7, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of the James O. Henderson Donation Land Claim in said Township and Range; thence South 89°37' East 1752.73 feet along the South line of said Henderson Donation Land Claim to the Southeast corner of that tract of land conveyed from Manning to McDaniel by deed recorded in Film Volume 51, Page 573, Deed and Mortgage Records; thence North 00°24'50" East 470 feet, more or less, along the East line of said McDaniel tract to the centerline of Baker Creek; thence Southwesterly 1650 feet, more or less, along said centerline to a point that bears North 89°21' East from an iron rod set in CSP-8883; thence leaving said centerline South 89°21' West 70 feet, more or less, to said iron rod; thence South 89°21' West 386.43 feet to an iron rod; thence South 89°21' West 29.90 feet to the West line of said Henderson Donation Land Claim; thence South 00°25'30" West 206.71 feet to the point of beginning.

PARCEL 2:**Tract 1**

All that portion of the following described tract lying North of Baker Creek Road: Commencing at the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, which place of beginning is also the Northeast corner of the T.J. Shadden Donation Land Claim; thence South 39.30 chains; thence West 38.16 chains to the center of the County Road; thence North 39.31 chains to the Northwest corner of the lands formerly owned by William L. Toney as described in deed recorded in Volume "W", Page 20, Yamhill County Deed Records, said corner being also on the North line of Section 18; thence East 38.16 chains to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to the City of McMinnville, a municipal corporation of the State of Oregon, acting by and through its Water and Light Commission by deed recorded March 31, 1977 in Film Volume 119, Page 241, and by deed recorded May 1, 2002 in Instrument No. 200208810, Deed and Mortgage Records of Yamhill County, Oregon.

ALSO EXCEPTING a parcel of land located in the T.J. Shadden Certificate Claim No. 18 in the Northeast Quarter of Section 18, in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon that is more particularly described as follows:

Beginning at a 5/8 inch iron rod on the East section line of Section 18, said iron rod being South 00°08'00" East 716.65 feet from the Northeast corner of Section 18, Township 4

South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South 89°52'00" West 323.00 feet to a 5/8 inch iron rod; thence South 00°08'00" East 725.16 feet, more or less, to the North line of Baker Creek Road; thence South 84°16'23" East along said North line 324.69 feet, more or less, to the East line of Section 18; thence North 00°08'00" West along said East line 758.31 feet, more or less, to the place of beginning.

FURTHER EXCEPTING those parcels conveyed to VJ-2 Development, Inc., in the following: deed recorded January 28, 1997 as Instrument No. 199701382; deed recorded January 26, 1998 as Instrument No. 199801435; and deed recorded February 5, 1999 as Instrument No. 199902487, Deed and Mortgage Records.

Tract 2

Beginning at a point on the South line of and 17.32 chains West of the Southeast corner of the James O. Henderson Donation Land Claim in Yamhill County, Oregon, Notification No. 1217, Claim No. 86 in Section 7, Township 4 South, Range 4 West of the Willamette Meridian in said County and State, said beginning point being also the Southeast corner of County Survey No. 2111; thence North 00°55' West following the East line of said County Survey No. 2111, 31.877 chains to stake set on the South line of a certain 30 foot roadway, which roadway is described in deed recorded in Film Volume 108, Page 507 of Deed Records in said County; thence South 84°16' West along the South line of said roadway, 7.5777 chains to an angle in said roadway; thence South 54°11' West along the South line of said roadway, 8.90 chains; thence South 25.734 chains to the South line of said James O. Henderson Donation Land Claim; thence South 89°21' East, 15.267 chains to the place of beginning.

EXCEPT THEREFROM that tract of land conveyed to Willard L. Cushing and Malcolm F. Marsh, trustee, by deed recorded July 5, 1973 in Film Volume 95, Page 232, Deed and Mortgage Records.

PARCEL 3:

Tract 1

Beginning at a point on the West line of that tract of land described in Volume 186, Page 137, Deed Records for Yamhill County, Oregon, which bears South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 104.35 feet from the brass cap at the Northeast corner of the T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence North 84°07'51" West parallel to Baker Creek Road a distance of 142.88 feet to the TRUE POINT OF BEGINNING; thence continuing North 84°07'51" West 634.42 feet; thence North 00°08'00" West parallel to the East line of said Section 18 a distance of 730.86 feet to the North line of said Section 18; thence South 89°17'50" East along said North line a distance of 631.01 feet to a point which bears North 89°17'50" West 465.15 feet from the said Northeast corner of Section 18; thence South 00°08'00" East parallel to the said East line of said Section 18 a distance of 788.00 feet to the true point of beginning.

Tract 2:

Beginning at a point on the West line of that tract of land described in Volume 186, Page 137, Deed Records, which bears South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 104.35 feet from the brass cap at the Northeast corner of the T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence North 84°07'51" West parallel to Baker Creek Road a distance of 777.31 feet to the TRUE POINT OF BEGINNING; thence continuing North 84°07'51" West 197.85 feet; thence North 00°08'00" West 713.04 feet to a point on the North line of said Section 18; thence South 89°17'50" East along said North line a distance of 196.79 feet to a point which bears North 89°17'50" West 1096.16 feet from said Northeast corner of Section 18; thence South 00°08'00" East 730.86 feet to the true point of beginning.

PARCEL 4:

Beginning at a brass cap at the Northeast corner of T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South 00°08'00" East 691.80 feet along the East line of said Section 18 to the Northeast corner of that tract of land described in Volume 186, Page 137, Deed Records; thence South 89°52'00" West along the North line of said tract of land 323.00 feet to the Northwest corner thereof; thence South 00°08'00" East along the West line of said tract 104.35 feet; thence North 84°07'51" West parallel to Baker Creek Road a distance of 142.88 feet; thence North 00°08'00" West parallel to said East line of said Section 18, a distance of 788.00 feet to a point on the North line of said Section 18; thence South 89°17'50" East along said North line a distance of 465.15 feet to the point of beginning.

PARCEL 5:

Beginning at a point on the West line of that tract of land described in Volume 186, Page 137, Deed Records of Yamhill County, Oregon which bears South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 104.35 feet from the brass cap at the Northeast corner of the T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in said Yamhill County; thence South 00°08'00" East along the said West line of said Volume and Page a distance of 619.84 feet to a point on the North right-of-way of Baker Creek Road, said point being 30.00 feet Northerly of the centerline of the road when measured at right angles; thence North 84°07'51" West along said North right-of-way a distance of 777.31 feet; thence North 00°08'00" West parallel with said West line of said Volume 186, Page 137 a distance of 619.84 feet; thence South 84°07'51" East parallel with said Baker Creek Road a distance of 777.31 feet to the point of beginning.

PARCEL 6:

A tract of land in Section 18, Township 4 South, Range 4 West, Yamhill County, Oregon, being Parcel 1 of that tract land described in deed from Frances J. Collier to VJ-2 Development, Inc. and recorded in Instrument No. 199806909, Yamhill County Deed

Records, and a portion of that tract of land described in deed from Emmerson J. Collier and Frances J. Collier to VJ-2 Development, Inc. and recorded in Instrument No. 199620926, Yamhill County Deed Records, and being more particularly described as follows:

Beginning on the South line of said VJ-2 Development, Inc. tract at the Southwest corner of Lot 97B of SHADDEN CLAIM SECOND ADDITION; thence North 84°07'51" West 774.08 feet along the South line of said tract to the East margin of Hill Road (30' from centerline); thence North 00°18'08" East 752.42 feet along said East margin to the Southerly margin of Baker Creek Road; thence South 84°07'51" East 771.93 feet to the Northwest corner of SHADDEN CLAIM SECOND ADDITION; thence South 00°02'49" West 116.05 feet along the West line of SHADDEN CLAIM SECOND ADDITION; thence South 10°35'05" West 50.17 feet along said West line; thence South 00°02'49" West 342.17 feet along said West line to the Northwest corner of Lot 98B of SHADDEN CLAIM SECOND ADDITION; thence South 04°49'35" West 83.58 feet to an iron rod; thence South 84°07'51" East 7.00 feet to the Southwest corner of Lot 98A of SHADDEN CLAIM SECOND ADDITION; thence South 07°22'19" East 61.63 feet along the West line of SHADDEN CLAIM SECOND ADDITION; thence South 00°02'49" West 99.97 feet along said West line to the point of beginning.

PARCEL 7:

A tract of land situated in Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northwest corner of Parcel 1, Partition Plat 2010-07, as platted and recorded in the Yamhill County Book of Partition Plats, said point also being the northeast corner of that property described in that instrument recorded in Instrument No. 1999-24729, Yamhill County Deed Records; thence North 84°07'51" West 66.93 feet along the north line of said property to the TRUE POINT OF BEGINNING of this description; and running thence: South 0°19'40" West 244.41 feet to a point of curvature; thence Southeasterly along the arc of a 250.00-foot radius curve to the left (the chord of which bears South 15°04'49" East 132.85 feet) 134.46 feet to a point of reverse curve; thence Southeasterly along the arc of a 250.00-foot radius curve to the right (the chord of which bears South 15°04'36" East 132.88 feet) 134.49 feet to the southeast corner of last mentioned property; thence North 89°17'50" West 697.85 feet along the south line of said property to a point on the east right of way line of North Hill Road at a perpendicular distance of 30.00 feet from the centerline of said road; thence North 0°18'50" East 556.89 feet along said east right of way line to the northwest corner of said property; thence South 84°07'51" East 630.33 feet along the north line of said property to the TRUE POINT OF BEGINNING.

Subject to and together with the rights and responsibilities set forth in that certain unrecorded Modification Agreement between the City of McMinnville and Grantor executed on November 7, 2014, and relating to street improvements along the easterly line of the subject parcel."

PARCEL 8:

APN: 124109

Bargain and Sale Deed
- continued

File No.: 1031-2452031 (JLW)
Date: 01/05/2016

A tract of land situated in Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the Southerly-most southwest corner of Parcel 3, Partition Plat 2010-07, as platted and recorded in the Yamhill County Book of Partition Plats; and running thence: North 0°08'00" West 500.05 feet along the west line of said Parcel 3 to an angle corner in said west line; thence South 89°17'50" East 122.06 feet; thence North 0°08'00" West 426.00 feet to a point on the north line of said Parcel 3, said point being the southeast corner of Lot 94B, SHADDEN CLAIM SECOND ADDITION, as platted and recorded in Volume 12, Page 10, Book of Town Plats for Yamhill County, Oregon; thence along the boundary of said Parcel 3 as follows: South 84°07'51" East 100.00 feet; thence South 0°08'00" East 2.78 feet; thence North 89°52'00" East 150.00 feet; thence South 0°08'00" East 8.00 feet; thence North 89°52'00" East 100.00 feet; thence South 0°08'00" East 13.81 feet; thence North 89°52'00" East 155.00 feet; thence South 0°08'00" East 8.00 feet; thence North 89°52'00" East 105.00 Feet; thence South 0°08'00" East 18.60 feet; thence North 89°52'00" East 60.00 feet; thence South 84°47'39" East 107.47 feet; thence North 89°52'00" East 107.00 feet; thence South 0°08'00" East 33.29 feet; thence North 89°52'00" East 180.00 feet; thence South 0°08'00" East 836.55 feet; thence North 89°17'50" West 1185.55 feet to the Point of Beginning.

EXHIBIT B**AFFECTING PARCEL 1**

- 1. Non-delinquent Taxes, if any.**
- 2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. Any assessment of past or future property taxes associated with farm deferral or loss of farm deferral, which are the responsibility of Grantee**
- 3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.**
- 4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Baker Creek.**
- 5. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Baker Creek.**
- 6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Baker Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.**
- 7. Right to enter and erect, operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and appurtenant signal lines, wires, cables and appliances necessary in connection therewith; together with right to clear said parcel and keep same clear of all brush, timber, structures and fire hazards; right to top, limb, fell and remove all growing trees, dead trees and snags (collectively called 'Danger Trees') which could fall on said line.**

Recorded: September 14, 1964

Recording Information: Film Volume 40, Page 138

Grantee: The United States of America

AFFECTING PARCEL 2

- 8. Non-delinquent Taxes, if any.**
- 9. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. Any assessment of past or future property taxes associated with farm deferral or loss of farm deferral, which are the responsibility of Grantee**
- 10. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.**
- 11. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Baker Creek.**

12. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Baker Creek.

13. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Baker Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

14. Right to enter and erect, operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and appurtenant signal lines, wires, cables and appliances necessary in connection therewith; together with right to clear said parcel and keep same clear of all brush, timber, structures and fire hazards; right to top, limb, fell and remove all growing trees, dead trees and snags (collectively called 'Danger Trees') which could fall on said line.

Recorded: August 12, 1964

Recording Information: Film Volume 39, Page 462

Grantee: The United States of America

15. Right to enter and erect, operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and appurtenant signal lines, wires, cables and appliances necessary in connection therewith; together with right to clear said parcel and keep same clear of all brush, timber, structures and fire hazards; right to top, limb, fell and remove all growing trees, dead trees and snags (collectively called 'Danger Trees') which could fall on said line.

Recorded: October 14, 1964

Recording Information: Film Volume 40, Page 851

Grantee: The United States of America

AFFECTING PARCELS 3 and 4

16. Non-delinquent Taxes, if any.

17. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. Any assessment of past or future property taxes associated with farm deferral or loss of farm deferral, which are the responsibility of Grantee

AFFECTING PARCELS 5 AND 6

18. Non-delinquent Taxes, if any.

19. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. Any assessment of past or future property taxes associated with farm deferral or loss of farm deferral, which are the responsibility of Grantee

20. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

AFFECTING PARCEL 7

- 21. Non-delinquent Taxes, if any.**
- 22. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. Any assessment of past or future property taxes associated with farm deferral or loss of farm deferral, which are the responsibility of Grantee**
- 23. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.**
- 24. Easement in deed, including terms and provisions contained therein: Recording Information: November 17, 2014 as Instrument No. 201414419**
For: Roadway
And Re-Recorded: May 7, 2015 as Instrument No. 201506187
- 25. Subject to and together with the rights and responsibilities set forth in that certain unrecorded Modification Agreement between the City of McMinnville and Grantor executed on November 7, 2014, and relating to street improvements along the easterly line of the subject parcel.**

AFFECTS PARCEL 8

- 26. Non-delinquent Taxes, if any.**
- 27. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. Any assessment of past or future property taxes associated with farm deferral or loss of farm deferral, which are the responsibility of Grantee.**
- 28. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.**
- 29. Easement, including terms and provisions contained therein:**
Recording Information: July 23, 1981 in Film Volume 162, Page 1837 In Favor of: City of McMinnville
For: Public utility

PARCEL 6:

A tract of land in Section 18, Township 4 South, Range 4 West, Yamhill County, Oregon, being Parcel 1 of that tract land described in deed from Frances J. Collier to VJ-2 Development, Inc. and recorded in Instrument No. 199806909, Yamhill County Deed Records, and a portion of that tract of land described in deed from Emmerson J. Collier and Frances J. Collier to VJ-2 Development, Inc. and recorded in Instrument No. 199620926, Yamhill County Deed Records, and being more particularly described as follows:

Beginning on the South line of said VJ-2 Development, Inc. tract at the Southwest corner of Lot 97B of SHADDEN CLAIM SECOND ADDITION; thence North 84°07'51" West 774.08 feet along the South line of said tract to the East margin of Hill Road (30' from centerline); thence North 00°18'08" East 752.42 feet along said East margin to the Southerly margin of Baker Creek Road; thence South 84°07'51" East 771.93 feet to the Northwest corner of SHADDEN CLAIM SECOND ADDITION; thence South 00°02'49" West 116.05 feet along the West line of SHADDEN CLAIM SECOND ADDITION; thence South 10°35'05" West 50.17 feet along said West line; thence South 00°02'49" West 342.17 feet along said West line to the Northwest corner of Lot 98B of SHADDEN CLAIM SECOND ADDITION; thence South 04°49'35" West 83.58 feet to an iron rod; thence South 84°07'51" East 7.00 feet to the Southwest corner of Lot 98A of SHADDEN CLAIM SECOND ADDITION; thence South 07°22'19" East 61.63 feet along the West line of SHADDEN CLAIM SECOND ADDITION; thence South 00°02'49" West 99.97 feet along said West line to the point of beginning.

PARCEL 7:

A tract of land situated in Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northwest corner of Parcel 1, Partition Plat 2010-07, as platted and recorded in the Yamhill County Book of Partition Plats, said point also being the northeast corner of that property described in that instrument recorded in Instrument No. 1999-24729, Yamhill County Deed Records; thence North 84°07'51" West 66.93 feet along the north line of said property to the TRUE POINT OF BEGINNING of this description; and running thence: South 0°19'40" West 244.41 feet to a point of curvature; thence Southeasterly along the arc of a 250.00-foot radius curve to the left (the chord of which bears South 15°04'49" East 132.85 feet) 134.46 feet to a point of reverse curve; thence Southeasterly along the arc of a 250.00-foot radius curve to the right (the chord of which bears South 15°04'36" East 132.88 feet) 134.49 feet to the southeast corner of last mentioned property; thence North 89°17'50" West 697.85 feet along the south line of said property to a point on the east right of way line of North Hill Road at a perpendicular distance of 30.00 feet from the centerline of said road; thence North 0°18'50" East 556.89 feet along said east right of way line to the northwest corner of said property; thence South 84°07'51" East 630.33 feet along the north line of said property to the TRUE POINT OF BEGINNING.

PARCEL 8:

A tract of land situated in Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the Southerly-most southwest corner of Parcel 3, Partition Plat 2010-07, as platted and recorded in the Yamhill County Book of Partition Plats; and running thence: North 0°08'00" West 500.05 feet along the west line of said Parcel 3 to an angle corner in said west line; thence South 89°17'50" East 122.06 feet; thence North 0°08'00" West 426.00 feet to a point on the north line of said Parcel 3, said point being the southeast corner of Lot 94B, SHADDEN CLAIM SECOND ADDITION, as platted and recorded in Volume 12, Page 10, Book of Town Plats for Yamhill County, Oregon; thence along the boundary of said Parcel 3 as follows: South 84°07'51" East 100.00 feet; thence South 0°08'00" East 2.78 feet; thence North 89°52'00" East 150.00 feet; thence South 0°08'00" East 8.00 feet; thence North 89°52'00" East 100.00 feet; thence South 0°08'00" East 13.81 feet; thence North 89°52'00" East 155.00 feet; thence South 0°08'00" East 8.00 feet; thence North 89°52'00" East 105.00 Feet; thence South 0°08'00" East 18.60 feet; thence North 89°52'00" East 60.00 feet; thence South 84°47'39" East 107.47 feet; thence North 89°52'00" East 107.00 feet; thence South 0°08'00" East 33.29 feet; thence North 89°52'00" East 180.00 feet; thence South 0°08'00" East 836.55 feet; thence North 89°17'50" West 1185.55 feet to the Point of Beginning.

Exhibit B Yamhill County Tax Map



ASSESSMENT & TAX
CARTOGRAPHY

SECTION 18 T.4S. R.4W. W.M.
YAMHILL COUNTY OREGON
1" = 400'

40.2

1202 16.3 AC.

SEE MAP
4.4.18B

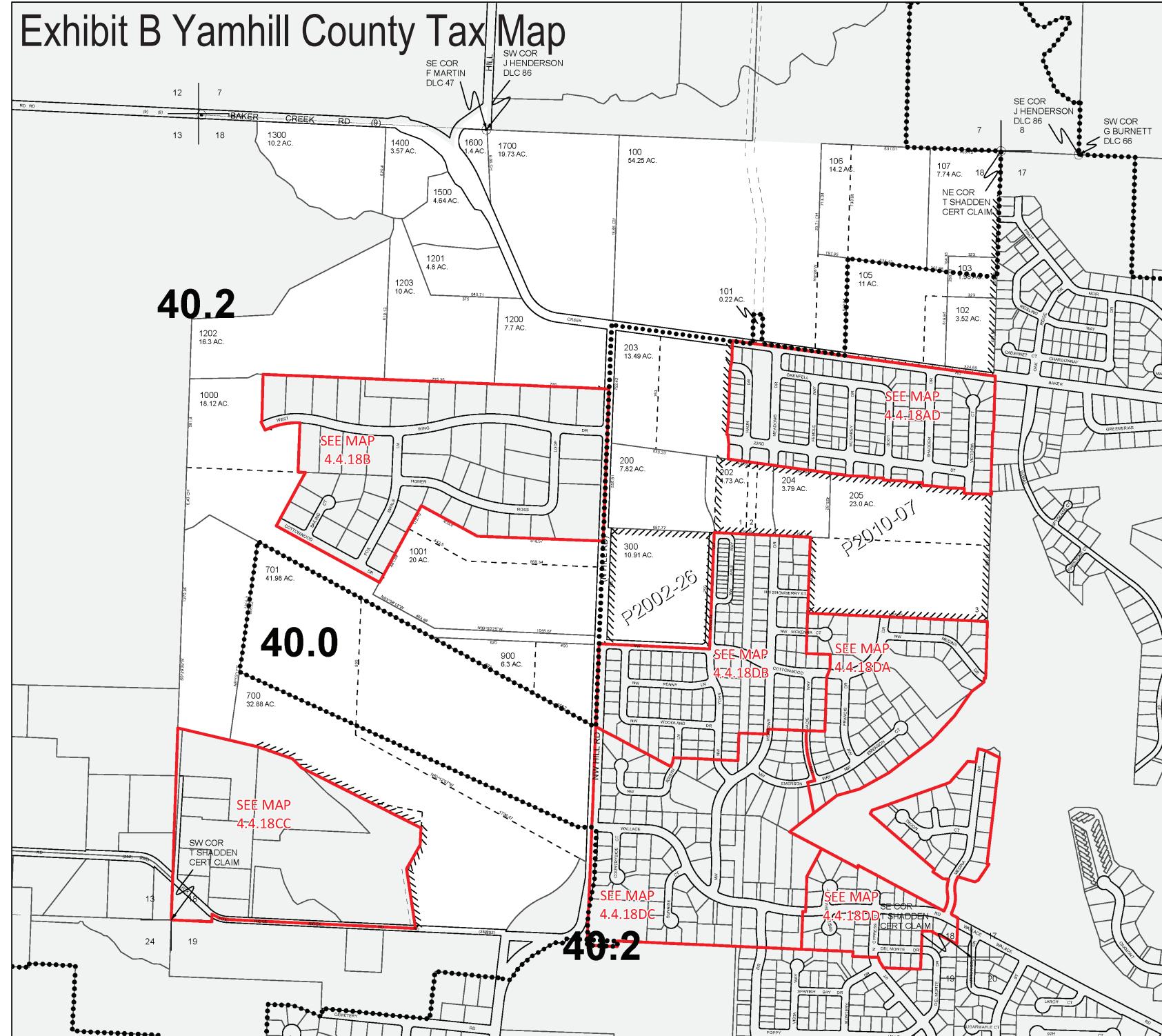
40.0

701 41.98 AC.

SEE MAP
4.4.18CC

40.2

SEE MAP
4.4.18DC



CANCELLED TAXLOTS:
1100
800
600
501
500
401
400
306
305
304
303
302
301
201
104
2404

DATE PRINTED: 6/9/2015

This product is for Assessment and Taxation (A&T) purposes only
and has not been prepared or suitable for legal, engineering,
surveying or any purpose other than assessment and taxation.

Concurrent Applications for Zone Change, Major Amendment to a Planned Development Overlay and Subdivision Approval for properties located Southeast of the intersection of Hill Road and Baker Creek Road, East of the Michelbook Country Club, north of Cottonwood and Michelbook Meadows subdivisions.

Exhibit ‘C’

ZONE CHANGE, PLANNED DEVELOPMENT AND SUBDIVISION NARRATIVE

OVERVIEW:

Request. The Applicant, Baker Creek Development, LLC, is the successor in interest to property known as Phase III of Shadden Claim subdivision (see attached Exhibit ‘O’). In addition, Baker Creek Development, LLC owns adjacent property that is part of the conceptual plan described in Ordinance No. 4626, which was approved by McMinnville City Council on July 9th, 1996. As part of Ord. 4626, the City Council approved an R-1 PD overlay and phased subdivision. The Applicant is now requesting review of three concurrent applications for:

- (1) Zone Change of a small portion of the subject property, roughly 13.6 acres, that is already annexed into the City, but has not yet received urban zoning to R-1 (Single-Family Residential), southern half of Tax Lot 205 (see Exhibit ‘B’ and ‘D’),
- (2) Major Amendment to the existing Planned Development Overlay on Tax Lot 203 (see Exhibit ‘B’ and ‘O’) allowing the proposed major changes to the adopted site plan for Shadden Claim Phase III. Project approval will increase land area in the planned development (see Exhibit ‘F’), increase the number of housing units, decrease density from the original approval, increase open space, and create no significant change to the vehicular system. The application seeks flexibility in lot area, and, for certain lots, reduced front and side building setbacks, and
- (3) Four Phased Subdivision approval for the development of three tax lots, a 13.49-acre parcel, a 7.82-acre parcel, and a 23.01-acre parcel into 208 new single-family detached small, medium, and large residential lots and one multi-family lot.

Submitted Attachments.

- Exhibit ‘A’ Property Descriptions
- Exhibit ‘B’ Yamhill County Tax Map
- Exhibit ‘C’ Zone Change, Planned Development, and Subdivision Narrative
- Exhibit ‘C-1’ Planned Development Findings Narrative
- Exhibit ‘C-2’ Zone Change Findings Narrative
- Exhibit ‘C-3’ Subdivision Findings Narrative
- Exhibit ‘C-4’ Comprehensive Plan Findings Narrative
- Exhibit ‘D’ Existing Zoning Map
- Exhibit ‘D-1’ Aerial Map
- Exhibit ‘E’ Existing Conditions Map
- Exhibit ‘F’ Planned Development Site Area

- Exhibit 'F-1' Planned Development Overlay Zoning Plan
- Exhibit 'F-2' Typical Lots
- Exhibit 'F-3' Overall Development Plan
- Exhibit 'F-4' Walking Distance Plan
- Exhibit 'F-5' Overall Phasing Plan
- Exhibit 'G' Proposed Tentative Subdivision Plat – West – Sheets PL-1, PL-2
- Exhibit 'G-1' Proposed Tentative Site Plan – West – Sheets SP-1, SP-2, SP-A
- Exhibit 'G-2' Proposed Tentative Utility Plan – West – Sheets C-1, C-2
- Exhibit 'H' Proposed Tentative Subdivision Plat – East – Sheets PL-3 PL-4
- Exhibit 'H-1' Proposed Tentative Site Plan – East – Sheets SP-3, SP-4, SP-B
- Exhibit 'H-2' Proposed Tentative Utility Plan – East – Sheets C-3, C-4
- Exhibit 'I' Photo Rendering of Baker Creek West Streetscape
- Exhibit 'J' Elevations – Baker Creek West
- Exhibit 'K' Elevations – Baker Creek East
- Exhibit 'L' Sample Photo Elevations for 50' Wide Dwellings
- Exhibit 'M' Sample Photo Elevations for 26' and 30' Wide Dwellings
- Exhibit 'N' NOT USED
- Exhibit 'O' Shadden Claim Phase II & Phase III Tentative Plan and Plats of 1st & 2nd Additions
- Exhibit 'P' Future Public Park Plans (Preliminary)
- Exhibit 'P-1' Example Tot Lot Playground Equipment

Applicant/Agents. Applicant/Owner: Baker Creek Development, LLC, Gordon C. Root and/or Rick L. Waible, Manager, and Morgan Will, Project Manager (Applicant/Owner's Representative); 485 South State Street, Lake Oswego OR 97034; Agent: W. Josh Wells P.E., Civil Engineer, Westech Engineering, 3841 Fairview Industrial Drive SE, Suite 100, Salem OR 97302.

Subject Properties. The proposal is for an amended planned development, which includes the unimproved Shadden Claim Phase III, Tax Lot 203, and both Tax Lot 200 and 205, which are adjacent lots. All tax lots are found on Yamhill County Assessor's Map No. 4-4-18 (see Exhibit 'B'). The 57.48 acre amended planned development area has approximately 13.16 acres already built out, and a total of approximately 44.32 acres will be built out with this project. The subject properties are located to the south of Baker Creek Road, to the east of Hill Road and to the west of Michelbook Country Club, and north of Cottonwood and Michelbook Meadows subdivisions. The subject properties are currently vacant and being farmed or are fallow. The west portion of Tax Lot 203 is zoned C-3 PD. The east portion of Tax Lot 203 is zoned R-1 PD. Tax Lot 200 is zoned R-1. Tax Lot 205 is zoned R-1 on the northern portion, and still retains the remnant County EF-80 zone on the southern portion. (see Exhibit 'D')

McMinnville Comprehensive Plan Designation. The July 2015 McMinnville Comprehensive Plan Map designates the subject properties as "Residential" with the exception of the 3.8 acres located at the southeast corner of Hill Road and Baker Creek Road which is designated as "Commercial." The properties to the west, across North Hill Road are outside of the McMinnville Urban Growth Boundary and are designated as "Exclusive Farm Use" on the Yamhill County Comprehensive Plan. The properties to the north, across Baker Creek Road (owned by the Applicant) are within the Urban Growth Boundary of McMinnville and are designated as "Commercial" along Baker Creek Road and "Residential" behind. The other adjacent properties are within the City Limits of McMinnville and are designated as "Residential."

Surrounding Zoning and Land Use. The many properties east of Tax Lot 203 are developed as earlier phases of the Shadden Claim subdivision and have an R-1 PD overlay, with uses and lot sizes similar to an R-3 zone along the common property line and along 23rd Street, including duplex townhouse lots (see Exhibit F-3). The properties to the north, across Baker Creek Road (owned by the Applicant) are within the Urban Growth Boundary of McMinnville and annexed, but still are zoned EF-80 (Exclusive Farm Use – 80 Acres) and are currently being farmed while awaiting rezoning to urban designations. Uses north of Baker Creek Road will include commercial along the frontage and residential behind once rezoned. The properties directly to the west of Tax Lot 200 and 203, across Hill Road, are outside of the McMinnville Urban Growth Boundary and are zoned EF-80 (Exclusive Farm Use – 80 Acres), but the area includes a 54-lot Measure 37 subdivision. East of Tax Lot 200 along Yohn Ranch Drive and north of the Cottonwood subdivision is Tax Lot 202. It is 4.73 acres owned by the City, which is designated and under development by the City Parks Department as a future park scheduled for construction summer of 2017 (see Exhibit P), and within Tax Lot 202 there is an existing trail that connects north through the amended planned development to Baker Creek Road and south through the Cottonwood subdivision to SW 2nd Street. Tax Lot 300, south of Tax Lot 200 between Yohn Ranch Drive and Hill Rd, is 10.91 acres, owned by the local school district and planned for a future school (see Exhibit ‘B’). SE of Tax Lot 200 and SW of Tax Lot 205 is the Cottonwood subdivision development zoned R-2 PD, and a portion of which, located adjacent and kitty corner to the SE of Tax Lot 200, is built to the R-4 density with townhomes. The undeveloped parcel west of Tax Lot 205 is zoned R-1 (Single Family Residential). It contains the beginning of the drainage which comes from Meadows Dr. The properties to the north of Tax Lot 205 are the earlier phases of the Shadden Claim development described above, and are all zoned R-1 PD. The property to the east of Tax Lot 205 is the private golf course (Michelbook Country Club). The property to the south of Tax Lot 205 is zoned R-1 PD and developed as Michelbook Meadows subdivision. (See Exhibit ‘D’ and Exhibit ‘D-1’).

Natural Features. There are no existing floodplain or floodway boundaries located on the subject properties as designed on the Federal Emergency Management Agency’s (FEMA) floodplain maps. A wetland delineation was completed and concurrence received from the Oregon Division of State lands for the project. Identified wetlands and significant vegetation on the site will be in tracts and conservation easements shown on the plat and protected through provisions in the CC&Rs recorded with the plat (see Exhibits ‘G’, ‘H’, & ‘F-3’). The subject property is relatively flat (1 – 2% slopes) and has no risk of landslide susceptibility (see Exhibit ‘E’).

Site Development Concept. The intent of the proposed Zone Change is to apply urban zoning, R-1 (Single Family Residential), to the southern portion of Tax Lot 205, not rezoned at time of annexation. The intent of the application for concurrent Planned Development Overlay and Subdivision applications is more fully explained in the response to the planned development criteria under Exhibit ‘C-1’ attached to this narrative, in response to the response to Zone Change criteria in Exhibit ‘C-2,’ and response of the subdivision request found under Exhibit ‘C-3’ attached to this narrative. In general, it is to provide for flexibility in lot area and front and side setback regulations to meet site development objectives that include, but are not limited to: (1) provide a variety of lot and dwelling sizes to meet market needs for single family dwellings in the City of McMinnville, (2) provide appropriate transitions of housing density and dwelling scale across the subject site between future development, existing zones, and current development patterns for adopted plans, and (3) to meet physical site constraints, protect natural resources, and at the same time serve the changing housing preferences and market conditions in the community.

and City. Expanding the range of housing mix is supported by various policies listed in the McMinnville Comprehensive Plan. It is the applicant's intent to provide an attractive mixed housing development to compliment surrounding uses while providing a sense of community for the residents and recognizing the necessary economic value of providing housing alternatives. It is also the intent to coordinate land use with transportation and future transit needs, in a manner that places higher intensity land uses in proximity to schools, parks, commercial areas, transit corridors and major streets in order to more efficiently and effectively use those resources. Finally, the layout considers existing development patterns and the need to extend services and access, and balances these interests with the protection of natural resources.

Access and Circulation. Access to the proposed lots of the proposed Planned Development will be from Hill Road, 23rd Street, Yohn Ranch Drive and Haun Drive for the new BCW phases, and from stubbed streets to the new BCE phases at Snowberry Street, McGeary Drive, Mahala Way, Shadden Drive, Victoria Court and Cottonwood Drive. Access will be facilitated to both Hill Road and Baker Creek Road, both designated minor arterial streets.

Exhibit ‘C-1’

PLANNED DEVELOPMENT AMENDMENT

The proposal is to amend the existing planned development, Ordinance #4626. In this Findings Document, applicable code and criteria for approval are written in ***Bold Italics, Arial Narrow 11 Point Font.***

Chapter 17.51

PLANNED DEVELOPMENT OVERLAY

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:

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.)

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;

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;

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

E. A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as

the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;

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. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The purpose statement set forth in MZO 17.51.010 is not a mandatory approval standard. Although the code states that the City Council should take the purpose statement set forth in 17.03.020 “into consideration,” when approving a zone change, MZO 17.030.020 is not written in mandatory terms. *Bothman v. City of Eugene*, 51 Or LUBA 426 (2006) (Considerations are not mandatory approval criteria, but should be reviewed and balanced with other relevant plan policies); *Heitsch v. City of Salem*, 65 Or LUBA (2012) (City should adopt findings supporting mandatory considerations, even if the individual policies are not mandatory approval criteria that must be independently satisfied or complied with).

Nonetheless, the proposed amended planned development meets the purpose of a planned development. It uses flexibility and freedom in design to create variety in lot type, lot area and width, and dwelling size, to create a community to serve housing needs in McMinnville. The approval of the amended planned development proposed will result in a community of existing and new residential dwellings, including multi-family, attached, and detached single-family homes. Rather than a repetitive pattern of similar housing type, the proposal will use creative and new methods in small lot single-family residential development to meet community needs that are an alternative to the standard townhouse approach. Medium and large homes are also planned for on a variety of lot sizes. These lots also have varied side yard setbacks, serving those who want large yards and those who don’t. The building width for the small, medium and large lots where side yard setbacks are narrower remain wide enough to preserve reasonable home square footage and off-street parking on the lot. Natural features of the site are preserved to the greatest extend possible. Lots are arranged around these features. Streets are terminated in cul-de-sacs where extension of the street system would destroy the natural features. Natural features will be placed in conservation easements on lots or in common open space tracts, as appropriate, to preserve them. Additional active open space is created for casual play by residents at convenient locations in the community, and multiple walkways are proposed to encourage pedestrian and bicycle movement to and from the community. The flexibility in lot size and setbacks requested are intended to achieve the objectives of the planned development. The plan is submitted as required by Section 17.51.030. (See response to 17.03.020 in Exhibit ‘C-3’)

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;*
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The principal land use in the portion of the site area designated in the comprehensive plan map and zoning map as C-3 PD, for multi-family use, will be used for multi-family use. The rest of the land

is designated for R-1 or R-1 PD residential use on the comprehensive plan map and zoning map, except the south part of Tax Lot 205, which retained remnant County zoning upon annexation. The south part of Tax Lot 205 is proposed to be rezoned with this proposal. The underlying zone allows for 336 combined dwelling units, and the proposed amended planned development calls for a maximum of 335 dwelling units within the planned development boundary (see Table 3.0 on Exhibit 'F-3').

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;**

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;

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;**

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The Applicant has provided the requisite copies with the above listed information. The Applicant requests the City use these procedures, and appropriate others listed in the code, to considering the findings in the Staff Report created from review of the proposal, and the proposal which show, in response here to Section 17.74.070, these factors are met.

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;

SUPPORTIVE FINDINGS AND CONCLUSIONS:

If, in the opinion of the approval authority any of the required provisions are not satisfied upon review, then the Applicant requests the City apply the second option listed above, and return the plan to the applicant for revision, and re-submittal for review thereafter.

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;

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The Applicant requests the City attach conditions to carry out the purpose of this ordinance, as is necessary to comply with the code.

F. Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 (Applications and Review Process) of this ordinance;

SUPPORTIVE CONCLUSIONS:

The Applicant requests the City apply the above listed procedures in the review process.

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;

H. An approved planned development shall be identified on the zoning map in addition to the existing zoning. (Ord. 4242 §1, §2, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

SUPPORTIVE CONCLUSIONS:

The Applicant will apply for construction on the basis of approved plans, or request permission for changes as required by this code.

The McMinnville Zoning Ordinance of 1981, Chapter 17.74, Section 17.74.070 provides the criteria for approval for Planned Developments.

Section 17.74.070(A). There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirement.

SUPPORTIVE CONCLUSIONS:

The Applicant seeks to achieve a number of special objectives as part of the overall development concept for the subject properties:

- (1) Provide a diversity of lot sizes and housing sizes at various price points to meet today's market need of home consumers in McMinnville for quality, choice and affordability,
- (2) Focus on the detached Single Family Residential housing type,
- (3) Offer open space amenities to the residents,
- (4) Ensure adequate off-street parking,
- (5) Avoid a linear "cookie cutter" approach to housing,

- (6) Provide an appropriate transition of housing density across the development between varying existing and future uses, and
- (7) Preserve natural amenities and address physical site conditions and constraints.

The proposed development addresses each of these special objectives. A planned development amendment approval is sought because the proposal increases the overall land area subject to the existing planned development. The proposed plat adjusts density distribution across the PD, and increases open space within the PD. Some standard base zone requirements impede the Applicant's ability to accomplish these goals (for a summary of what standards are requested to be adjusted, see responses in Exhibit 'C-3' and Exhibit 'F-2').

Each of these objectives is discussed in detail below.

(1) Housing Affordability, Diversity, and Variety

a. The Need for More Affordable Single-Family Homes in McMinnville and Yamhill County

The Greater Portland (Oregon) Metropolitan Statistical Area, including Columbia, Washington, Multnomah, Clackamas, and Yamhill Counties, continues to enjoy steady population growth while suffering a housing shortage. In particular, Yamhill County's population continues to grow, and the supply of affordable single-family detached homes has not kept pace with the demand. Yamhill County's population in 2017 is estimated to be 102,750.¹ The city of McMinnville's current population is estimated at 34,575. The County's adopted population forecast shows growth of more than 10,400 people expected in the 2016-2036 period, resulting in a demand for nearly 4,050 new dwelling units.² Assuming the popular demand for housing mix (of multifamily, manufactured, and detached single-family homes) remains roughly the same as in the 1990-2010 period, than over 75% of the new housing units would be single-family detached homes. The new housing mix proposed with this amended planned development is 74.8% single-family detached, roughly consistent with projected popular demand (208 SFD with 70 multi-family, for $208/278=74.8\%$). The remaining units to meet the demand projected would be nearly 790 new multifamily units and 100 +/- new single-family attached units (*e.g.* townhouses).³ The up to 70 multi-family units proposed for the amended planned development would help meet the need for this type of housing, and would also be roughly consistent with the trend for percent of production of multi-family units.

Home sales prices have increased faster than real wages for Yamhill County residents. The median home sales price in Yamhill County increased by 25% (or \$50,000) between 2010 and 2017. Yet Yamhill County median incomes grew only 20% (or \$9,153) during this same time period. The median home sale price in Yamhill County in 2016 was \$286,600. For McMinnville, the median home price was \$295,000 in 2016 for all homes, including condominiums, townhomes,

¹ US Census Bureau estimate.

² "Population Forecasts for Yamhill County, its Cities and Unincorporated Area 2011-2035" Population Research Center College of Urban and Public Affairs, Portland State University October 2012

³ Id., page 2.

manufactured homes, etc., whether or not on the market. For newly constructed single-family homes, the March 2017 median price is \$399,450.⁴

The city of McMinnville has a housing mixture similar to the state of Oregon as a whole. In McMinnville, 74% of the housing units are single-family detached homes, while the state-wide figure is 72%. Yamhill County as a whole has an unusually high percentage of single-family detached residences, 87%, which reflects a strong local preference for single-family detached houses.

The median 2016 household income in the city of McMinnville was \$47,851, which is below the Oregon median income of \$50,521. While Oregonians as a whole enjoyed a 24% increase in median household income from 2000 to 2015, the increase for McMinnville residents was only 17%. Newberg residents, in contrast, enjoyed a 22% increase in median household income, and Dundee residents a 28% increase during this same period.

Due to this discrepancy between the slow rate of income growth, and the more rapid increase in housing prices, Yamhill County homes have become less affordable for average buyers. The ratio of housing value to household incomes shows that home values increased faster than incomes since the year 2000. In Yamhill County, the 2015 median home value was 3.8 times the median income, up from 3.2 in 2000. The ratio is consistent with statewide trends, indicating homeownership has become less affordable in the last fifteen years. At a median income of \$47,851, the average McMinnville family seeking to purchase a home can afford to pay roughly \$232,000.⁵

As mentioned above, Oregon Statewide Planning Goal 10 and the McMinnville Comprehensive Plan require the city to provide housing that is affordable to all households in a community. “Cost burden” is a useful measure of housing affordability. According to federal HUD guidelines, a household that spends more than 30% of its total income on housing is said to be “cost burdened.”⁶

Of the populations studied (*i.e.* Oregon as a whole, Yamhill County, and the cities of McMinnville, Newberg, Dundee and Carlton), McMinnville has the highest percentage of cost-burdened residents. While only 22% of Yamhill County residents and 6% of Dundee residents are cost-burdened, in McMinnville the percentage is higher: 28%.

This is a clear indication that the city of McMinnville needs more single-family dwelling units affordable to the average Yamhill County home-buyer. McMinnville is an attractive community for residential buyers for many reasons, including the small-town atmosphere, good public schools, natural beauty, access to outdoor recreation, and proximity to the Portland metro area. The Applicant proposes to meet this need for more single-family detached dwelling units with the mix of lot sizes, including smaller lots that are more affordable, as proposed in this amended planned development.

⁴ First American Title Market Analysis Report for McMinnville, Oregon 97128 - Current Real Estate Market Conditions for Single Family Homes · Trends in Pricing · Current Levels of Supply and Demand · Value Metrics - Report for the Week of March 13, 2017, page 2.

⁵ <http://www.realtor.com/mortgage/tools/affordability-calculator/>

⁶ Elise Hui, Executive Director, Housing Authority of Yamhill County, presentation to the McMinnville City Council, May 12, 2015.

b. The Need for More Homes In the \$240,000 to \$320,000 Price Range in McMinnville

McMinnville currently has considerable demand for housing. It is what is known as a “seller’s market” with demand continuing to increase.⁷ The city has not conducted a housing inventory analysis for 16 years,⁸ but it is clear that housing demand (for both renting and purchasing) is high. From our analysis of the study area, which includes both R-2 residential subdivisions and R-4 zoned multi-family lots, it appears the average newer R-2 home has a fair market value around \$282,000 (with an average 1,736 sq. ft. house), while older nearby R-1 houses are valued at \$328,240 (with a 2,456 sq. ft. house). As the analysis of local residential land use patterns shows, there is a strong local preference for detached single-family houses with a moderately-sized yard, among Yamhill County homebuyers who can afford them. Granting this proposal an approval will increase the stock of such affordable homes, currently in considerable demand.

The following subdivisions were selected as examples as the newest subdivisions approved by the city of McMinnville (there was a significant drop-off in housing Yamhill County residential construction following the 2008-2009 economic downturn).⁹

R-2 Subdivisions (av. house 1,796 sq. ft, av. lot 7,386 sq. ft)	Total Cost
West Valley Estates I	\$280,831
West Valley Estates II	\$262,283
West Valley Estates III	\$307,681
Av. West Valley house size: 1,736 s.f.	Av. lot size: 8,890 s.f.
Oak Ridge Sub.	\$252,043
Oak Ridge Sub. 1 st Ad	\$306,750
Oak Ridge Sub. 2 nd Ad	\$360,750
Av. Oak Ridge house size: 1,796 s.f.	Av. lot size: 7,886 s.f.
Valley's Edge Phase III	\$240,225
Av. Valley's Edge lot size: 1,503 s.f.	Av. lot size: 7,968 s.f.
R-4 (multi-unit) Subdivisions: (av. home 1,403 sq. ft; lot 5,218 sq.ft.)	Total Cost
Bungalows at Chegwyn Village	\$244,127
Bungalows at Chegwyn Village II	\$230,664

⁷ First American Title Market Analysis Report for McMinnville, Oregon 97128 - Current Real Estate Market Conditions for Single Family Homes · Trends in Pricing · Current Levels of Supply and Demand · Value Metrics - Report for the Week of March 13, 2017, page 2.

⁸ The city’s “McMinnville Residential Land Needs Analysis” report prepared by EcoNorthwest in May, 2001.

⁹ An additional R-1 subdivision, Aspire Community Development, was omitted, as it is a *Habitat for Humanity* project and thus not subject to standard real estate market analysis.

To use a real estate phrase, many Yamhill County families are “priced out” from purchasing a more expensive house, but could potentially afford the homes proposed in this land-use application (*i.e.* a R-1PD zoned home priced from \$260,000 to \$320,000).

The National Association of Home Builders created a “Priced Out” metric to measure how many potential buyers are precluded from purchasing as the price of the houses increase. Most home buyers take out a mortgage to finance a purchase of a new home, so the Priced Out model uses ability to qualify for a mortgage as an affordability standard. To qualify for conventional loans, housing expenses should not exceed 28 percent of homebuyers’ gross monthly income.¹⁰

Monthly housing costs include principal and interest on the mortgage, property taxes and homeowner’s Insurance – often abbreviated as “PITI”. The affordability standard is thus a ratio of housing expenses to income, and the number of households that qualify for a mortgage to buy a home of a given price will depend on the income of households in an area and current mortgage rates. Using this standard, how would granting the application an approval improve home affordability for Yamhill County residents?

At a median income of \$47,851, the average local family seeking to purchase a home in McMinnville can afford to pay roughly \$232,000.¹¹ The median price for a newly-built McMinnville single-family house for sale on the market in March 2017 is \$399,450.¹² To afford this price, a family would need an income of approximately \$116,200. Few McMinnville residents earn that much; perhaps as few as 200 households have this level of income or higher.

The Applicant proposes homes in the BCW that are expected to sell for somewhere in the \$245,000 to \$320,000 range. To purchase one of the proposed new homes in this range, a purchaser would need an income of \$79,200 to \$97,310. Using 2017 national income distribution figures scaled to local demographics, perhaps as many as 1,800 households in McMinnville earn that much annually.

On top of that, there may be even more opportunities for potential buyers who purchase individual finished lots in BCW. All of the finished lots in BCW are anticipated to sell at \$80,000 to \$85,000. If we take an industry-standard figure of lot price making up 1/3 of total home price, a finished home could be built on a BCW lot for as little as \$240,000. At that price, an annual household income of only \$77,500 is necessary to purchase without being cost burdened.

Assuming that roughly 60%¹³ of the McMinnville population is interested and able to purchase a new home, more than a third (35%) of McMinnville’s potential home-buying market is able to afford this price without being cost burdened.

¹⁰ National Association of Home Builders, *State and Metro Area House Prices: the “Priced Out” Effect*, Natalia S. Siniavskia, August 1, 2014.

¹¹ <http://www.realtor.com/mortgage/tools/affordability-calculator/>

¹² First American Title Market Analysis Report for McMinnville, Oregon 97128 - Current Real Estate Market Conditions for Single Family Homes · Trends in Pricing · Current Levels of Supply and Demand · Value Metrics Report for the Week of March 13, 2017, page 2.

¹³ 40% of a typical municipal population is assumed to not be in the market to purchase a home, for a variety of reasons, e.g. they are children, college students, residing in assisted living or institutions, or financial reasons.
<https://www.trulia.com/blog/trends/2016-housing-predictions/>

In summary, given the median family income, house prices and residential development patterns in the city of McMinnville, approving the proposed amended planned development would make homes on this site affordable to many more families as compared to the homes built to the base zone standard. We caution that overall affordability on the west side is limited by Plan Policy 71.01 (average density must be less than 6 units per acre, as limited by sewer capacity). Even with that strict limit, granting this amended planned development request will allow construction of new homes that at least 1,800 Yamhill County families could potentially afford. The vast majority of those same 1,800 families are priced out of buying a newly-built single-family home at the March 2017 median market price of \$399,450.

It is also important to note that the availability of new construction affordable housing has a positive secondary effect on the overall housing market. When new homes are purchased by locals who are “upgrading” their living accommodations from rentals, this frees up those rental housing units for other people. In other words, more housing has the effect of helping to alleviate some of the housing shortage. Yamhill County Housing Authority Executive Director Elise Hui reported that her agency had a 1,328-person waiting list for Section 8 housing subsidies as of March, 2015.¹⁴

Another important consideration is compact urban form. Oregon has been a leader in finding ways to develop land more sustainably and efficiently. As part of this effort, we have seen a move towards more compact urban form, which includes development of single-family detached homes on smaller lot sizes. While all developments have fixed infrastructure costs such as streets, sewer, and water, we can lower the cost of housing to the homebuyer by reducing the costs of creating a lot. One of the ways is to reduce the lot sizes. If a traditional base zone lot of 72 feet wide is built, the infrastructure costs of that lot would be roughly in the \$30,000 range. However, if we build a 32 feet wide lot next to a 40 feet wide lot, those same fixed costs can be distributed between those two lots. The result is twice the number of dwelling units for the same hard cost as compared to one traditional 72-foot wide large lot. This design philosophy embodies minimal use of finite fuels, raw materials, and limited urban land availability to provide affordable homes through efficient use of land and resources.

The Baker Creek Planned Development strives to achieve a proper mix and balance between housing size and amenities on the one hand, and affordability on the other. The overall density limit of six units per acre imposed by Plan Policy 71.01 makes this challenging. Nonetheless, the greater zoning flexibility offered by this Planned Development allows more alternatives in housing types and housing affordability, which:

- Responds more effectively to the diversity in housing needs and preferences that characterizes the McMinnville community's resident population,
- Supports the ability of older adults and individuals with disabilities to successfully age in place in their own communities, remaining close to family, friends, community organizations, and other contacts, and
- Stabilizes the community's residential base by providing residents with greater choices for successfully remaining in the community instead of relocating to other communities to find housing choices that better meet their needs.

¹⁴ Elise Hui, Executive Director, Housing Authority of Yamhill County, presentation to the McMinnville City Council, May 12, 2015.

MZO 17.51.030(C)(4) requires planned development plats to be “completed in a reasonable amount of time.” Given that the City has recently experienced absorption rates of approximately 100 dwelling units per year, the four phases of the Baker Creek PD are anticipated to be built and sold in roughly four years. Of course, the best way to ensure timely sales is to increase the diversity of the offered housing choices in order to appeal to the widest demographics and different segments of the population.

The proposal provides single family detached home lots at an overall density range conforming to the comprehensive plan and zoning (see Table 3.0 Exhibit F-3), but more importantly, it provides lot sizes and yard areas that vary to create different price points for buyers with different needs. The project will deliver lots with both smaller yard areas and standard yard to meet varied consumer preferences for landscaped space on the lot. Equally important, the proposal offers lots with a range of building envelops to allow different dwelling sizes, creating the diversity and variety in the housing generated by the development.

This is achieved simply in the proposed planned development by creating lots on the BCE phases that all have a minimum building envelope width of 50 feet, yet depth, and more importantly side yard setbacks vary.

- Some lots are at least 70 feet wide to allow standard ten feet (10') wide side yard setbacks and a 50' feet building envelop. These lots all meet or exceed the 9,000 square feet minimum lot area of the underlying zone, and are referred to as Single-Family Detached lots of 70' width, or SFD-70, in this application. These are standard lots and meet all of the R-1 code.
- Other lots are 65 feet wide and the planned development would permit them to have seven and a half feet (7.5') wide side yard setbacks and a 50' building envelop, and are referred to as Single-Family Detached lots of 65' width, or SFD-65, in this application. Lot depths would vary, creating diversity in lot area and landscaped yard area. The average area of all SFD-65 lots in the project would be at least 6,500 sq. ft. All other lot standards of the R-1 code would apply.
- Still other lots would have a 60 feet typical width at the front building line to allow a 50' wide dwelling with five feet (5') wide side yard setbacks, referred to as Single-Family Detached lots of 60' width, or SFD-60, in this applications. Again lot depth would vary, creating variety in lot area and landscaped yard area. The front building setback would be 15'. The average area of all SFD-65 lots in the project would be at least 6,000 sq. ft. All other lot standards of the R-1 code would apply.

In the BCW phases, the approach is to offer small lot single-family detached housing. The target width for a building envelop is 26' wide and 30' wide. The smaller 26' wide dwellings are proposed with interior side yard setbacks of 3', and are referred to as Single-Family Detached lots of 32' width, or SDF-32, in this application. Lots are 32' wide minimum and depth is consistently 100' or greater, allowing all lots to be no less than 3,200 square feet in area. Corner lots have a 15' street side setback and thus are larger. The larger 30' wide dwellings are proposed with interior side yard setbacks of 5', and are referred to as Single-Family Detached lots of 40' width, or SDF-

40, in this application. Lots are 40' wide minimum and depth is also consistently 100' or greater, allowing all lots to be no less than 4,000 square feet in area. Corner lots again have a 15' street side setback and thus are larger. These R-3 Modified and R-4 Modified lots all have 15' front building setback. Garage and rear setbacks are all 20' standard per R-1 code. On the BCW phases, lots alternate so there is 8' between buildings. Lots are placed together along each street frontage mixed. With this lot pattern the community developed will offer a variety of housing on each block. (See Exhibit 'F-1' and Exhibit 'F-2').

This area of McMinnville currently has a number of small townhouse and duplex lots as well as medium sized lots. Approval of the proposed planned development will allow for small lot single-family detached homes on the BCW phases and medium and larger single-family detached homes on the BCE phases, as well as multi-family on the existing area zoned C-3 PD. This development will truly provide housing variety to meet the needs of the consumer in the McMinnville market.

(2) Focus on the Detached Single Family Residential Housing Type.

A 2014 residential preference study done by DHM Research for Metro¹⁵ shows that about 80% of people view detached single-family dwellings as their preferred housing choice. Only 7% prefer single-family attached dwellings, such as townhomes. In recognition of this fact, the Applicant has specifically designed the amended PD with detached single-family housing type in mind. 74.8% of the new residential dwelling units are single-family detached dwelling units.

Of the overall 335 dwelling units in the amended planned development boundary:

- 70 are proposed multi-family,
- 208 are proposed single-family detached,
- 31 are existing single-family detached, and
- 26 are existing attached duplex townhouses.

Thus, in total, 71% are detached single-family residential lots, 7.8% are single-family attached, and 20.9% are multi-family.

The proposed lot mix is targeting a mix of housing type shown as preferred, while focusing on affordability too. The small lots for single-family detached dwellings in the BCW phases are for dwellings that mimic the overall size, internal floorplan, and cost of a townhouse, but which offer the increased quiet enjoyment, privacy and window light offered by detached units that people prefer. We believe the McMinnville market will be highly receptive to this housing type, and we expect strong demand for these homes. Their sizes allow them to be more energy-efficient compared to larger residences. They can serve as housing for families seeking to downsize, new households looking for a starter home, and the workforce looking to move up to owner occupancy. The high density residential apartments and existing duplex townhouses in the amended planned development help the project reach the absolute broadest housing demographic, yet the overall emphasis of the development remains on detached homes to meet housing preferences.

(3) Open Space Amenities

¹⁵ (<http://www.oregonmetro.gov/residential-preference-study>)

Planned Developments typically offset their increased density and their resulting smaller lots with common open space, and this proposed amended planned development is no exception. The Applicant's submittal to the City during Planning Commission review showed a tract of 6,000 square feet for a playground in BCW. However, the Planning Commission concluded that there was a need for more open space in the BCW phases. In hindsight, we agree with this feedback, and the BCW phases now propose 29,006 square feet of active open space, as follows:

ACTIVE OPEN SPACE A	10,097 sf
ACTIVE OPEN SPACE B	11,393 sf
TOT LOT/PLAYGROUND	7,516 sf

We propose to improve the tot lot with playground equipment, a picnic table, and bench. Active Open Space A and B will be landscaped with manicured grass lawns suitable for active play by the residents of the development. All of the new active and passive open space areas of the development will be maintained by a homeowner's association. The plan also proposes other active and passive open spaces areas, such as storm water ponds, public walkways/paths, wetlands and tree groves, in BCW and BCE as shown (see Table 3.0 on Exhibit 'F-3')

(4) Provide Double the Required Amount of Off-Street Parking While Also Maximizing On-Street Parking.

Parking can also present challenges in developments that propose compact urban form. Having witnessed mistakes from others by developers who did not provide sufficient parking in small lot projects, Baker Creek Development LLC is committed to providing sufficient off-street parking so that on-street parking can be primarily for guests. Therefore, each small lot detached single-family unit in the BCW phases will have four off-street parking spaces. This will include a two-car garage and full-sized, 20-foot long driveway pads in front of the garage. Overall, we are confident that our design exceeds McMinnville city off-street parking standards by 100%. Driveways will be paired where feasible in order to maximize on street parking as well, so the overall on-street and off-street parking total exceeds five spaces per single-family detached dwelling unit. The off-street and on-street parked vehicles in the BCW phases are graphically represented in the site plans and overall development plan, which includes a parking summary table (see Table 2.0 in Exhibit 'F-3' and Exhibit 'G-1'). The Table 2.0 on Exhibit 'F-3' includes parking provided in BCE phases per parking expected per typical lot as shown on Exhibit 'F-2.'

(5) Building Community Through Design: Eliminating Linear "Cookie Cutter" Approach to Housing.

A primary goal of the amended planned development is to avoid the appearance of monotonous tract housing (aka: "cookie cutter") pattern of development. Historically, tract housing development has met the need for affordable housing by creating repetition and economy of scale in housing production to reduce labor and material costs. However, the elevations of the tract homes often lacked diversity, resulting in dull neighborhoods with less individual character and charm. To ensure a visually stimulating and vibrant streetscape, the following six measures are proposed:

1) Lot Size Mix and Side Setbacks:

On the BCW phases, lots are arranged so that every other lot is a different width and has different side yard setbacks (3' and 5' respectively), therefore dwelling widths on those lots and side yard spacing on each lot may vary. Minimum interior spacing between dwellings will be eight (8) feet. This mix promotes a variation in the streetscape inherently without even addressing building elevation plans. On the BCE phases, almost every street has one lot type on one side of the street with a different lot type on the opposite side of the street, creating for variety of lot widths and side yard setback widths along any given street length. This pattern will create variety and avoid “cookie cutter development” without yet even considering building elevations. (see Exhibit ‘F-1’ and ‘F-2’)

2) Front Setbacks:

The front building setback for SFD-32 and SFD-40 lots in the BCW phases is 15' feet, which will allow home designers and builders some flexibility in treatments of the facades in terms of the relationship between the garage door (standard 20' setback), front entrance, porches, roof lines, and upper floors. This flexibility will add texture to the elevations of dwellings to avoid monotony in the front of the buildings, and will enhance the streetscape. (see Exhibit ‘I’ for an example typical streetscape perspective view)

3) Architectural Pattern Book:

To ensure diversity in building elevations and to avoid home construction in a “cookie cutter” pattern, prior to issuance of residential building permits, the builder shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the development. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, garages will need to either be on the same plane as the front entry or recessed from the front entry, at least three material types will need to be used on the front elevations, driveways should be adjacent to each other, where possible, to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other. (see Exhibits ‘J’, ‘K’, ‘L’ & ‘M’ for example and sample elevation, actual final elevations will vary based on builder pattern book elements)

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
- b) Quality and Type of Exterior Materials
- c) Front Porches / Entry Areas
- d) Roof Design and Materials
- e) Exterior Doors and Windows
- f) Garage Door Types
- g) Exterior Lighting
- h) Sample Exterior Colors

4) No building of the same elevation, or reverse elevation, will be built on adjacent lots or the three lots located directly across the street. This is known as the “five-finger rule.”

- 5) Through implementation of Plan Policy 99.10, the developer will set aside for six months following tentative plat approval 25% to the lots for sale for owner-developer purchase.
- 6) Finally, we will create CC&Rs that include maintenance provisions and feature an Architectural Review Committee (ARC), which will be tasked with maintaining a supervisory role over housing design and construction.

(6) Housing Density Transition

The original Shadden Claim approval provided for transition in housing density across the phases of the site through an R-1 PD overlay zone. Larger lots were to the east in Phase I, and the development pattern transitioned to smaller lots and more housing density to the west part of the site over Phase II and Phase III. The changes proposed with the addition of new land and modified development pattern also provides for transition in housing density from east to west.

The medium sized lots ranging up from 6,000 square feet, originally part of Phase III, are moved with this proposal to Tax Lot 205 (BCE). They are located within Tax Lot 205 in the center and west part of that phase of the proposed development. Following the same pattern of original approval, lots are larger and density is lowest in the east and south part of Tax Lot 205 adjacent to the Golf Course and Michelbook Meadows subdivision, where lots are standard R-1 types. Proposed new lots on Tax Lot 205 west of Victoria Drive and west of Shadden Drive decrease in size until the phase meets the border of the existing Cottonwood subdivision, which was developed at a higher R-2 PD density. The flexibility requested with the PD application to allow for smaller side yard setbacks on the BCE phases (Tax Lot 205) allow for housing sizes from 50' wide dwelling units and narrower. The lot width and depths vary, and lot area too, creating the transition in density.

Tax Lots 203, which was the original Phase III, and Tax Lot 200, which is providing increased area to the PD, are proposed for small lot single-family detached development pattern. The smallest lots in the completed phases to the east are about 3,500 square feet, so as the density transitions west the proposed approach of slightly smaller lots in the 3,200 and 4,000 square feet range for a slightly higher density is appropriate.

The transition continues the pattern of density transition from east to west toward a node of activity in the NW corner at the intersection of Baker Creek Road and Hill Road where property is currently designated by the zoning code for commercial use, including multi-family residential at 20 Dwelling Units per Acre on the SE corner of the intersection and neighborhood commercial on the NE corner. This west portion of the site is also flanked by a future park and future school site, conditions that were not in place upon the original approval, and which make the area more suitable for the proposed amended development plan. On the other two flanks are minor arterial streets Baker Creek Road and Hill Road. The proposed small lot single-family detached pattern of development is appropriate for this area and helps meet the need for transition density through this area from existing phases of development to the multi-family portion of the site, and to the townhouses south of the site built with the Cottonwood subdivision at a density of 15-20 dwelling units per acre.

Another special objective for development of the BCW phases as a planned development is to maintain the single-family home character of the surrounding area to the greatest extent possible

while providing the desired density transition. The applicant's approach to small lot single-family detached residential development with modified side and front yard setbacks, allows for higher densities to the west while maintaining the single-family home character of the surrounding area. It mimics the zoning code to produce a lot and dwelling type that is better than what would be built with townhomes in a standard R-4 zoned development, which is the housing type typically used to transition between detached housing and multi-family housing or commercial uses, as is the case with this site. Small lot single-family detached housing development is better for the consumer (future resident) because these lots are free from a burdensome common wall agreement required with attached townhouses. With small lot single-family detached developments, the resident has exterior access to both sides of the dwelling structure, access to the rear yard without going through the living room (as compared to interior townhouse units), windows on all sides, and has a lot area that is a minimum of 3,200 square feet, as opposed to 2,500 square feet in a typical R-4 townhouse development. That means for a standard 100 feet deep lot the planned development approach allows for a 26 feet wide dwelling, at the low end with the SFD-32 type lots, as opposed to the 25 feet wide dwelling of the typical R-4 interior townhouse lot structure. The proposal offers 30 feet wide dwellings at the high end with the SFD-40 type lots. All of these homes on small lots will have two car garages and be at a scale that is more compatible with single-family detached dwellings in the area, maintaining that character and value in the community. (see Exhibit 'F-2' & 'F-3')

Distributing the density across the site as proposed optimizes the number of dwelling units conveniently located within walking distance of the adjacent future school site, future city park site, and the future commercial development property located across Baker Creek Road. As well as concentrates them near Hill Road and Baker Creek Road to facilitate transit opportunities in the future on those streets. (see Exhibit 'F-4')

(7) Protecting Key Natural Features on the Property by Incorporating Them into the Design

Another special objective for development is to preserve the onsite wetland areas to the greatest extent possible. In this way, there are also special physical conditions the proposed planned development attempts to address with the proposed site plan and plat, which graphically represents the variations requested to the side yard setbacks and lot areas across the site to achieve development objectives yet avoid resources where possible. For example, the existing wetland at the proposed cul-de-sac terminus of Mahala Way and the existing wetland at the proposed cul-de-sac terminus of Snowberry Street will be preserved with the proposed planned development layout. The wetland south of Mahala Way will be protected in a conservation easement over the lots. The wetland east of Snowberry Street will be part of a common space tract and protected as open space easement over the parcels. In order to preserve these wetlands and significant vegetation the site layout has irregular block sizes, which are mitigated where possible with public walkways and paths to allow effective pedestrian circulation. (see Exhibit F-3) Rather than proposing standard lot sizes across the site, the proposal requests modified lot areas and setbacks to preserve these resource areas, and meet the other objectives listed here. The area of the BCE phases is 23.01 acres and the comprehensive plan allows for 138 dwelling units on it and the underlying zone allows for 111. By addressing the site constraints, the proposal is to transfer those units across the planned development to an area where small lots, greater density and efficient land use is more appropriate, leaving the east plat with drainages, trees, irregular shaped blocks and the larger lots. However, the east plat is not all large lots, as some medium lots are also mixed in to meet the other objectives listed here.

Summary:

With development of the site, proposed wetlands are preserved, a transition in density across the community is accomplished, and a range of lot sizes and need for housing diversity is thereby facilitated. The integrity of the public and common space is preserved with active playgrounds, walkways, and open space, and a diversity in lot width at the street, show variety in housing along the street face and in the elevations. Streets are efficiently planned to City Standards, with mid-block paths, sidewalks and ramps, paired driveway aprons, on-street parking and off-street parking. The Applicant finds that the proposed planned development satisfies the special objectives and physical constraints of the site outlined here, therefore, this criterion is met with an R-1 PD overlay.

Section 17.74.070(B). Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The Comprehensive Plan calls for commercial at the NE and SE intersection of Baker Creek Road and Hill Road with residential uses surrounding it. The proposed development conforms to that pattern. The pattern of approved and built existing residential development adjacent to the subject property shows lot types increasing in density from the east and south east to the north and north west. The proposed development will be consistent with that pattern. Based upon the Supportive Findings and Conclusions presented here, the proposed Planned Development is consistent and in compliance with applicable Goals and Policies of the McMinnville Comprehensive Plan (see Exhibit ‘C-4’). This Criterion is met.

Section 17.74.070(C). The development shall be designed so as to provide for adequate access to, and efficient provision of, services to adjoining parcels;

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The Purpose of this criterion is to ensure that the development of the subject property does not preclude or hinder development of neighboring properties. For example, this criterion furthers the policy of developers providing “to and through” connectivity of urban services such as water, sewer and transportation networks.

In this case, the proposed development represents the last set of parcels to develop in the vicinity. The proposed BCE development picks up streets that have been stubbed out to the north and south of the subject property and completes the interconnectivity of that existing street network. Two cul-de-sacs are used only where the terrain dictates that through streets should not be provided in order to achieve environmental goals and objectives. Similarly, BCW picks up existing street network located to the east and extends it to the west, while also ensuring future connectivity to the South.

Water and sewer services are also brought through the site and extended to the north and west as appropriate to ensure future connectivity.

The proposed development has adequate access via the existing network of public streets and will efficiently extend streets and other services through the site to adjoining parcels, as demonstrated in the exhibits to this narrative. This Criterion is met.

Section 17.74.070(D.) *The plan can be completed within a reasonable period of time.*

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The plan for development of the BCW and BCE phases includes building each in two phases for a total of four phases of development (see Exhibits ‘G’ and Exhibit ‘H’). The plan is to begin site construction drawing preparation during the spring of 2017. Then, site construction on the first phase in the West is to be initiated in 2017, while design of the first phase in the East is approved. In late 2017 or early 2018 begin construction on the other first phase and finish in 2018 or 2019 all first phases, pending availability of all permits. The 2nd phase of either plat could begin in 2019, and the other in 2020, or sooner based on absorption rates and lot sales. (see Exhibit ‘F-5’) This Criterion is met.

Section 17.74.070(E). *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area.*

SUPPORTIVE FINDINGS AND CONCLUSIONS: In the City of McMinnville, streets are considered “adequate” if they meet the level of service standards set forth in the TSP. The proposed Planned Development abuts Hill Road on the west and will be connected to it via extension of 23rd Street west through the BCW phases. The BCE phases lie approximately 600 feet south of Baker Creek Road and west of Hill Road. It is connected to Baker Creek Road by Shadden Drive and Meadows Drive and to Hill Road by Cottonwood Drive and 23rd Street. Both Hill Road and Baker Creek Road are designated minor arterial streets. The existing and proposed street network is extensive and has capacity to serve the development. Hill Road, along with the intersection of it with Baker Creek Road, will undergo improvements under a currently funded public improvement project by the City of McMinnville, thus additional capacity is expected to be installed concurrent with the development. (see Exhibits ‘G-1’ & ‘H-1’) This Criterion is met.

Section 17.74.070(F). *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The subject properties are currently served by or have access to utilities and storm drainage facilities with adequate capacity to serve the project. They will be ready for use upon acquisition by the developer of a utility extension agreement water and light and/or construction plan approval from city engineering to build out the facilities through the project which is usually acquired following approval of the proposal. As part of the proposed planned development new streets will be constructed in conformance to City Standards. All utilities, public and private, will be extended to serve the newly created lots and storm drainage facilities. They will be developed accordingly per the attached Exhibits and applicable standards. (see Exhibits ‘G-2’ & ‘H-2’) This Criterion is met.

Section 17.74.070(G). *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.*

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The noise, air and water pollutants generated by the proposed development will not have adverse effects upon surrounding uses. Noise and air pollution of the proposed residential development will be similar to and compatible to the existing noise and air pollution created by the existing adjacent residential uses. Water pollutants will be similar to and compatible with adjacent uses, and will be managed by the development of sanitary and storm sewer infrastructure by the developer as proposed with the street construction described in the Exhibits attached to this narrative. This Criterion is met.

Exhibit ‘C-2’

ZONING MAP AMENDMENT

The request is to rezone the southern portion of Tax Lot 205 to R-1 zoning and apply an amended Planned Development Overlay Zone, conforming with the materials and supporting documentation of the application and City's decision, over the unbuilt portions of the amended planned development site area. In this Findings Document, the Zoning Code's criteria for approval and elements of the Comprehensive Plan are written in ***Aerial Narrow 11 pt Font, Bold Italics***. The applicant's response is written in 12 point Times New Roman Font.

The McMinnville Zoning Ordinance of 1981, Chapter 17.74, Section 17.74.020 provides the criteria for approval for Zone Map amendments.

An amendment to the official zoning map or comprehensive plan map may be authorized provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

Section17.74.020(A): The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The Comprehensive Plan calls for commercial at the NE and SE intersection of Baker Creek Road and Hill Road with residential uses surrounding it. The proposed development conforms to that pattern. The pattern of approved and built existing residential development adjacent to the subject property shows lot types increasing in density from the east and south east to the north and north west. The proposed development will be consistent with that pattern. Based upon the Supportive Findings and Conclusions presented here, the proposed Zone Changes are consistent and in compliance with applicable Goals and Policies of the McMinnville Comprehensive Plan (see Exhibit ‘C-4’). This Criterion is met.

Section17.74.020(B): The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The subject properties are part of an existing developing and changing residential area. Public and private utilities are stubbed to the subject properties in anticipation of future development. Development of the subject properties as proposed would be orderly and timely. Adjacent properties are zoned for higher density residential uses than the current zone density anticipated. Thus, the proposal for some portions of the planned development at higher density conforms to the existing pattern and trend in the area, and is appropriate. It is also timely as planned improvements to the adjacent park property and to Hill Road are under way with the City of McMinnville concurrent with review of this proposal. Its

approval and the park and road construction could catalyze further multifamily and commercial property development in the nearby area as envisioned under current zoning. The proposal will provide for affordable single family detached housing units on individual lots. A future neighborhood park and school site exist adjacent to the site, so the site's proximity to these public properties make a higher density residential development pattern in the West phase appropriate in order to maximize use of public investment in these properties. The entire development of the subject properties has been planned out, and the location and size of the proposed detached housing units, related parking and public utilities are shown on Exhibit 'F-1', 'F-2' & 'F-3', Exhibit 'G', Exhibit 'G-1', Exhibit 'G-2', Exhibit 'H', 'H-1' & 'H-2'). The propose Zone Change to R-1 (Single Family Residential) for the southern portion of Tax Lot 205 still retaining the remnant County zoning of EF-80 following annexation into the City of McMinnville will be consistent with the existing and proposed character of the surrounding uses. This Criterion B is satisfied.

Section 17.74.020(C): Utilities and Services: Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

SUPPORTIVE FINDINGS AND CONCLUSIONS:

1. The subject properties are currently served by, or have access to, all public utilities and services needed for the proposed zoning such as sanitary sewer, water, storm drainage, transportation, police and fire. Private utilities such as electrical, gas, telephone and cable are also available to the subject properties.
2. As part of the construction of the proposed Planned Development/Subdivision, new streets will be built in conformance to City Standards. All utilities, public and private, will be extended to serve the newly created lots with construction of the streets.
3. This Criterion C can be met as all needed public and private facilities and services are already in place or will be extended to serve the proposed development. (see Exhibits 'G-2' & 'H-2')

OVERALL SUPPORTIVE CONCLUSIONS: Based upon the supportive findings and Conclusions presented in this narrative and supporting documents and exhibits, the proposal is consistent and in compliance with applicable Goals and Policies of the McMinnville Comprehensive Plan. The proposed zone change is appropriate for the subject property, and is consistent with the surrounding area and the current "Residential" Comprehensive Plan Map land use designations. The future development of the site will result in an efficient use of the property, and the available public utilities, while providing affordable housing alternatives to the citizens of McMinnville. The proposal satisfies all applicable criteria for a Zone Change and Planned Development.

Exhibit 'C-3'

FINDINGS APPLYING TO SUBDIVISION APPROVAL

The McMinnville Zoning Ordinance of 1981, Chapter 17.53, Section 17.53.070 provides the necessary information required for approval a Subdivision application.

General Provisions:

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

SUPPORTIVE FINDINGS AND CONCLUSIONS:

The proposal will result in orderly development as existing stubbed streets will be extended into and through the proposed site area as envisioned upon development of adjacent residential properties and the site will be developed with appropriate, similar, and compatible single-family detached dwellings to those on adjacent residential lots. The proposed residential lots will concentrate around transportation infrastructure, City Park land, school property, and nearby commercial property. Adequate open space, both common and private, is proposed to serve the needs of residents at these densities. Water and other utility systems will be looped created for greater redundancy and security, as well as dead-end roadways will be extended, connected and looped, creating better emergency access to and through the project and adjacent communities. These public infrastructure elements in the form of roads, sewer and other utilities will be extended to all lots in the community to ensure health, safety and convenience, protecting the general welfare of those in and adjacent to the project.

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. *In an R-1 zone, the following uses and their accessory uses are permitted:*

A. Site built single-family dwelling [...]

17.12.030 Lot Size. *In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]*

17.12.040 Yard Requirements. *In an R-1 zone each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:*

A. A front yard shall not be less than twenty feet;

B. A rear yard shall not be less than twenty feet;

C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet.

17.12.050 Building Height. *In an R-1 zone, a building shall not exceed a height of thirty-five feet.*

17.12.060 Density Requirements. *In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].*

C-3 General Commercial Zone:

17.33.010 Permitted Uses. *In a C-3 zone, the following uses and their accessory uses are permitted:*

3. Multiple-family dwelling subject to the provisions of the R-4 zone.

R-4 Multiple-Family Residential Zone:

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

C. Multiple-family dwelling

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;**
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;**
- C. A rear yard shall not be less than twenty feet;**
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;**
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.**

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height.

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized.

SUPPORTIVE FINDINGS AND CONCLUSIONS:

Tax Lot 203 is the part of the project with an existing Planned Development Overlay applied to it per Ordinance #4626. Also, Ordinance #4506 applies to the 3.8 acres in the NE corner of Tax Lot 203. Of the 57.48 acres amended planned development site area, 3.8 acres is C-3 PD designated for 20DU/Acre and the remaining 53.68 will have an R-1 zone as its base zone, at 4.84 DU/Acre. (For the density summary see, Exhibit ‘F-3’). Ordinance #4626 lists as a condition of approval “3. That the minimum interior side yard setback shall be 7.5 feet.” The proposed amended planned development would allow 10 feet, 7.5 feet, 5 feet, and 3 feet interior side setbacks and proposed new lots SFD-70, SFD-65, SFD-60 & SFD-40, and SFD-32, respectively. Lot areas are also proposed to vary based on the proposed new lot types defined by the proposed amended planned development. These lot areas will be below the sizes listed in the underlying zoning, but the overall density of the amended planned development will not exceed the combined overall density of the underlying zoning.

Off-Street Parking and Loading:

17.60.060 Spaces – Number required.

A. Residential land use category

- 4. Multiple-family dwelling. One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.**
- 5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms [...].**

SUPPORTIVE FINDINGS AND CONCLUSIONS:

Off-Street Parking and Loading standards of this code will be demonstrated to be met at the time of building permit for each lot, including residential and multi-family lots. The proposal will meet off-street and loading requirements of the underlying zone shown here. The requirement of two spaces per single-family dwelling of fewer than four bedrooms is show to be exceeded by two-fold in the site plan exhibit (see Exhibit ‘F-3’) as each single-family detached dwelling in the BCW phases is shown with four off-street parking spaces.

Comprehensive Plan Map Designation of the Proposed Subdivision

SUPPORTIVE FINDINGS AND CONCLUSIONS: The Comprehensive Plan Map designates the subject properties as “Residential” and “Commercial”. The proposed subdivision is in conformance with the Comprehensive Plan Map designations of “Residential” and “Commercial”.

Zoning Classification of the Proposed Subdivision

SUPPORTIVE FINDINGS AND CONCLUSIONS: With concurrent approval of the zone change to R-1 on the south half of Tax Lot 205, the existing underlying zoning for the development site is R-1 (Single Family Residential) for Tax Lots 200 and 205 on the tax map shown in Exhibit ‘B’. Tax Lot 203, on the same tax map, has an R-1 PD overlay on the eastern side and C-3 PD for the western 3.8 acres. The existing C-3 PD zoning on Tax Lot 203 is not proposed to be changed by this application. An R-1 PD overlay is proposed to be amended over Tax Lot 203 and applied to Tax Lot 200 and Tax Lot 205 area as well. Upon concurrent approval of the Zone Change and PD overlay application the proposed development will be in compliance with the zoning classifications.

Conformance of Proposed Use to the Proposed Zoning Classification

SUPPORTIVE FINDINGS AND CONCLUSIONS: The proposed development allows future development of the NW portion of Tax Lot 203 in conformance with the designated C-3 PD overlay zone. It facilitates such future C-3 PD development by improving a public street along its south side and stubbing a public street and utilities to its east side. The proposed zone change to R-1 (Single Family Residential) zoning classification for the southern part of Tax Lot 205 allows for residential development conforming to the R-1 zone with the PD overlay proposed.

Requirements Specified within the Zoning District to which the Proposed Subdivision Would Not Comply

SUPPORTIVE FINDINGS AND CONCLUSIONS:

Concurrent Zone Change and a Planned Development Overlay applications are submitted with this application to facilitate:

Flexibility for lot area and side and front setbacks on some lots. The variety of lot sizes are shown for lots listed as SFR-65, SFR-60, SFR-40, SFR-32 as follows (Refer to Exhibit ‘F-1’, ‘F-2’, ‘G’, and ‘H’):

Section 17.12.030 Lot Size:

Allow proposed new single family detached (SFD) residential lots less than 9,000 square feet, except those on the east phase of Tax Lot 205, listed as SFD-70, which will be 9,000 square feet or more, as shown on the preliminary plat. All proposed lots labeled as SFD-65 will average 6,500 square feet or more, and all as SFD-60 will average 6,000 square feet or more. All proposed new lots labeled SFD-40 will be no smaller than 4,000 square feet. All new lots labeled SFD-32 will be no smaller than 3,200 square feet.

Section 17.12.040

- A. Front yard setbacks will meet R-1 Code, except those lots listed as SFD-60, SFD-40 and SFD-32, which will have 15' front building setbacks like allowed by the R-3 code.
- B. All rear yard setbacks and setbacks to the garage face will meet R-1 code.

- C. Side yard setbacks will meet R-1 Code, except those lots listed as SFD-65 will meet R-2 side yard setback of 7.5', those lots listed as SFD-60 AND SFD-40 will have five feet side yard setbacks, and those listed as SFD-32 will have 3' side yard setbacks. All exterior street side setbacks will be twenty feet, except those lots listed as SFD-40 AND SFD-32, which will have 15' exterior street side setbacks as required by the R-3 code.

Exhibit ‘C-4’

THE COMPREHENSIVE PLAN

General Response: Determining whether any given comprehensive plan policy is an “applicable” approval standard to a zone change can present vexing questions for practitioners. In some cases, the plan itself will provide a “roadmap” by expressly stating which, if any, of its policies are applicable approval standards. For example, if the comprehensive plan specifies that a particular plan policy is itself an implementing measure, LUBA will conclude that the policy applies as an approval criterion for land use decisions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990). On the other hand, where the comprehensive plan emphasizes that plan policies are intended to *guide* development actions and decisions, and that the plan must be implemented through the local code to have effect, such plan policies are not approval standards for individual conditional use decisions. *Schellenberg v. Polk County*, 21 Or LUBA 425 (1991). Similarly, statements from introductory findings to a comprehensive plan chapter are not plan policies or approval standards for land use decisions. *19th Street Project v. City of The Dalles*, 20 Or LUBA 440 (1991). Comprehensive plan policies which the plan states are specifically implemented through particular sections of the local code do not constitute independent approval standards for land use actions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990). On the other hand, where the county code explicitly requires that a nonfarm conditional use in an exclusive farm use zone “satisfy” applicable plan goals and policies, and the county plan provides that its goals and policies shall “direct future decisions on land use actions,” the plan agriculture goals and policies are applicable to approval of the nonfarm conditional use. *Rowan v. Clackamas County*, 19 Or LUBA 163 (1990).

Often, however, no roadmap is provided. In those cases, the key is to look at the nature of the wording of the plan provision at issue. LUBA has often held that some plan policies in the comprehensive plan will constitute mandatory approval criteria applicable to individual land use decisions, depending on their context and how they are worded. *See Stephan v. Yamhill County*, 21 Or LUBA 19 (1991); *Von Lubken v. Hood River County*, 19 Or LUBA 404 (1990). For example, where a comprehensive plan provision is worded in mandatory language – such as when the word “shall” is used – and is applicable to the type of land use request being sought, then LUBA will find the standard to be a mandatory approval standard. *Compare Axon v. City of Lake Oswego*, 20 Or LUBA 108 (1990) (“Comp plan policy that states that “services shall be available or committed prior to approval of development” is a mandatory approval standard); *Friends of Hood River v. City of Hood River*, __ Or LUBA __ (LUBA No. 2012-050, March 13 2013). Conversely, use of aspirational language such as “encourage,” “promote,” or statements to the effect that certain things are “desirable” will generally not be found to be mandatory approval standards. *Id.*; *Neuschwander v. City of Ashland*, 20 Or LUBA 144 (1990); *Citizens for Responsible Growth v. City of Seaside*, 23 Or LUBA 100 (1992), *aff’d w/o op.* 114 Or App 233 (1993).

In some cases, an otherwise applicable plan policy will be fully implemented by the zoning code. Where the text of the comprehensive plan supports a conclusion that a city's land use regulations fully implement the comprehensive plan and displace the comprehensive plan entirely as a potential source of approval criteria, demonstrating that a permit application complies with the city's land use regulations is sufficient to establish consistency/compliance with the comprehensive plan. *Save Our Skyline v. City of Bend*, 48 Or LUBA 211-12; *Murphy v. City of Ashland*, 19 Or

LUBA 182, 199 (1990); *Miller v. City of Ashland*, 17 Or LUBA 147, 169 (1988); *Durig v. Washington County*, 35 Or LUBA 196, 202 (1998) (explicit supporting language is required to establish that land use regulations entirely displace the comprehensive plan as a source of potentially applicable approval criteria for land use decisions). However, a local government errs by finding that its acknowledged zoning ordinance fully implements the acknowledged comprehensive plan, thus making it unnecessary to apply comprehensive plan provisions directly to an application for permit approval, where the acknowledged zoning ordinance specifically requires that the application for permit approval must demonstrate compliance with the acknowledged comprehensive plan and the county does not identify any zoning ordinance provisions that implement applicable comprehensive plan policies. *Fessler v. Yamhill County*, 38 Or LUBA 844 (2000).

In our response to Section 17.74.070.020(A) below, we identify certain Comprehensive Plan Policies as mandatory approval standards and others as being aspirational in nature. Quite a few of the Plan Policies are directives to staff, which are not mandatory approval standards. Finally, in a few cases the comprehensive plan sets forth a list of factors to be considered when arriving at a conclusion. These factors and considerations are not mandatory approval standards, but findings should address and balance these factors. *Bothman v. City of Eugene*, 51 Or LUBA 426 (2006) (Considerations are not mandatory approval criteria, but should be reviewed and balanced with other relevant plan policies); *Heitsch v. City of Salem*, 65 Or LUBA (2012).

A: Applicable Goals and Policies.

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

A. Land Policies

- 1. Policy 1.00: Urbanizable lands outside the city limits but inside the Urban Growth Boundary, shall be retained, whenever possible, in agricultural use until such time as they are needed for urban development.**
- 2. Policy 2.00: The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.**
- 3. Policy 3.00: The City of McMinnville shall review any identified mineral and aggregate resource locations to determine the quality of the material, the likelihood that it will be extracted and the compatibility of the site with surrounding land uses. The City shall seek to resolve any conflicts between aggregate resource locations and surrounding land uses, and shall protect, whenever possible, mineral and aggregate resources from future encroachment by incompatible uses, especially residential uses.**
- 4. Policy 4.00: The City of McMinnville, in cooperation with the Oregon Department of Geologic and Mineral Industries, shall insure that aggregate sites are reclaimed after their usefulness has expired.**

B. Air Policies

- 1. Policy 5.00: The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.**

2. *Policy 6.00: The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality to insure that applications for air quality related permits are examined for compatibility with the City's comprehensive plan.*
3. *Policy 7.00: Land use decisions involving major emission sources or expansion of existing sources shall be reviewed for the effects the emission source will have on local and regional airshed. Maintenance of the quality of the air resources, within established federal and state standards, shall be a criterion for approval of these land use decisions.*

C. Water Policies

1. *Policy 8.00: The City of McMinnville shall continue to seek the retention of high water quality standards as defined by federal, state, and local water quality codes, for all the water resources within the planning area.*
2. *Policy 9.00: The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.*
3. *Policy 10.00: The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality, the Mid-Willamette Valley Council of Governments, and other appropriate agencies and interests to maintain water quality and to implement agreed upon programs for management of the water resources within the planning area.*
4. *Policy 11.00: The City of McMinnville shall cooperate with McMinnville Water and Light, the Bureau of Land Management, and Yamhill County to insure that the land use development actions allowed in and around the municipal watershed do not lessen the water quality of the municipal water system below acceptable federal, state, and local standards.*

D. Noise Policies

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

SUPPORTIVE FINDINGS:

1. **Land:** Plan Policies 1.00 through 4.00 are policy directives to the City and are not mandatory approval criteria for a Zone Change or Planned Development Amendment approval. Nonetheless, the spirit of the provision is as follows. The subject properties are currently being farmed. They are inside City limits and are now needed for urban development. Building constraints (wetlands and significant trees) have been identified and addressed by this plan. (see Exhibit 'E', and Exhibit 'F').
2. **Air:** Plan Policies 5.00 and 6.00 are policy directives to the City and are not mandatory approval criteria for a Zone Change or Planned Development approval. Plan Policy 7.00 is a mandatory approval criterion, however. In this case, the applicant is proposing residential usage of urbanizable land, which is not a type of land use that "involves major emission sources or expansion of existing sources." The proposed zone change will not facilitate any use generating major air emissions beyond what is expected for residential development.

3. Water: Plan Policies 8.00 through 11.00 are policy directives to the City and are not mandatory approval criteria for a Zone Change or Planned Development Amendment approval. The subject properties are not located within a floodplain and are not located within the municipal water shed. Public storm water will be provided to all lots and all development will be required to connect to the public lines in compliance with the City's Construction Standards and Uniform Building Code regulations.
4. Noise: Plan Policy 12.00 is likely an approval standard. In any event, the proposed zone change will not create a land use that will cause noise incompatibility with surrounding uses. Residential land uses are generally considered to be compatible with other residential uses when it comes to the issue of noise.

SUPPORTIVE CONCLUSION: These Plan Policies do not present any reason for denial of the proposed Zone Changes and can be met where applicable.

2. Goal III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

A. Cultural Policies

1. *Policy 13.00: The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.*
2. *Policy 14.00: The City of McMinnville shall strive to insure that future public community facilities, where possible and appropriate, are consolidated by locating the new structures in close proximity to other public buildings. This will be done in order to realize financial benefits, centralize services, and positively impact future urban development.*

SUPPORTIVE FINDINGS AND CONCLUSION: These two Plan Policies are directives to the City Council and are not approval standards for this case. South of Tax Lot 200, the southernmost lot of the BCW phases, is a parcel owned by the McMinnville School District designated for a future school site and to the west of Tax Lot 200 is a future City of McMinnville park site. While these Policies are not directly applicable to the proposed Zone Changes, they have been met by existing conditions.

3. Goal III 2: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

B. Historic Preservation Policies

1. *Policy 15.00: The City of McMinnville shall establish a program for the identification and preservation of significant sites, structures, objects, and areas.*
2. *Policy 16.00: The City of McMinnville shall support special assessment programs as well as federal grants-in-aid programs and other similar legislation in an effort to preserve structures, sites, objects, or areas of significance to the City.*

3. *Policy 17.00: The City of McMinnville shall enact interim measures for protection of historic sites and structures. Those measures are identified in the McMinnville Comprehensive Plan, Volume I, Chapter III.*
4. *Policy 17.01: The City of McMinnville will, by the time of the first plan update (1985), conduct a thorough study (consistent with . . . which protects the structures and sites included on the list.*

SUPPORTIVE FINDINGS AND CONCLUSION: These four Plan Policies are directives to the City Council and are not approval standards for this case. There are no significant historical sites, objects, structures, or areas located on the subject properties. Identified building constraints (wetlands and significant vegetation) have been identified (see Exhibit 'E' and Exhibit 'F-3'). The Policies provide no basis for denial of the proposed Zone Changes.

4. Goal III 3: TO PROVIDE FOR THE EDUCATIONAL NEEDS OF McMINNVILLE THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.

C. School Policies

1. *Policy 18.00: The City of McMinnville shall cooperate with the McMinnville School District in the planning for future schools.*
2. *Policy 19.00: The location of future school sites shall be coordinated between the City and the McMinnville School District.*
3. *The City of McMinnville shall encourage the joint purchase, maintenance, and usage of recreational facilities with the McMinnville School district where acceptable to both parties.*

SUPPORTIVE FINDINGS AND CONCLUSION: These three Plan Policies are directives to the City Council and are not approval standards for this case. An existing future school site is located to the immediate south of the western portions of the subject properties. A future City park site is located to the northeast of the school site accessible by Yohn Ranch Drive. These Policies have been met by existing conditions.

5. **Goal IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.**
6. **Goal IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.**
7. **Goal IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.**

SUPPORTIVE FINDINGS AND CONCLUSION: The Commercial Policies Listed under Commercial Goals and Policies are not directly relevant to the proposal. The portion of the property currently designated as C-3 PD is not proposed to be changed from its currently approved use as multi-family residential. Having said that, however, a diverse,

vibrant, and responsive housing market which meets the needs of workers is a vital element to the success of all commercial activities, so indirectly these goals are met by this proposal.

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

A. General Policies

1. *Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*
2. *Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*
3. *Policy 60.00: Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.*

SUPPORTIVE FINDINGS:

Plan Policies 58, 59, and 60 are directives to the city that apply when property is initially zoned. To the extent that these Policies apply to the zone changes presented in this case, the objectives of the policies are met as follows:

1. The proposal provides for a variety housing types and densities to serve the needs of the City of McMinnville. There are multi-family and single-family detached housing types. There are two different housing densities on lots in BCW. The first is 32-feet wide lots (SFD-32) and the second is 40-feet wide lots (SFD-40). There are three different housing densities on the lots in BCE. The first is 60-feet wide lots (SFD-60), the second is 65-feet wide lots (SFD-60), and the last is 70-feet wide lots (SFD-70). (see Exhibit 'F-2')
2. The multi-family lot in this development meets this policy, because it will be used to provide up to 70 apartment units.
3. The proposed small lot approach on the BCW phases, referred to here as SFD-32 and SFD-40, reflects modern housing types where a community desires land intense, cost-effective, owner-occupied dwellings, that could formerly only be built if attached, but can now be built detached. The plan mimics the attached dwelling standards of the City's zone, delivering a similar single-family dwelling product, yet preferred by home buyers because it is a detached product. (see Exhibit 'F-2', 'F-3', and 'G-1').

With the exception of the multi-family lot, all of the BCW phase's units will be situated on their own individual lots, providing for cost-effective

owner-occupied housing units. All lots of the BCE phases will also be for detached housing at a broad range of densities, typically between 6,000 and 9,000 square feet per lot. The project meets these policies.

SUPPORTIVE CONCLUSION: The proposal provides for a development that will provide a variety of affordable housing types for residents within the City of McMinnville. These Goals are met.

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

A. Residential Development Pattern Policies

1. *68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*
2. *69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.*
3. *70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.*
4. *Policy 71.00: The City shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

SUPPORTIVE FINDING AND CONCLUSION:

Plan Policy 68.00 is not likely an approval standard for zone changes. It creates a preference for zoning land for residential growth by favoring two areas of land before committing “other alternative” lands: (1) areas close to the “City Center,” and (2) “areas where urban services are already available.” In this case, the land under consideration is not close to the City Center, however, urban services are available and stubbed out at the property line, so this Zone Change is timely and appropriate under Policy 68.00. Neighborhood comment states, without support, that the proposed BCW development is “distant * * * from urban services,” but do not explain which urban services are not available.

Plan Policies 69.00 and 70.00 are policy directives from the City Council to staff, and are not approval standards in this case.

Plan Policy 71.00 requires that all types of housing types be allowed on residential lands, and is intended to prohibit the City Council from prohibiting certain politically disfavored residential zoning classifications on lands designated as residential on the Comprehensive Plan Map. While Plan Policy 71.00 is not likely an approval standard in this case, the application is clearly following the spirit of the Plan Policy 71.00 by providing variety of lot sizes and housing site plan choices.

The proposal is allowed within the “Residential” designation on the Comprehensive Plan, and will provide for land intensive, energy efficient housing types (see Exhibit ‘I’, Exhibit ‘J’, and Exhibit ‘K’, Exhibit ‘L’, Exhibit ‘M’). Plan Policy 71.00 has been met.

B. Westside Density Policies

- 1. Policy 71.01 *The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged.***
 - a. *It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain and parklands will not be included in the density calculations.***
 - b. *For those developments which have less than six units per acre, the differences between the actual density of the development and the allowed density (six units per acre) may be used as an additional density allowance by other property which is located in the same immediate sewer service area, providing that no peak loading effect would occur which would cause overloading of particular line design capacity, and provided***

- that the zone change application is processed under the provisions of Chapter 17.51 of the zoning ordinance.*
- c. *The City will monitor development on the west side of McMinnville to determine which property is available for development at increased densities.*
 - d. *In no case will a residential development of a higher density than six units per acre be approved if, by allowing the development, some other undeveloped property (which is not included in the application, but which is within the above-mentioned sewer service area) would be caused to develop at less than six units per acre because of lack of sewer capacity.*
 - e. *Applications for multiple-family zone changes will be considered in relation to the above factor, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set forth in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the zoning ordinance.*

SUPPORTIVE FACTS AND CONCLUSION: The subject property is on the west side of the City and is outside of known planned or existing transit corridors. Thus, the proposed amended planned development must have an overall density of less than the maximum 6 units per acre. The overall density is 5.83 units per acre, therefore these density policies have been met (see tables on Exhibit F-3). This Policy 71.01 is met.

2. ***Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4-8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:***
 - i. *Areas that are not committed to low density development;*
 - ii. *Areas that have direct access from collector or arterial streets;*
 - iii. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage.*
 - iv. *Areas where the existing facilities have the capacity for additional development;*
 - v. *Areas within one-quarter mile of existing or planned public transportation; and*
 - vi. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

SUPPORTIVE FACTS AND CONCLUSION: Plan Policy 71.09 lists factors which must be considered when zoning property for residential uses. Factors are not individual approval standards in and of themselves, but they must be addressed in the findings and the conclusions must demonstrate adequate and thoughtful consideration of the factors.

The City previously approved a portion of Tax Lot 203 to be C-3 PD. That zoning density is not being revised here. The rest of the site is not zoned

R-3 or R-4. The plan for the R-1 PD portion of the amended planned development is to develop it at medium density, 6.94 dwelling units/net acre, , which makes the amended planned development density similar to the majority of lands in McMinnville, and substantially conforming to the existing built R-1 PD portions of the site, built at 6.06 dwelling units/net acre. (see Table 4.0 on Exhibit ‘F-3’) The proposal includes small lot single-family detached housing. It also, has medium lots and larger lots conforming to the underlying zoning. The smallest lot in BCE is larger than the average lot size in the built portion of the planned development, Shadden Claim 1st & 2nd Additions. The average lot size of BCW is larger than the smallest lot in the built portion of the planned development, Shadden Claim 1st & 2nd Additions (see Table 5.0 on Exhibit F-3). The original Shadden Claim Phase II & Phase III was 26.65 acres and was approved for 168 dwelling units. This created an overall density of 6.3 units per acre. This is greater than the 6.0 standard set forth in the Comprehensive Plan Policy 71.01, but this gross site density is now reduced to 5.83 dwelling units/acre by this proposal. The proposed development of the R-1 PD area of the site to 6.94 dwelling units/net acre is within the 4-8 dwelling units per net acre stated in this policy for medium density residential. This policy is met.

3. *Policy 71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:*

- i. *The density of development in areas historically zoned for medium and high density development;*
- ii. *The topography and natural features of the area and the degree of possible buffering from established low density residential areas;*
- iii. *The capacity of the services;*
- iv. *The distance to existing or planned public transit;*
- v. *The distance to neighborhood or general commercial centers; and*
- vi. *The distance from public open space.*

SUPPORTIVE FACTS AND CONCLUSION: Plan Policy 71.10 list factors which must be considered when zoning property for medium density residential uses. Factors are not individual approval standards in and of themselves, but they must be addressed in the findings and the conclusions must demonstrate adequate and thoughtful consideration of the factors. The existing planned development area has had its current C-3 PD and R-1 PD overlay zoning on it for over twenty years. The approved planned development plan (see Exhibit ‘O’) shows medium density of 6.3 DU/Acre (see Table 3.0 in Exhibit F-3). South of the land added to the planned development with this proposal is Cottonwood Subdivision, which was developed over ten years ago, at medium densities. It has an R-2 PD overlay zone. Thus, the properties of this project are in an area historically zoned for medium density. As part of this proposal, the Applicant is adding 30.83 acres to the planned development, and is

proposing 335 dwelling units for the overall 57.48 acres, including the 57 built dwelling units in the Shadded Claim Phase II (recorded as Shadden Claim 1st & 2nd Additions). This comes to a total density of 5.83 dwelling units per acre. Medium density per definition in Plan Policy 71.09 above is 4-8 dwelling units/net acre. The proposal will result in the R-1 PD portion of the amended planned development at 6.94 dwelling units/net acre, within that range. The site is relatively flat, and the only established low density residential is on the east and south boundary of the BCE phases, and standard rear yard setbacks provide appropriate buffering. Services with capacity to the land are stubbed to all of the phases. Baker Creek Rd and Hill Rd are adjacent and could be future public transit routes as development creates demand for them to be planned. The distance to property zoned for commercial and open space is less than a quarter mile. (see Exhibit 'F-4')

1. The proposal will provide for overall gross density of 5.83 dwelling units per acre, and 6.94 dwelling units per net acre for the R-1 PD portion of the site, in keeping with the plan for a medium density range for the majority of McMinnville..
2. The proposed Planned Development has direct access to Hill Road (designated minor arterial street) via 23rd Street, and to Baker Creek Road (designated minor arterial street) via Shadden Drive and via 23rd Street to Meadows Drive.
3. Other than designated wetlands, the area within the proposed Planned Development is not subject to development limitations. The topography is relatively flat (1 – 2% slopes) and has no risk of landslide susceptibility (see Exhibit 'E'). There are no existing floodplain or floodway boundaries located on the subject properties as designed on the Federal Emergency Management Agency's (FEMA) floodplain maps. Identified wetlands and significant vegetation on the site will be protected (see Exhibit 'G', 'H' and 'F-3').
4. The existing sanitary sewer facilities in the area have the capacity for this amended Planned Development/Subdivision as the overall density (5.83 units per acre) is less than the 6 units per acre allowed.
5. The subject properties are not currently within one-quarter mile of an existing public transportation system as the nearest bus route is located on Baker Street approximately 3 miles away. As the population in the area of the proposed Planned Development and within the vacant undeveloped properties within the Urban Growth Boundary that are located to the north and west of the subject properties increases, the necessary demand will occur to provide for future planned transit service on these two minor arterial streets (Baker Creek Road and North Hill Road) serving the area. This factor can be potentially met in the future. (see Exhibit 'F-4')

6. An existing future school site is located to the immediate south of the western portions of the subject properties on a 10.91-acre site located adjacent to North Hill Road on the west, NW Cottonwood Drive to the south, and NW Yohn Ranch Drive to the east. A 4.73-acre future park site is located to the northeast of the school site accessible by Yohn Ranch Drive. An existing golf course (Michelbook Country Club) is located to the east of the eastern portion of the proposed Planned Development.

7. None of the smaller lots within the proposed Planned Development/Subdivision abut low density residential areas. All of the lots on the BCE phases abutting existing low density parcels are large lots meeting the underlying low density subdivision setback requirements (see Exhibit 'H'). All of the proposed housing units throughout the proposed Planned Development will meet the minimum rear yard setback of 20 feet of the underlying zoning.

- 4. Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:**
 - i. *Areas which are not committed to low or medium density development;*
 - ii. *Areas which can be buffered by topography, landscaping, collector or arterial streets, or inventing land uses from low density residential areas in order to maximize the privacy of established low density residential.*
 - iii. *Areas which have direct access from a major collector or arterial street;*
 - iv. *Areas which are not subject to development limitations;*
 - v. *Areas where the existing facilities have the capacity for additional development;*
 - vi. *Areas within a one-half mile wide corridor center on existing or planned public transit routes;*
 - vii. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*
 - viii. *Areas adjacent to either private or public permanent open space.*

SUPPORTIVE FACTS: Plan Policies 71.13 list factors which must be considered when zoning property for high density residential uses. Factors are not individual approval standards in and of themselves, but they must be addressed in the findings and the conclusions must demonstrate adequate and thoughtful consideration of the factors. In this case, the only land that is proposed for high density residential uses is found on the 3.8 acre portion of Tax Lot 203. This high density residential use was previously approved as part of Ordinance #4626 and Ordinance #4506, and is not being revisited here.

SUPPORTIVE CONCLUSIONS: The proposal will provide for a Planned Development with a wider range of single family detached housing types and lots than is found in a standard subdivision, while maintaining development at medium density range overall, 6.94 dwelling units/net acre. This development pattern fits the area and the proposed density is appropriate. Amenities such a public park, a school, a neighborhood commercial center and a private golf club are within walking distance (see Exhibit 'F-4'). These Policies have been met.

C. *Planned Development Policies:*

1. ***Policy 72.00: Planned unit developments shall be encouraged as a favored form of residential development as long as social, economic and environmental savings will accrue to the residents of the development and the city.***

SUPPORTIVE FINDING: Plan Policy 72.00 is worded in an aspirational manner and is therefore not a mandatory approval standard for this case. Nonetheless, the proposal does provide significant social, economic and environmental benefits.

The proposal is for the primary purpose of providing for needed housing as that term is defined in statewide planning Goal 10, cost effective and efficient single family detached units.

The primary social benefit to the community provided by this development is the provision of adequate housing at a variety of price levels in close proximity to schools and parks. The residents of the proposed Planned Development have ready access to a designated neighborhood commercial site, a school site, an existing and future park site, and an existing private golf course. The increase in population density in this northwest part of town will ensure the critical mass is met to make a future commercial center a reality on the north side of Baker Creek Rd, adjacent to the project.

The primary economic benefit to the community in providing a pipeline of buildable lands is the assurance of an adequate supply of needed housing, consistent with Statewide Goal 10. If the City does not provide a steady pipeline of buildable lots, the demand for housing will outpace the supply, which leads to price increases. Price increases, in turn, makes both owner occupied and rental housing less affordable, which is contrary to Statewide Planning Goal 10.

The primary environmental benefits to the community provided by this development is the preservation of wetland, open space, and the planned and likely preservation of the tree grove on the BCE property (see Exhibit 'F-3'). Preservation of the trees in this grove is contingent upon an Arborist's conclusion that the trees are not a safety risk to the public.

SUPPORTIVE CONCLUSION: The proposal will allow the construction of a Planned Development that will provide for a variety of detached single family homes with a variety of housing costs to the citizens of McMinnville. This Policy has been met.

2. *Policy 73.00: Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

SUPPORTIVE FINDINGS AND CONCLUSIONS: Plan Policy 73.00 is worded in an aspirational manner and is therefore not a mandatory approval standard for this case. Nonetheless, the proposal will provide for 208 new single family residential homes on individual lots of various sizes. It will also offer up to 70 multi-family dwelling units. It will provide both homes that will be affordable to the residents of the City with moderate incomes, and well as a mid-range homes and a few homes at the higher-end of the residential price spectrum. (see Exhibit ‘F-1’ and ‘F-2’) This Policy has been met.

3. *Policy 74.00: Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 74.00 uses mandatory language and is therefore a mandatory approval standard for this case. Identified wetlands and significant vegetation on the site will either be protected open space in tracts or conservation easements, which will appear on the face of the plat and in the CC&Rs recorded with the plat (see Exhibit ‘E’, Exhibit ‘F-3’, and Exhibit ‘H’). This Policy has been met.

4. *Policy 75.00: Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowner's association, assessment district, or escrow fund will be required to maintain the common area.*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 75.00 uses mandatory language and is therefore a mandatory approval standard for this case. Land will be dedicated to common open space through the concurrent Planned Development Overlay and Subdivision applications. The common open space will serve the future residents by managing storm water from their lots and will include pedestrian paths to shorten walking distances, where possible. The maintenance of the common space will be secured in CC&R’s referenced on the plat, and will be provided for through a yet to be formed homeowner’s association. This Policy has been met and can be ensured by conditions of approval for the Planned Development Overlay.

- 5. Policy 76.00: Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.**

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 76.00 uses mandatory language and is therefore a mandatory approval standard for this case. The existing public park within the planned development is within reasonable walking distance of all of the planned development (see Exhibit 'F-4'). The planned new City public park, although not within the planned development, is readily accessible to all occupants of the proposed Planned Development/Subdivision via 23rd Street. In addition to new public walkways, the new private active open spaces within the planned development are conveniently located for all residents (see Exhibit 'F-3'). The future school will likely serve as an additional recreation facility and community center, once built, although outside the planned development. Public and private sidewalks will link all of the housing units to both the public and the private common open space areas. This Policy has been met.

- 6. Policy 77.00: The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.**

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 77.00 uses mandatory language and is therefore a mandatory approval standard for this case. The new street system proposed provides access points to the planned development while maintaining the most efficient use of the land for density and the provision of usable open space. For the safety of pedestrians and residents, the proposed street design seeks to reduce automobile speeds within the development by way of a standard 28-foot wide paved street width with guest automobile parking on both sides and a 14-foot wide queued travel lane. The proposed paired driveways, will provide ample space for queuing of through traffic in addition to on-street parking (see Site Plan exhibit and Exhibit 'F-3', for on-street parking, Table 2.0 for the Parking Summary).

The pedestrian usability is provided within the proposed right-of-way with four-foot wide planter strips separating the paved street and the five-foot wide public sidewalk. Additional private paths and sidewalks are proposed throughout the development for pedestrian access at appropriate mid-block locations, where feasible.

This Policy has been met and can be ensured by conditions of approval for the concurrent Planned Development Overlay and Subdivision applications.

- 7. Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.**

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 78.00 uses mandatory language and is therefore a mandatory approval standard for this case. The proposed new onsite streets will align with all existing street intersections and street stubs, and are therefore compatible with the circulation patterns of adjoining properties. This Policy has been met.

C. Residential Design Policies

1. *Policy 79.00: The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted policies enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. In no case shall densities greater than those allowed by the zoning classification be allowed, except where specifically provided in the zoning ordinance.*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 79.00 uses mandatory language and is therefore a mandatory approval standard for this case. The proposal allows for an overall density of 335 dwelling units in the amended planned development, this is one less dwelling unit overall allowed by the underlying zones (see table 3.0 in Exhibit ‘F-3’). This is also less than the maximum total density of 345 units allowed by the comprehensive plan (57.48 acres x 6 DU/Acre=345 DU). This Policy can be met as proposed and can be ensured by conditions of approval for the concurrent Zone Change, Planned Development Overlay and Subdivision applications.

2. *Policy 80.00: In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever possible.*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 80.00 uses mandatory language and is therefore a mandatory approval standard for this case. Identified wetlands and significant vegetation on the site will be protected either in separate open space tracts (see Exhibit ‘E’ and ‘F-3’) or in a conservation easement (see lots 46, 47, 57 and 58). The subject property is relatively flat (with 1–2% slopes) and has no risk of landslide susceptibility (see Exhibit ‘E’). This Policy has been met.

3. *Policy 81.00: Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 81.00 is worded in an aspirational manner and is therefore not a mandatory approval standard for this case. The concurrent proposed Planned Development/Subdivision will provide necessary street improvements

including the provision of curbs, gutter, sidewalks and planter strips on all of the streets within the proposed development. Four public walkways are also provided in tracts and easements (see Exhibit 'F-3') The necessary linkage for pedestrians in this area to the school property, park, commercial area and the private open spaces has been met.

- 4. Policy 82.00: *The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.***

SUPPORTIVE FINDINGS AND CONCLUSION: Plan Policy 82.00 uses mandatory language and is therefore a mandatory approval standard for this case. The subject properties are bounded on the north by Baker Creek Road and on the west by Hill Road, as well as stubbed streets from adjacent existing development. The development potential of adjacent properties is not affected by the proposal, all adjacent developable properties have public street access already and the connectivity of existing stubbed streets accomplished by the proposal will improve local traffic circulation patterns and enhance the potential for development of adjacent properties. This policy has been met.

- 5. Policy 83.00: *The City of McMinnville shall review the design of residential developments to insure site orientation that preserve the potential for future utilization of solar energy.***

SUPPORTIVE FINDINGS AND CONCLUSION: Plan Policy 83.00 uses mandatory language and is therefore a mandatory approval standard for this case. As a part of the concurrent Planned Development Overlay and Subdivision applications, the utilization of solar energy was taken into consideration. In consideration of the shape of the parcel, the unit types, their locations, orientation and designs, some of the units may be positioned for optimal solar access. All of the units have been designed to provide for passive solar gain and sunny interior spaces. Our unique planned development approach to small lot development, whereby dwellings are not attached, allows for the placement of windows on all four sides of the structure. Solar panel application on structures will be an option of future home owners, but is not included in this proposal. This policy has been met.

D. Low-cost Housing Development Policies

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

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 84.00 uses mandatory language and is therefore a mandatory approval standard for this case. However, the policy is not applicable because the applicant

is not proposing to build subsidized housing. Subsidized housing is usually provided through The HOME Investments Partnerships Program (HOME) or the National Housing Trust Fund (HTF). Neither of those programs is being used by the applicant. Nonetheless, the retention of the existing C-3 PD zoned area designated for multi-family on the lot in the NW part of the BCW phases at the SE corner of the intersection of Hill Road and Baker Creek Road is intended to provide for lower cost “workforce” rental housing. It is, however, market rate housing as opposed to subsidized housing. At 20 units per acre this area of the site could provide a maximum of 76 dwelling units, as the original planned development overlay approval called for, yet would likely result in less after improvements like parking and landscaping are designed for the site upon future building permit application of the C-3 PD zoned property. This is why the applicant is only allocating to the multi-family Lot 126 in the BCW, which is already zoned for that purpose, 70 dwelling units maximum. This policy is met by existing zoning.

E. Multiple-family Development Policies

- 1. Policy 90.00: Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.**

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 90.00 uses aspirational language and is therefore not a mandatory approval standard for this case. Two of the subject properties, Tax Lot 200 and 203 (see Exhibit ‘B’), are located adjacent to minor arterial streets (Hill Road and Baker Creek Road), and located within a one-quarter mile of a commercial site, located on the north side of Baker Creek Road across from the site. While there is no existing or planned public transit route to this area, the fact that the site is located within a one-half mile corridor of two minor arterial streets provides for a high possibility that transit service could be available in the future. This Policy has been met to the extent possible at this time. (see Exhibit ‘F-4’)

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

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 92.00 uses aspirational language and is therefore not a mandatory approval standard for this case. *See also* response above to Policy 90.00.

- 3. Policy 92.02: High Density housing developments shall, as far as possible, located within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.**

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 92.02 uses aspirational language and is therefore not a mandatory approval

standard for this case. There is property zoned for a commercial node located on the north side of Baker Creek Road across from the site, less than a ½ mile away. Higher density housing may influence the provision of transit service in the future. The subject properties are also within a ½ mile of a future school site and an existing public park (Powerline Trail) and a new public park expected in 2017 that the City is currently designing. (see Exhibit ‘F-4’) This Policy has been met.

F. Urban Policies

1. *Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development. Services shall include, but not be limited to:*
 - a. *Sanitary sewer collections and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
 - b. *Storm sewer and drainage facilities (as required).*
 - c. *Streets within the development and providing access to the development, improved to city standards (as required).*
 - d. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 99.00 uses mandatory language and is therefore a mandatory approval standard for this case. All urban services (sanitary sewer, water, storm drainage) are available to serve the development of the subject properties. City Staff have received comments from service providers in response to this application, and City water and light (electricity service) is available upon completion of an extension agreement. Upon development, all public services will be extended to the lots in conformance with City Standards from adjacent stubbed streets to the site. These Policies have been met and can be ensured by conditions of approval for the concurrent Planned Development Overlay and Subdivision applications.

G. Lot Sales Policy

1. *Policy 99.10: The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the city planning staff shall develop a formula to be applied to medium and large size subdivisions, that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 99.10 is a directive to staff and is therefore not an approval standard. Nonetheless, staff has, in turn, developed an informal policy of requiring the applicant to market an undetermined number of individual lots to the general public for a period of six months beginning after

preliminary Plat approval. Based on its meeting with staff, the applicant has agreed to market 25% of the lots to the general public for a period of six months after preliminary plat approval. A condition of approval can be imposed to ensure follow through on this issue. This Policy will be met.

SUPPORTIVE FINDING AND CONCLUSION: This Goal and related Policies above will be met by the approval of the requested proposal.

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

A. *Growth Management Policies, Streets*

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

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 117.00 may or may not use mandatory language; however, the applicant will assume that it is a mandatory approval standard for this case. The concurrent Planned Development Overlay and Subdivision applications show that each proposed lot is easily accessible (see Site Plan Exhibits and Exhibit 'F-3'). This Policy has been met.

- 2. *Policy 118.00: The City of McMinnville shall encourage development of roads that include the following design factors:***
 - a. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.***
 - b. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.***
 - c. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.***
 - d. *Consideration given to Complete Streets, in consideration of all modes of transportation.***
 - e. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through street exist.***

SUPPORTIVE FINDING AND CONCLUSION:

Plan Policy 118.00 uses aspirational language and is therefore not a mandatory approval standard for this case. However, the applicant meets the intent of the policy as follows: All of the proposed streets within the proposed Planned Development will be constructed to City Standards (street improvement, curbs, gutters and sidewalks) within a right-of-way of 50 feet as part of the concurrent Subdivision application. The site is flat so there will be minimal cut and fill and natural features are preserved to the greatest extent possible with no streets crossing major wetland areas, which

does result in some cul-de-sacs where necessary. Circulation will be improved by completing gaps in the existing street network. This Policy has been met.

3. *Policy 120.00: The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*
4. *Policy 121.00: The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*
5. *Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:*
 - a. *Major, minor arterials*
 - Access should be controlled, especially on heavy traffic-generating developments.
 - Designs should minimize impacts on existing neighborhoods
 - Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
 - On street parking should be limited wherever necessary.
 - Landscaping should be required along public rights-of-way.
 - b. *Major, minor collectors*
 - Designs should minimize impacts on existing neighborhoods.
 - Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
 - On-street parking should be limited wherever necessary.*
 - Landscaping should be required along public rights-of-way.*
 - As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.*
 - c. *Local Streets*
 - Designs should minimize through-traffic and serve local areas only.
 - Street widths should be appropriate for the existing and future needs of the area.
 - Off-street parking should be encouraged wherever possible.
 - Landscaping should be encouraged along public rights-of-way.*

SUPPORTIVE FINDINGS AND CONCLUSIONS:

Plan Policies 121.00 and 122.00 use aspirational language and are therefore not mandatory approval standards for this case. However, the applicant meets the intent of these two policies as follows: Access to the minor arterial streets (Hill Road and Baker Creek Road) are provided at 23rd Street, an extension of an existing east-west street, and via existing intersections at Meadow Drive and Shadden Drive (see Exhibit 'F-3'). The proposed streets within the site are local streets designed to minimize through traffic and primarily to serve only the proposed development. The proposed streets within the concurrent development will be built with curbs and gutters in accordance with City Standards. In addition, 18 ft. of ROW will be provided adjacent to Hill Road and additional 18 ft. of ROW will be provided adjacent to Baker Creek Road in accordance with

the City minor arterial standards. The proposal meets the requirements of these Policies.

- 6. Policy 123.00: *The City of McMinnville shall cooperate with other governmental agencies and private interests to insure the proper development and maintenance of the road network within the urban growth boundary.***

SUPPORTIVE FINDINGS AND CONCLUSIONS: Plan Policy 123.00 is a directive to the City Council and staff and is not an approval standard for this case. As part of the development of the subject properties, the proposed streets within the proposed Planned Development/Subdivision will be developed to City Standards. This Policy can be met.

B. Parking Policies

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

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 126.00 uses mandatory language and is therefore a mandatory approval standard for this case. In accordance with the McMinnville Zoning Ordinance, two (2) off-street parking spaces are required per single family detached lot of less than four bedrooms. Four (4) off-street spaces will be provided on lots with two car garages for each single-family residence, two in the garage and two in front of the garage in the driveway (see Parking summary table on Exhibit ‘F-3’). Off-street parking and loading will be provided for the commercial (multi-family) lot at the time of building permit for the multi-family dwellings. This Policy can be met at the time of development and can be ensured by a condition of approval. The proposal provides two points of access to the commercial lot to facilitate access to parking and loading facilities in the future.

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

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 127.00 uses aspirational language and is therefore not a mandatory approval standard for this case. At the time of development of the subject property, off-street parking will be provided as required by the McMinnville Zoning Ordinance. All lots in the proposal allow for two car garages and two off-street parking spaces in the garages, including proposed small lot and large lots, which will encourage and enable off-street parking meeting the intent of this Policy. This Policy can be met at the time of development of each lot. (see Exhibit ‘F-3’)

SUPPORTIVE FINDING AND CONCLUSION: The development of the subject properties meets the Goal and pertaining Policies addressed above for the development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

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

A. Sanitary Sewer System Policies

1. **Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.**

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 136.00 uses mandatory language and is therefore a mandatory approval standard for this case. At the time of development of the subject properties, public sanitary sewer will be provided to each of the created lots. This Policy can be met at the time of development. (see Exhibits ‘G-2’ & ‘H-2’)

2. **Policy 139.00: The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:**
 - a. *Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
 - b. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
 - c. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
 - d. *Extensions will implement applicable goals and policies of the comprehensive plan.*

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 139.00 uses mandatory language and is therefore a mandatory approval standard for this case. At the time of development of the subject properties, public sanitary sewer will be provided to each of the created lots. This Policy can be met at the time of development. (see Exhibits ‘G-2’ & ‘H-2’)

3. **Policy 141.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal drainage system, or to natural drainage ways, where required.**

SUPPORTIVE FINDING AND CONCLUSION: Plan Policy 141.00 uses mandatory language and is therefore a mandatory approval standard for this case. The proposal will ensure that all development within the Planned

Development/Subdivision is connected to separate storm and sanitary sewers at the time of development. This Policy can be met and ensured at the time of development. (see Exhibits 'G-2' & 'H-2')

B. Storm Drainage Policies

- 1. Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.***

SUPPORTIVE FINDINGS AND CONCLUSION: Plan Policy 142.00 uses mandatory language and is therefore a mandatory approval standard for this case. Public storm drainage services will be provided to the subject properties with the construction of the new public streets and establishment of the private tracts. Construction of public stormwater systems, detention areas and connections to the existing storm drain facilities will occur at the time of development. Through the construction of and approved storm collection system constructed to City standards there will be no significant adverse impacts to the quality of water or land as a result of this proposal. This Policy can be met and ensured at the time of development. (see Exhibits 'G-2' & 'H-2')

C. Water Policies

- 1. Policy 144.00: The City of McMinnville, though the City Water and Light Department shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.***
- 2. Policy 145.00: The City of McMinnville, recognizing the City Water and Light Department as the agency responsible for water services, shall extend water services within the framework below:***
 - a. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.***
 - b. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.***
 - c. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.***
 - d. Applicable policies for extending water services, as developed by the City Water and Light Department, are adhered to.***
- 3. Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.***

SUPPORTIVE FINDING AND CONCLUSION: Plan Policies 144.00 through 146.00 use mandatory language and are therefore mandatory

approval standards for this case. Plan Policy 147.00 is a policy directive to City Staff. Public water facilities are currently available in existing city streets adjacent to the proposed Planned Development/Subdivision and are of sufficient size to be extended to serve the proposed development. All policies of the Water and Light Department for the coordinated provision of extension of existing public services will be followed. In response to this application Water and Light indicated to staff an extension agreement is required. These Policies can be met and can be ensured with conditions of approval. (see Exhibits 'G-2' & 'H-2')

D. Water and Sewer – Land Development Criteria Policy

1. *Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*
 - a. *Sufficient municipal water system supply, storage and distribution facilities, as determined by the City Water and Light Department, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
 - b. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
 - c. *Sufficient water and sewer system personnel and resources, as determined by the Water and Light Department and City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
 - d. *Federal, state, and local water and waste water quality standards can be adhered to.*
 - e. *Applicable policies of the Water and Light Department and the City relating to water and sewer systems, respectively, are adhered to.*

SUPPORTIVE FINDINGS AND CONCLUSIONS: Plan Policy 151.00 uses mandatory language and is therefore a mandatory approval standard for this case. Though the City's own requirements of notification, all private utilities and City Departments are notified of the proposed Zone Change with concurrent Planned Development Overlay and Subdivision applications. Public sewer and water are already provided to the subject properties in the adjacent existing streets. Extensions and connections to the sanitary sewer and water facilities will be required at the time of development of the subject properties. The City treats sewage to meet the applicable standards for environmental quality. Through the use of the public collection and treatment facilities there will be no sewage discharges from the property directly to a water body or into the ground.

Based on these factors and considerations there will be no significant adverse impacts to the quantity or quality of water or sanitary sewer services to the area or to the city. This Policy has been met. (see Exhibits 'G-2' & 'H-2')

E. Police and Fire Protection – Land Development Criteria Policy

1. *Policy 153.00: The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*
2. *Policy 155.00: The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexation, subdivision proposals, and other major land use decisions.*

SUPPORTIVE FINDINGS AND CONCLUSIONS: Plan Policy 153.00 is a directive to staff. Plan Policy 155.00 uses mandatory language and is therefore a mandatory approval standard for this case. Though the City's own requirements of notification, the Fire and Police Departments will be notified of the proposal. Existing Police and Fire facilities are adequate to serve the proposed development. These Policies has been met.

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

A. Parks and Recreation Policies

1. *Policy 165.00: The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.*
2. *Policy 167.00: The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the city.*
3. *Policy 168.00: Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.*
4. *Policy 169.00: Drainage ways in the city shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.*

SUPPORTIVE FINDINGS AND CONCLUSIONS: Plan Policy 165.00 is a directive to staff and is not a mandatory approval standard for this case. Plan Policy 167.00 uses aspirational language and is therefore not a mandatory approval standard for this case. Plan Policies 168.00 and 169.00 use mandatory language and are therefore mandatory approval standard for this case. The proposal will provide for private open space that protects wetlands and significant vegetation, and provide for storm water detention areas (see Exhibit 'E' and Exhibit 'F-3'). The subject properties contain no scenic areas. The proposal supports the Goal to provide recreation facilities and open space for the enjoyment of the citizens of the community. This Policy has been met by the provision of private open space within the proposed development.

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

A. Energy Policies

- 1. Policy 171.00: The City shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.*
- 2. Policy 173.00: The City of McMinnville shall coordinate with the City Water and Light Department and the various private suppliers of energy in this area in making future land use decisions.*
- 3. Policy 177.00: The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

SUPPORTIVE FINDINGS AND CONCLUSION: Policy 171.00 uses non-binding language that sets no standard for approval, and is therefore not a mandatory approval standard for this case. Plan Policies 173.00 and 177.00 are directives to staff and are not mandatory approval standards for this case. Through the City's own requirements of notification, the City Water and Light Department will be notified, so the City can coordinate with it and other providers. These Policies can be met.

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

A. Energy Policies

- 1. Policy 178.00: The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.*
- 2. Policy 179.00: The City of McMinnville shall amend pertinent ordinances to allow for design techniques which increase the efficient utilization of land and energy. Areas to examine shall include, but not be limited to:*
 - a. The geographic placement of various uses (commercial, industrial, residential) on the Comprehensive Plan Map to encourage energy-efficient locations.*
 - b. The zoning ordinance and planned development provisions to allow for cluster developments, individually owned, common-wall dwellings, and other design techniques that increase utilizable space and offer energy savings.*
 - c. The subdivision and zoning ordinances to encourage energy-efficient design such as proper landscaping for solar heating and cooling, solar orientation of dwellings and other site design considerations.*
 - d. The building codes to encourage energy-efficient residential, commercial and industrial building design and construction techniques.*
- 4. The City of McMinnville supports local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce heat gain, lower energy consumption, and lessen pollutant output.*

SUPPORTIVE FINDINGS AND CONCLUSIONS: Plan Policy 178.00 uses aspirational language and is therefore not a mandatory approval standard for this case. Plan Policy 179.00 sets forth policy direction for the development of zoning ordinances, and is not an approval standard for a Zoning map amendment.

The proposal will provide for a development that is intended to reduce urban sprawl by providing a higher density single family housing development, but of a high quality that will enhance the livability of the families living within each of the homes. The purpose of the Planned Development is to create an urban environment of single family residences that are not totally dependent upon the automobile but gives each residence private space while providing common open space and access to a neighborhood commercial facility, a school facility and a public park within easy walking distance. The detached single family housing units that will be constructed on the proposed residential lots will be designed to meet or exceed the building code requirements for energy efficiency currently in effect. The location of the site adjacent to two minor arterial routes (Hill Road and Baker Creek Road), and the possible future availability of public transit and bicycle transportation to the area, make the development highly accessible and serves to reduce the energy needed to reach the home sites within the development. These factors result in the future housing sites being consistent with the energy conservation requirements of this Goal and implementing Policies.

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

B. General Development Policies

- 1. *Policy 183.00: The City of McMinnville with the cooperation of Yamhill County shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those within the City limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.***
- 2. *Policy 184.00: The City of McMinnville shall establish a comprehensive plan map designating allowed uses within the McMinnville Urban Growth Boundary. Land uses allowed under the specific designations shall be set forth in Volume I of the McMinnville Comprehensive Plan, Chapter IX.***

SUPPORTIVE FINDINGS AND CONCLUSION: Plan Policies 183.00 and 184.00 set forth policy direction for the development of zoning ordinances, and is not an approval standard for Zone Changes. The subject properties lie within the urban growth boundary, and have not been designated as reserve area. The subject properties are within the city limits of McMinnville, are currently vacant and therefore are classified as “Urbanizable” land. The proposal will fulfill the Goals and Policies of the McMinnville Comprehensive Plan and will provide the mechanism for the development of the subject property to urban densities. The proposal is in conformance with these policies.

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

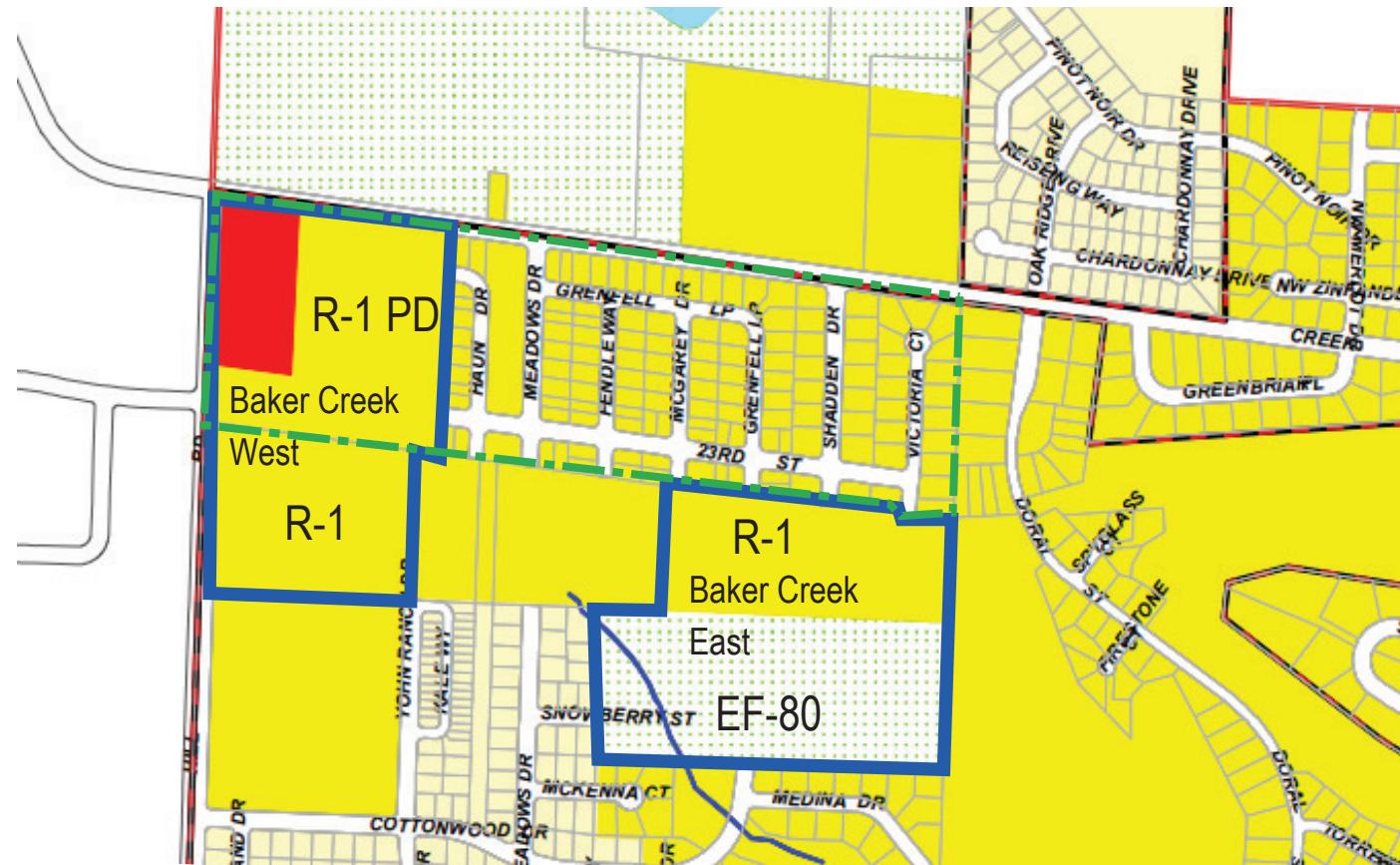
A. Policies

- 1. Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.**

SUPPORTIVE FINDINGS AND CONCLUSIONS: Plan Policy 188.00 sets forth policy direction for the development of zoning ordinances, and is not an approval standard for a Zone Changes. This policy is met by the zoning ordinance and is not affected by the proposal.

SUPPORTIVE FINDING AND CONCLUSION: The proposal will expand the degree of flexibility of the type of development that can occur on the subject properties. The proposal is consistent with the applicable Commercial, Residential, Transportation, Community Facilities and Services, Energy, Urbanization, and Citizen Involvement Goals and Policies listed in the Comprehensive Plan. For these reasons the proposal is consistent with the intent and methodology of the Plan and satisfies the Criterion of Section 17.74.070(B) and Section 17.74.020(A).

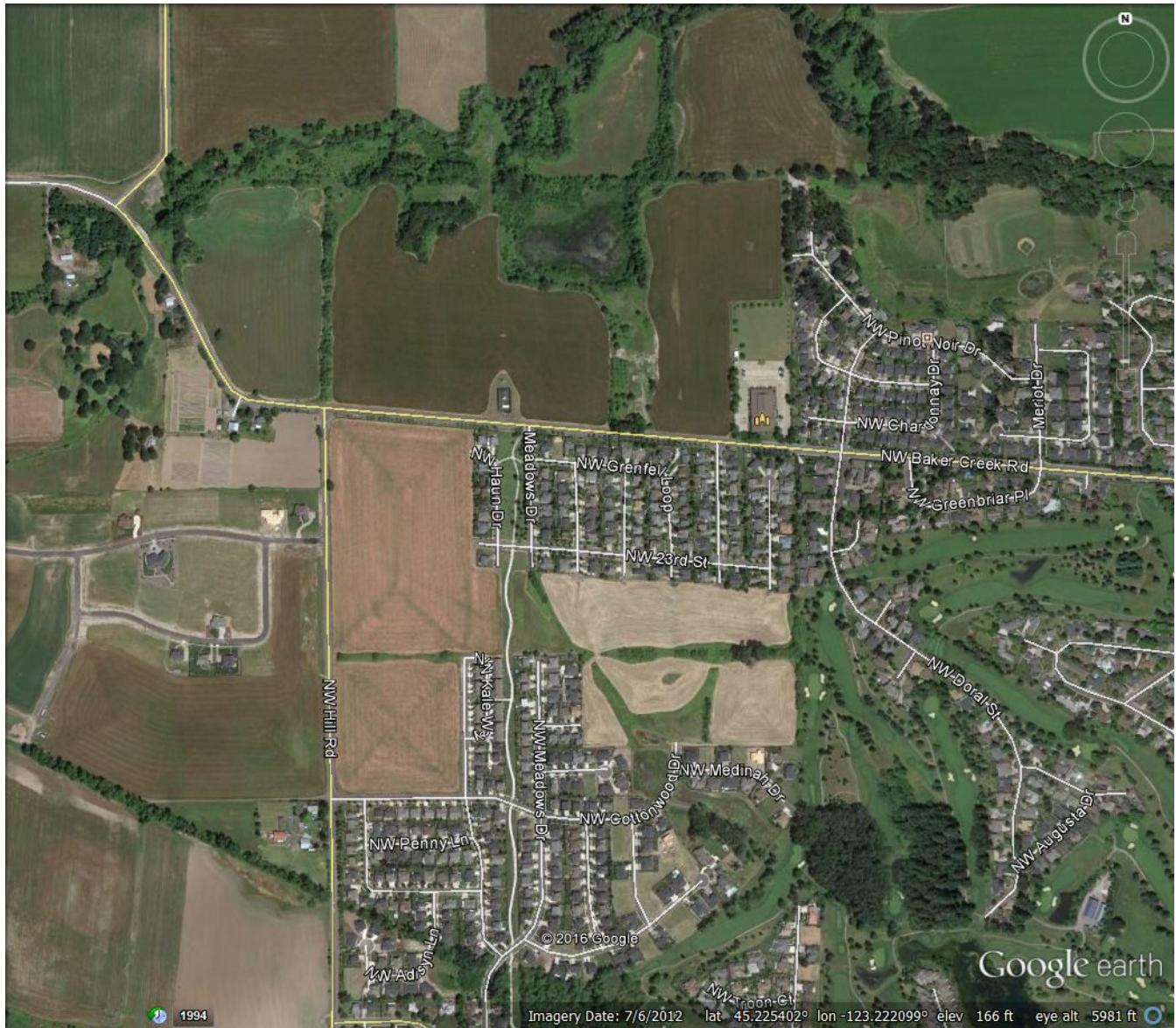
Exhibit D Existing Zoning Map

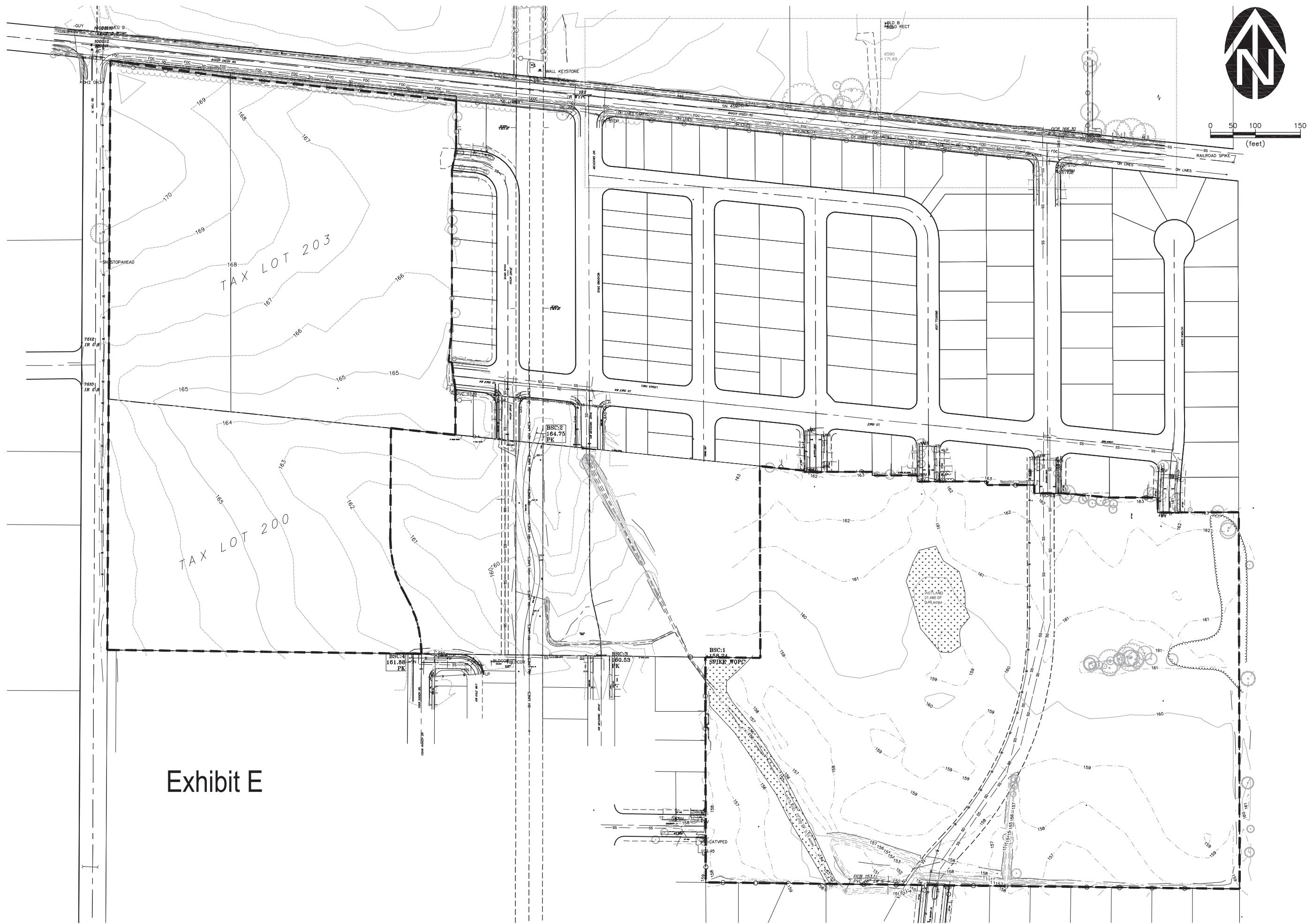


Legend

City Limits	County Zoning	City Zoning
City	LDR9000	R-1
	VLDR-1	R-2
	AF-20	C-3
	EF-80	PD

EXHIBIT D-1 Aerial Map





STAFFORD LAND COMPANY
BAKER CREEK SUBDIVISION

EXISTING CONDITIONS—
TOPOGRAPHICAL SURVEY

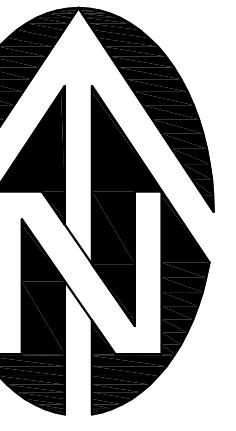


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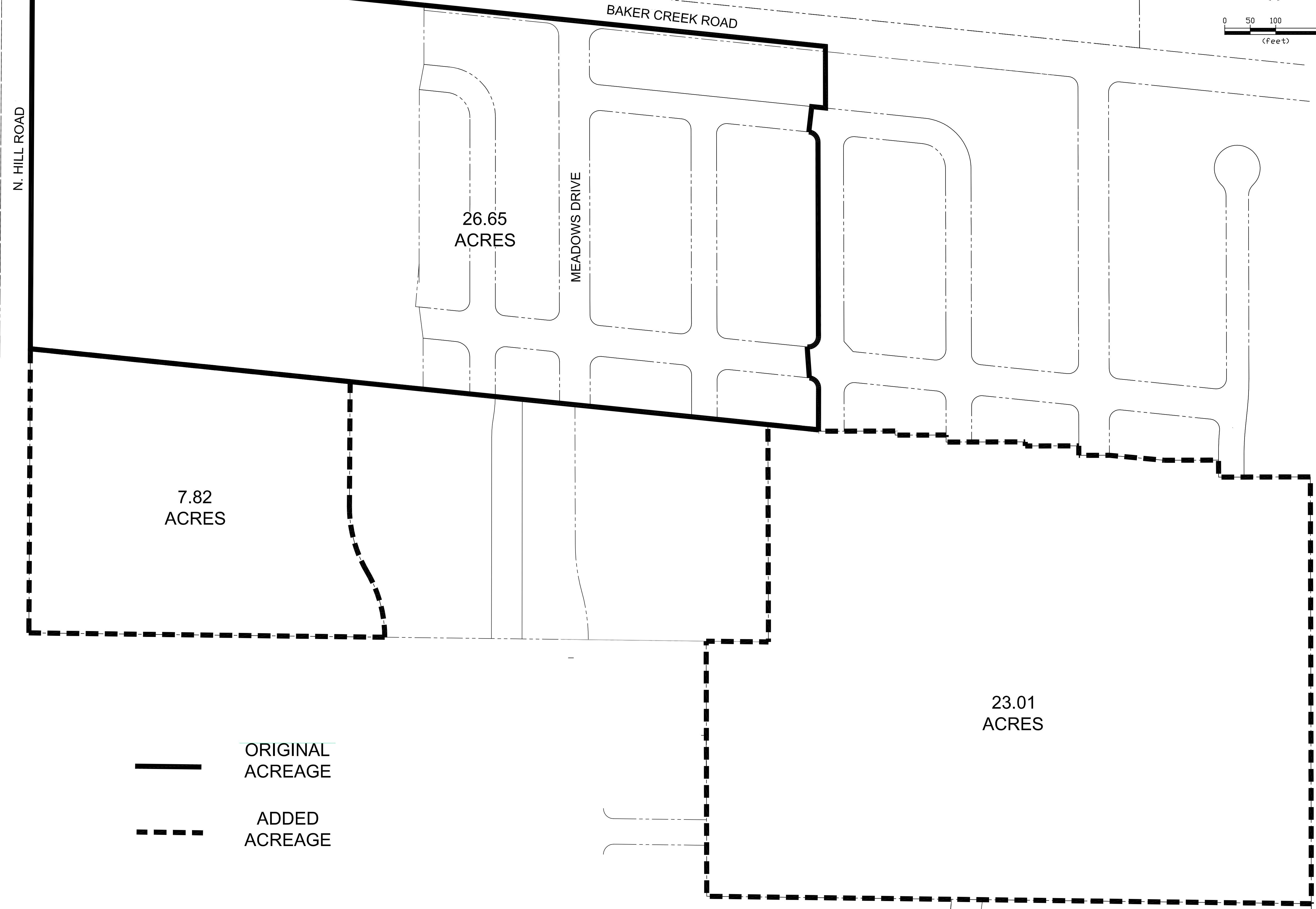
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DRN.				
DATE: APR 2016				
DESCRIPTION				
REVISIONS				

Exhibit F



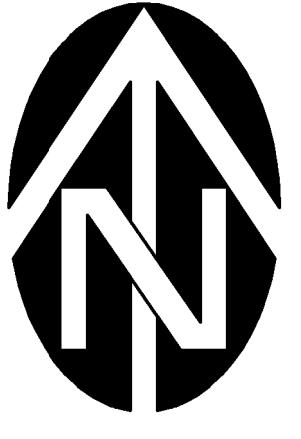
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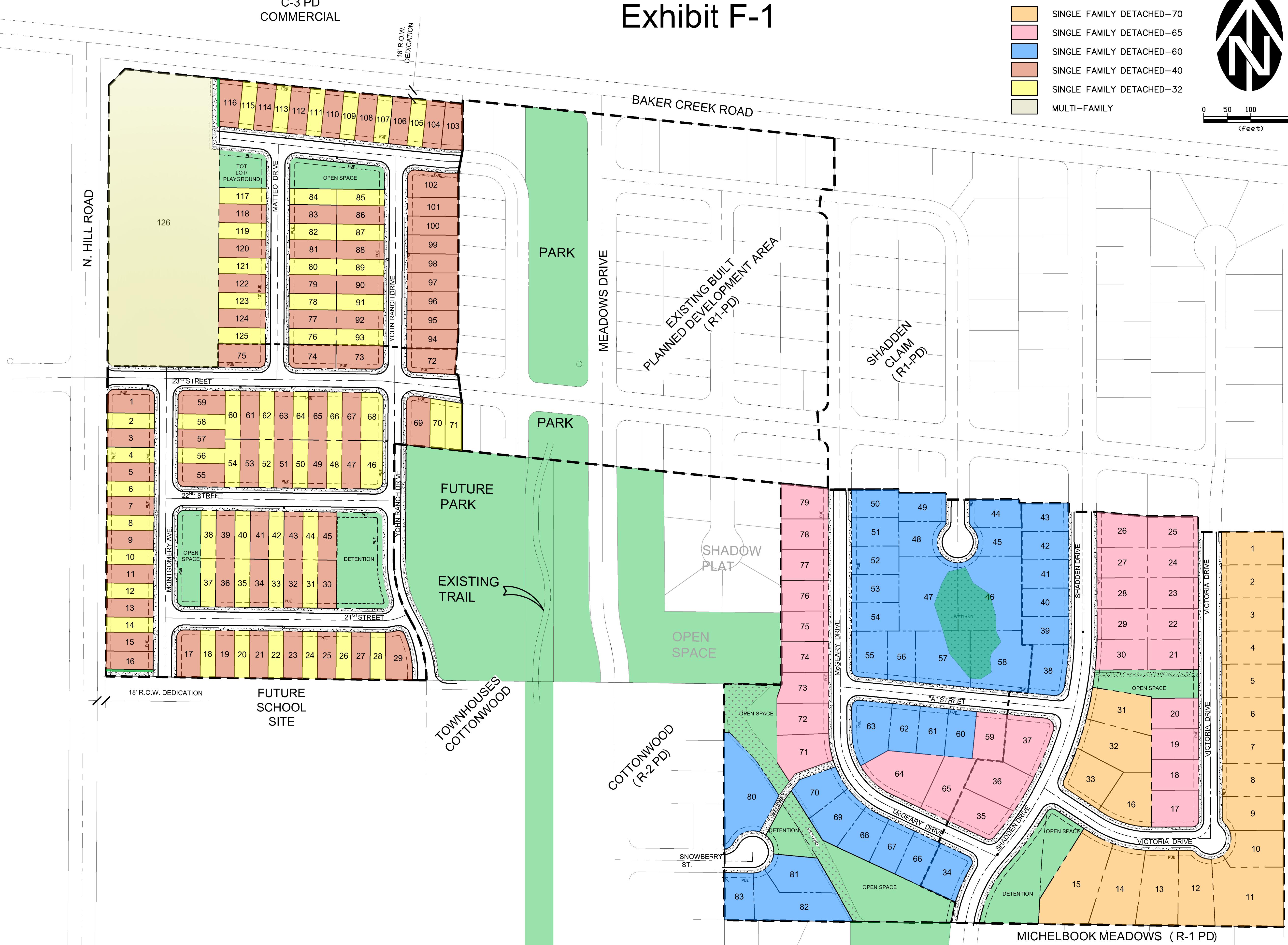
VERIFIED PROFESSIONAL ENGINEER	REVIEWED BY
WESTECH ENGINEERING, INC.	WILLIAM J. NEALE
CONSULTING ENGINEERS AND PLANNERS	REVIEWED: 6/20/2018
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302	PHONE: (503) 585-2474
E-mail: westech@westech-eng.com	FAX: (503) 585-3986
DRAWING F	
JOB NUMBER 2940.0000.0	
DATE: MAR 2017	
NO. 1	
DESCRIPTION BY	
REVISIONS	
DSN. CKD.	
VERIFY SCALE BDR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY	
0 1"	

Exhibit F-1

LOT TYPE LEGEND



(feet)



EXISTING GOLF COURSE

PLANNED DEVELOPMENT OVERLAY ZONING PLAN

BAKER CREEK SUBDIVISION

DRAWING
F-1
JOB NUMBER
2940 0000 0

VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING	1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
DSN.	
DRN.	1
CKD.	
DESCRIPTION	
REVISIONS	
DATE: MAR 2017	



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97304
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-ena.com

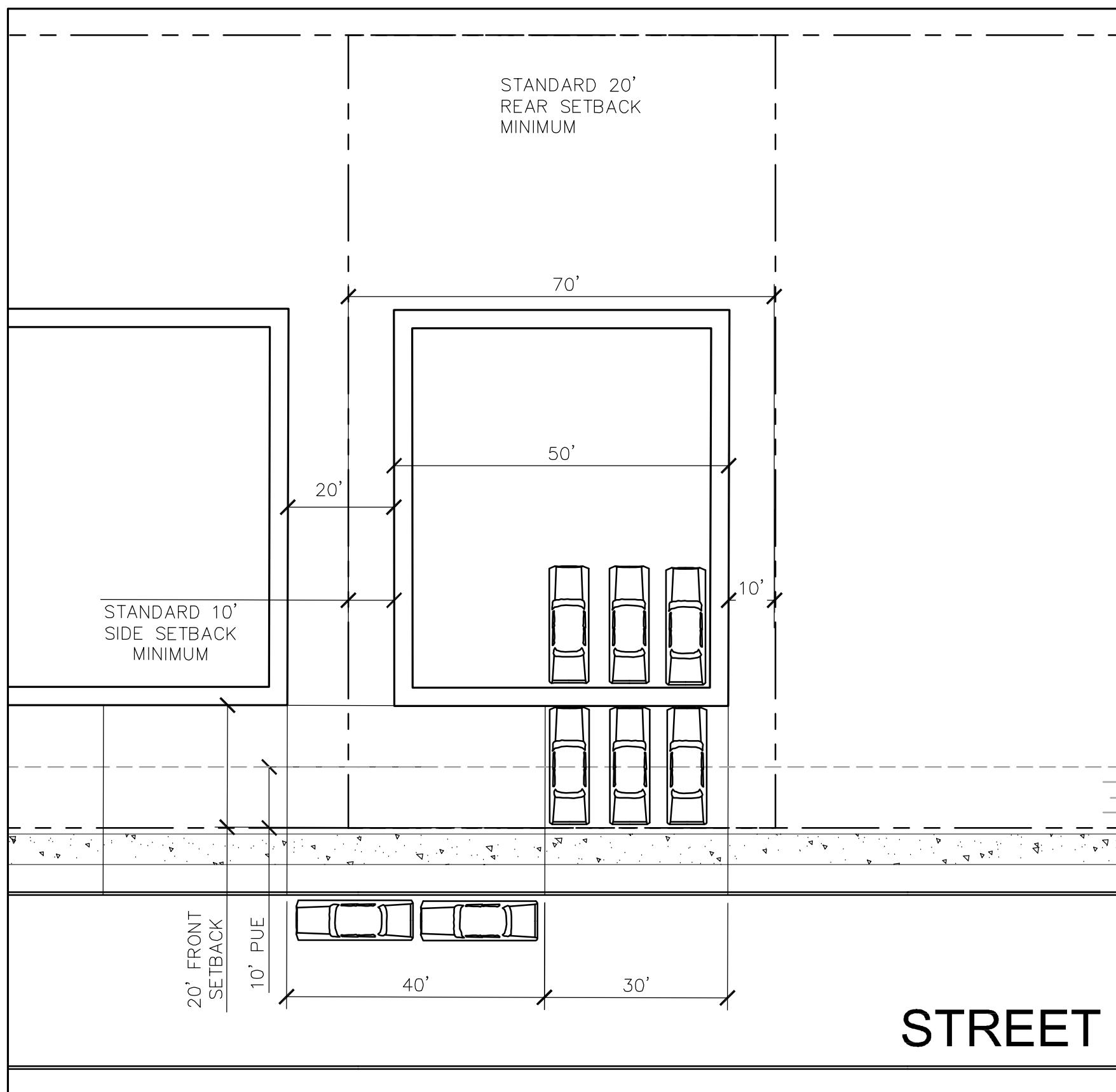
BAKER CREEK DEVELOPMENT I, LLC

BAKER CREEK SUBDIVISION

**PANNED DEVELOPMENT
OVERLAY ZONING PLAN**

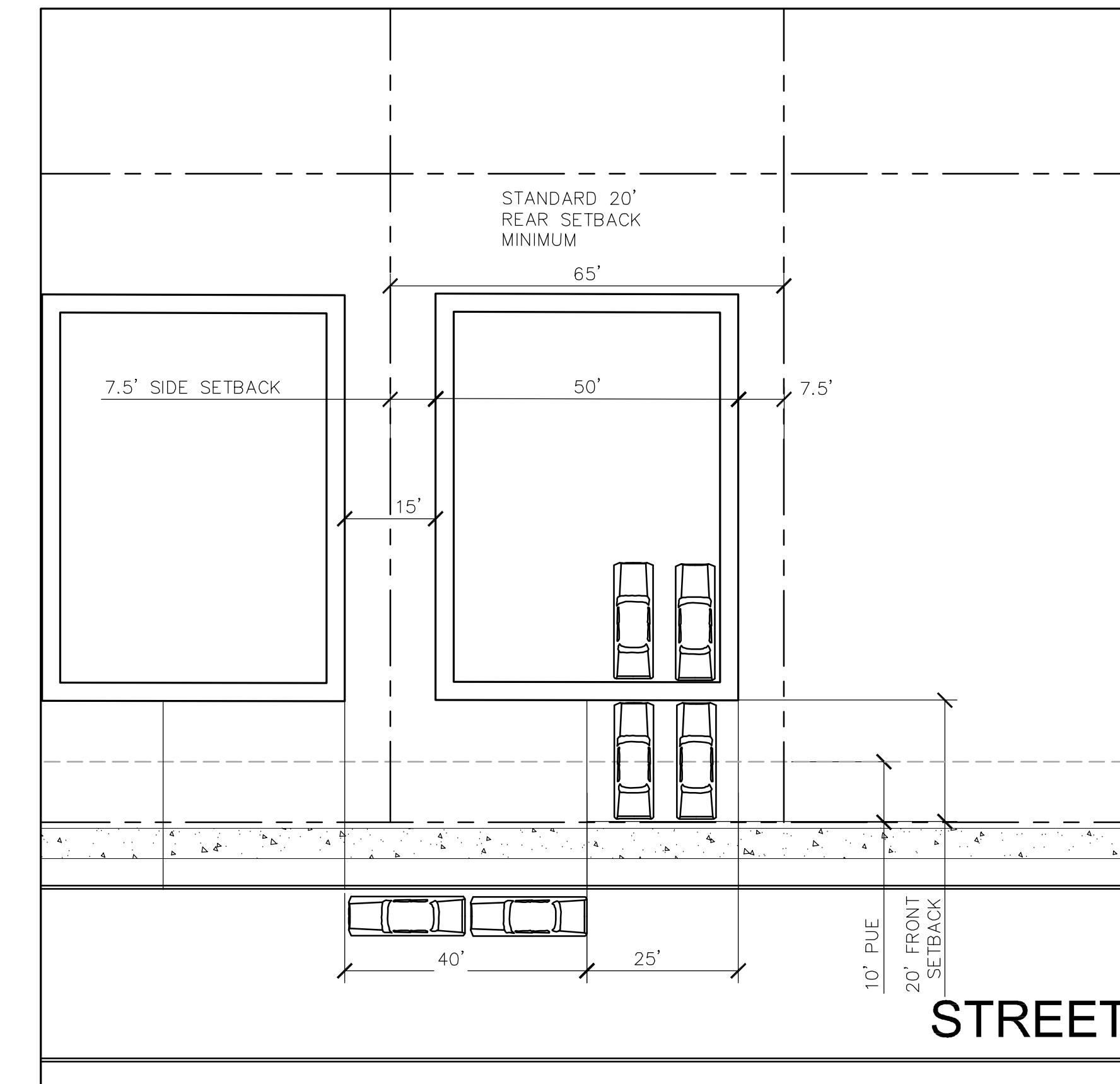
DRAWING
F-1

BAKER CREEK EAST



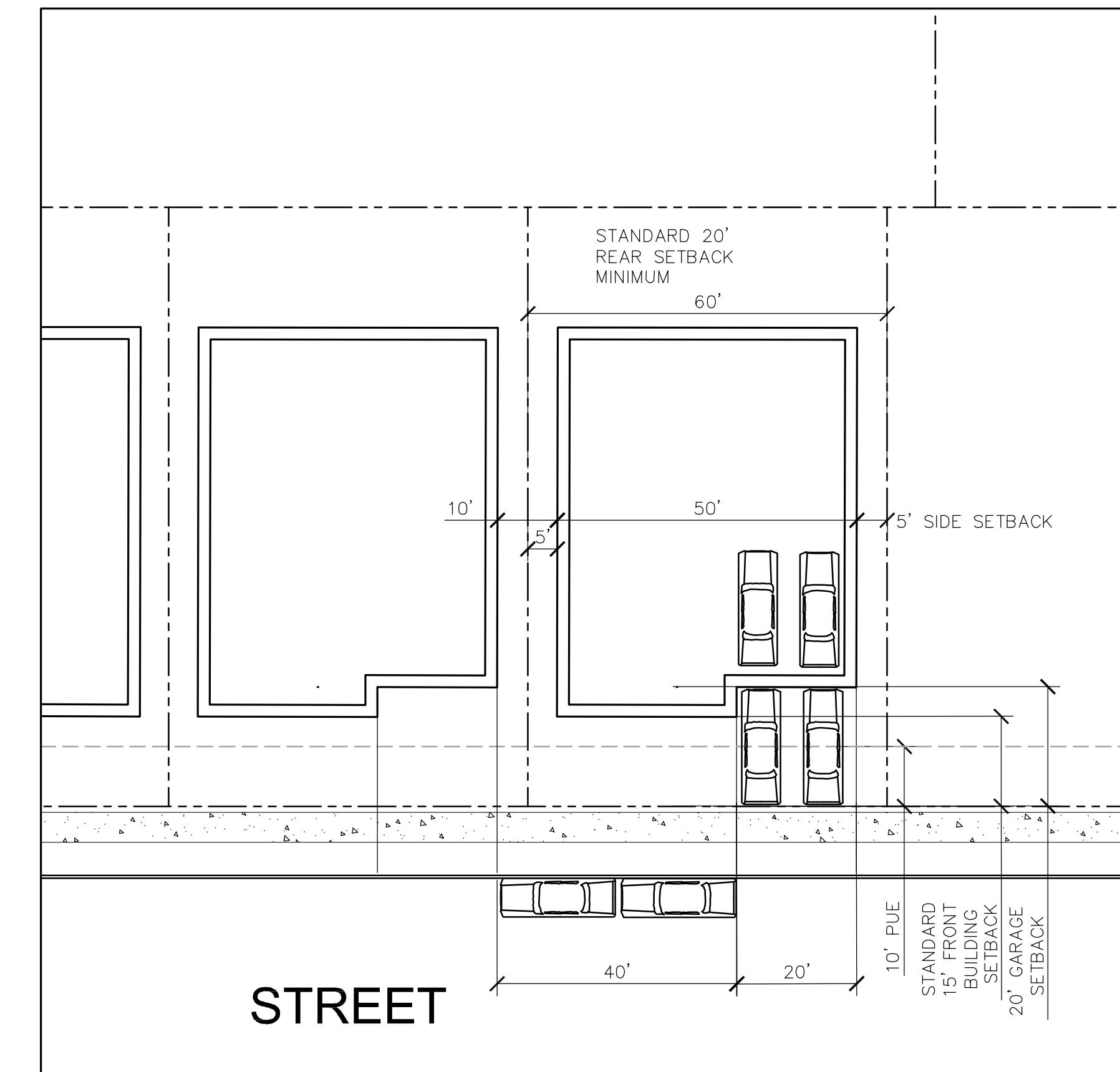
SFD-70
N.T.S.

- STANDARD R-1 LOT



SFD-65
N.T.S.

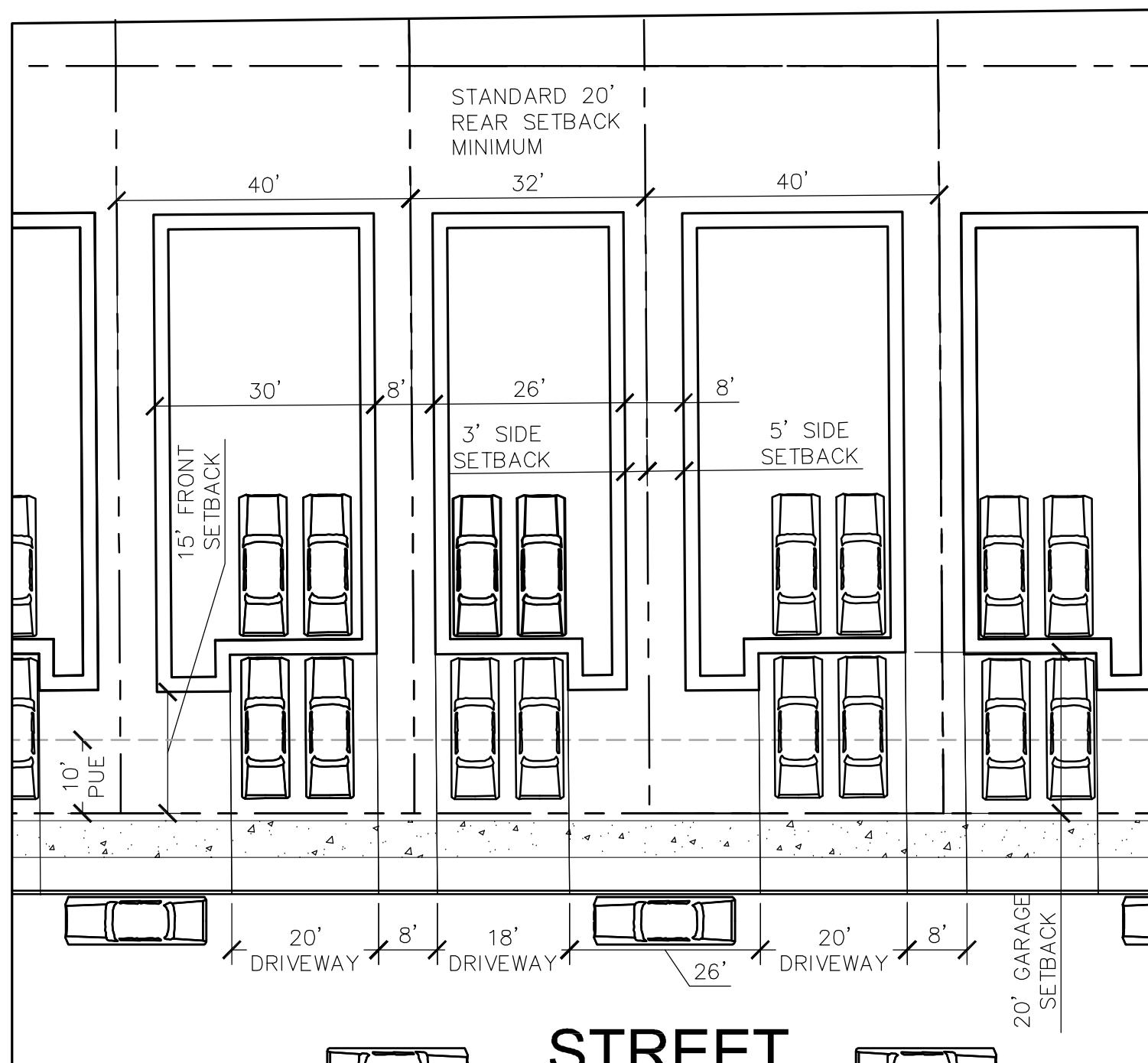
- 7.5' INTERIOR SIDE SETBACK
- LOT AREA VARIES
- ALL OTHER DIMENSIONS MEET R-1 LOT STANDARDS



SFD-60
N.T.S.

- 5' INTERIOR SIDE SETBACK
- 15' FRONT SETBACK
- LOT AREA VARIES
- ALL OTHER DIMENSIONS MEET R-1 LOT STANDARDS

BAKER CREEK WEST



SFD-40 & SFD-32
N.T.S.

SFD-40

- 5' INTERIOR SIDE SETBACK
- 15' FRONT BUILDING & STREET SIDE SETBACK
- LOT AREA 4,000 SF MINIMUM
- ALL OTHER DIMENSIONS MEET R-1 LOT STANDARDS

SFD-32

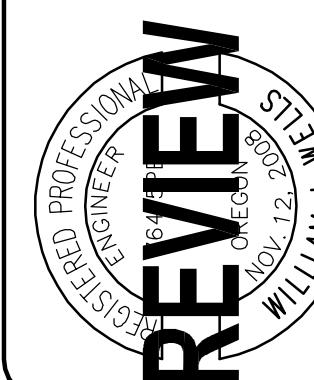
- 3' INTERIOR SIDE SETBACK
- 15' FRONT BUILDING & STREET SIDE SETBACK
- LOT AREA 3,200 SF MINIMUM
- ALL OTHER DIMENSIONS MEET R-1 LOT STANDARDS

Exhibit F-2

TABLE A - TYPICAL LOT MIX:		
BAKER CREEK EAST (BCE)	SFD-70	19
	SFD-65	29
	SFD-60	35
TOTAL BCE		83
BAKER CREEK WEST (BCW)	SFD-40	69
	SFD-32	56
TOTAL BCW		125

PLANNED DEVELOPMENT
TYPICAL LOTS

DRAWING
F-2
JOB NUMBER
2940.0000.0



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-oregon.com

VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY	1"
DSN.	1
CKD.	
DATE: MAR 2017	REVISIONS

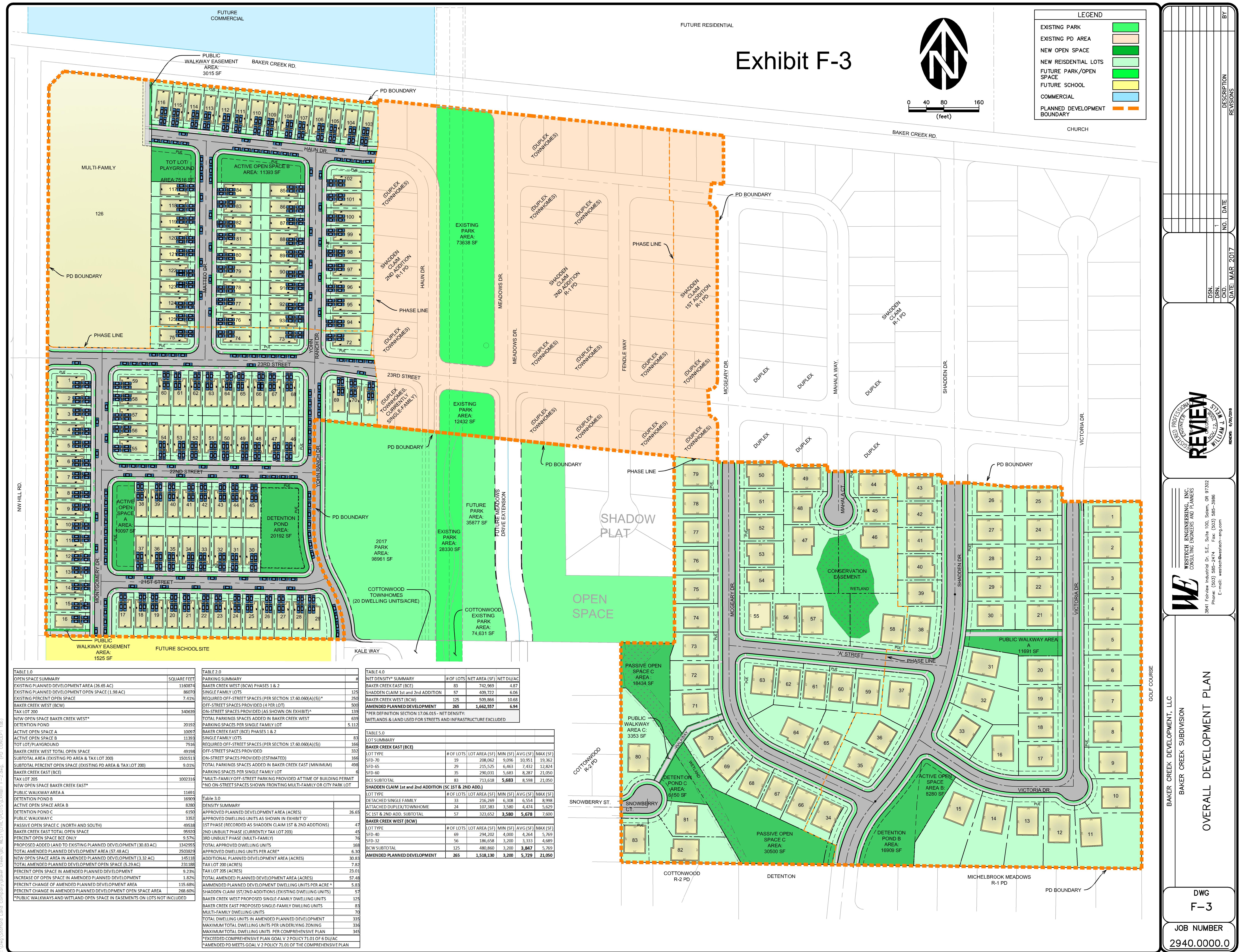


EXHIBIT F-3 TABLE

TABLE 1.0	
OPEN SPACE SUMMARY	SQUARE FEET
EXISTING PLANNED DEVELOPMENT AREA (26.65 AC)	1160874
EXISTING PLANNED DEVELOPMENT OPEN SPACE (1.98 AC)	86070
EXISTING PERCENT OPEN SPACE	7.41%
BAKER CREEK WEST (BCW)	
TAX LOT 200	340639
NEW OPEN SPACE BAKER CREEK WEST*	
DETENTION POND	20192
ACTIVE OPEN SPACE A	10094
ACTIVE OPEN SPACE B	11392
TOT LOT/PLAYGROUND	7515
BAKER CREEK WEST TOTAL OPEN SPACE	49193
SUBTOTAL AREA (EXISTING PD AREA & TAX LOT 200)	1501513
SUBTOTAL PERCENT OPEN SPACE (EXISTING PD AREA & TAX LOT 200)	9%
BAKER CREEK EAST (BCE)	
TAX LOT 205	1002316
NEW OPEN SPACE BAKER CREEK EAST*	
DETENTION POND A	17258
ACTIVE OPEN SPACE AREA A	7934
PUBLIC WALKWAY AREA A	11691
DETENTION POND B	6562
PUBLIC WALKWAY AREA B	3352
PASSIVE OPEN SPACE B (NORTH AND SOUTH)	48477
BAKER CREEK EAST TOTAL OPEN SPACE	95274
PERCENT OPEN SPACE BCE ONLY	9.51%
PROPOSED ADDED LAND TO EXISTING PLANNED DEVELOPMENT (30.83 AC)	1342955
TOTAL AMENDED PLANNED DEVELOPMENT AREA (57.48 AC)	2503829
NEW OPEN SPACE AREA IN AMENDED PLANNED DEVELOPMENT (3.32 AC)	144467
TOTAL AMENDED PLANNED DEVELOPMENT OPEN SPACE (5.29 AC)	230537
PERCENT OPEN SPACE IN AMENDED PLANNED DEVELOPMENT	9.21%
INCREASE OF OPEN SPACE IN AMENDED PLANNED DEVELOPMENT	1.79%
PERCENT CHANGE OF AMENDED PLANNED DEVELOPMENT AREA	115.68%
PERCENT CHANGE IN AMENDED PLANNED DEVELOPMENT OPEN SPACE AREA	267.85%
*PUBLIC WALKWAYS AND WETLAND OPEN SPACE IN EASEMENTS ON LOTS NOT INCLUDED	

EXHIBIT F-3 TABLE

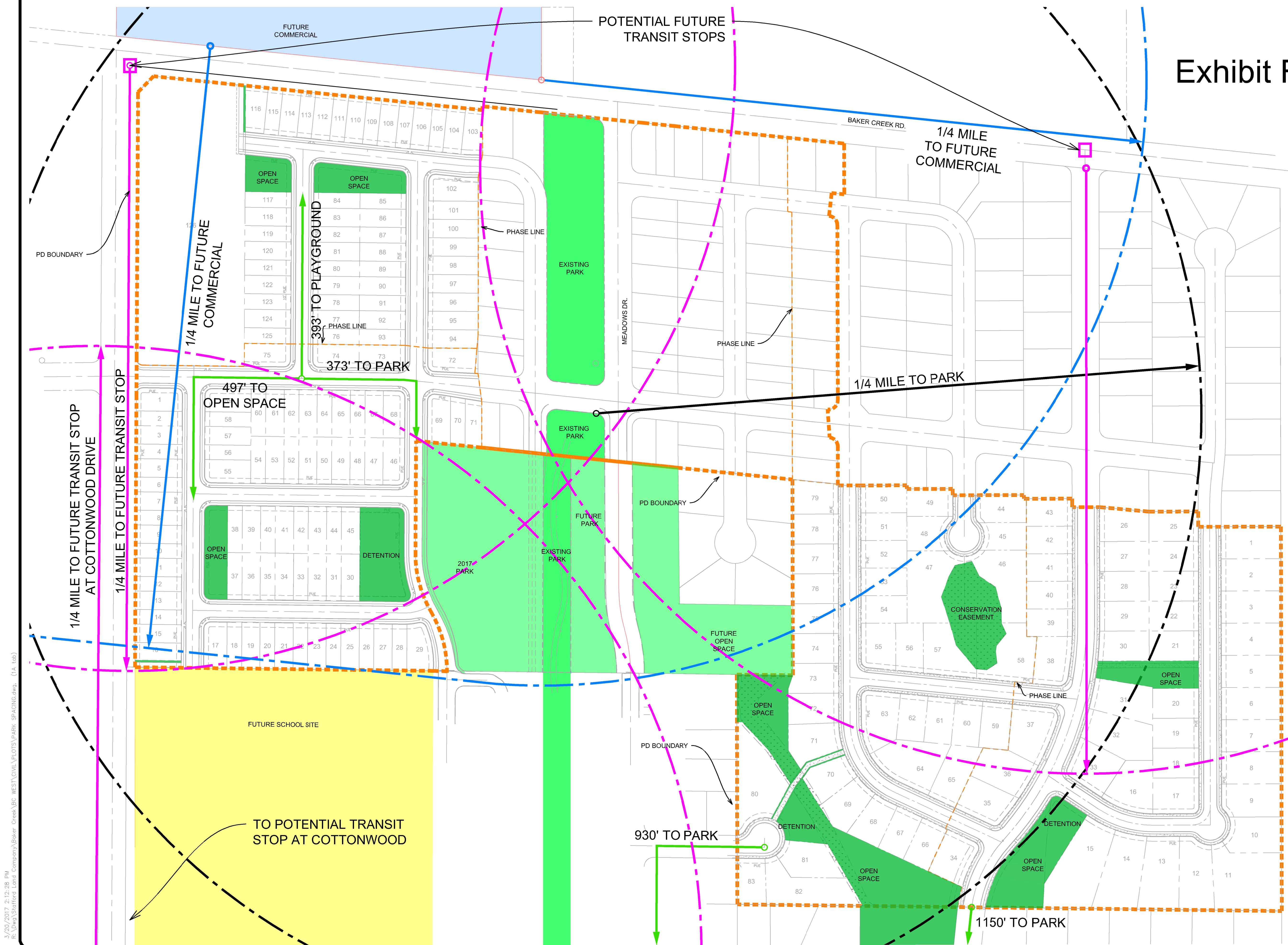
TABLE 2.0	
PARKING SUMMARY	#
BAKER CREEK WEST (BCW) PHASES 1 & 2	
SINGLE FAMILY LOTS	125
REQUIRED OFF-STREET SPACES (PER SECTION 17.60.060(A)(5))*	250
OFF-STREET SPACES PROVIDED (4 PER LOT)	500
ON-STREET SPACES PROVIDED (AS SHOWN ON EXHIBIT)^	139
TOTAL PARKINGS SPACES ADDED IN BAKER CREEK WEST	639
PARKING SPACES PER SINGLE FAMILY LOT	5.112
BAKER CREEK EAST (BCE) PHASES 1 & 2	
SINGLE FAMILY LOTS	83
REQUIRED OFF-STREET SPACES (PER SECTION 17.60.060(A)(5))	332
OFF-STREET SPACES PROVIDED	332
ON-STREET SPACES PROVIDED (ESTIMATED)	83
TOTAL PARKINGS SPACES ADDED IN BAKER CREEK EAST (MINIMUM)	415
PARKING SPACES PER SINGLE FAMILY LOT	5
*MULTI-FAMILY OFF-STREET PARKING PROVIDED AT TIME OF BUILDING PERMIT	
^NO ON-STREET SPACES SHOWN FRONTING MULTI-FAMILY OR CITY PARK LOT	

EXHIBIT F-3 TABLE

Table 3.0

DENSITY SUMMARY	
APPROVED PLANNED DEVELOPMENT AREA (ACRES)	26.65
APPROVED DWELLING UNITS AS SHOWN IN EXHIBIT O	
1ST PHASE (RECORDED AS SHADDEN CLAIM 1ST & 2ND ADDTIONS)	47
2ND UNBUILT PHASE (CURRENTLY TAX LOT 203)	45
3RD UNBUILT PHASE (MULTI-FAMILY)	76
TOTAL APPROVED DWELLING UNITS	168
APPROVED DWELLING UNITS PER ACRE*	6.30
ADDITIONAL PLANNED DEVELOPMENT AREA (ACRES)	30.83
TAX LOT 200 (ACRES)	7.82
TAX LOT 205 (ACRES)	23.01
TOTAL AMENDED PLANNED DEVELOPMENT AREA (ACRES)	57.48
AMMENDED PLANNED DEVELOPMENT DWELLING UNITS PER ACRE ^	5.83
SHADDEN CLAIM 1ST/2ND ADDTIONS (EXISTING DWELLING UNITS)	57
BAKER CREEK WEST PROPOSED SINGLE-FAMILY DWELLING UNITS	125
BAKER CREEK EAST PROPOSED SINGLE-FAMILY DWLLING UNITS	83
MULTI-FAMILY DWELLING UNITS	70
TOTAL DWELLING UNITS IN AMENDED PLANNED DEVELOPMENT	335
MAXIMUM TOTAL DWELLING UNITS PER UNDERLYING ZONING	336
MAXIMUM TOTAL DWELLING UNITS PER COMPREHENSIVE PLAN	345
*EXCEEDED COMPREHENSIVE PLAN GOAL V 2 POLICY 71.01 OF 6 DU/AC	
^AMENDED PD MEETS GOAL V 2 POLICY 71.01 OF THE COMPREHENSIVE PLAN	

Exhibit F-4



BAKER CREEK DEVELOPMENT, LLC
BAKER CREEK SUBDIVISION
WALKING DISTANCE PLAN

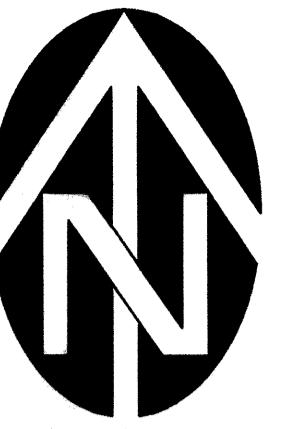
DRAWING F-4
JOB NUMBER 2940.0000.0

WE WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Lorien Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-engine.com



VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING	1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
DSN.	
DRN.	
CKD.	
DATE: MAR 2017	
DESCRIPTION	
REVISIONS	

Exhibit F-5



(feet)

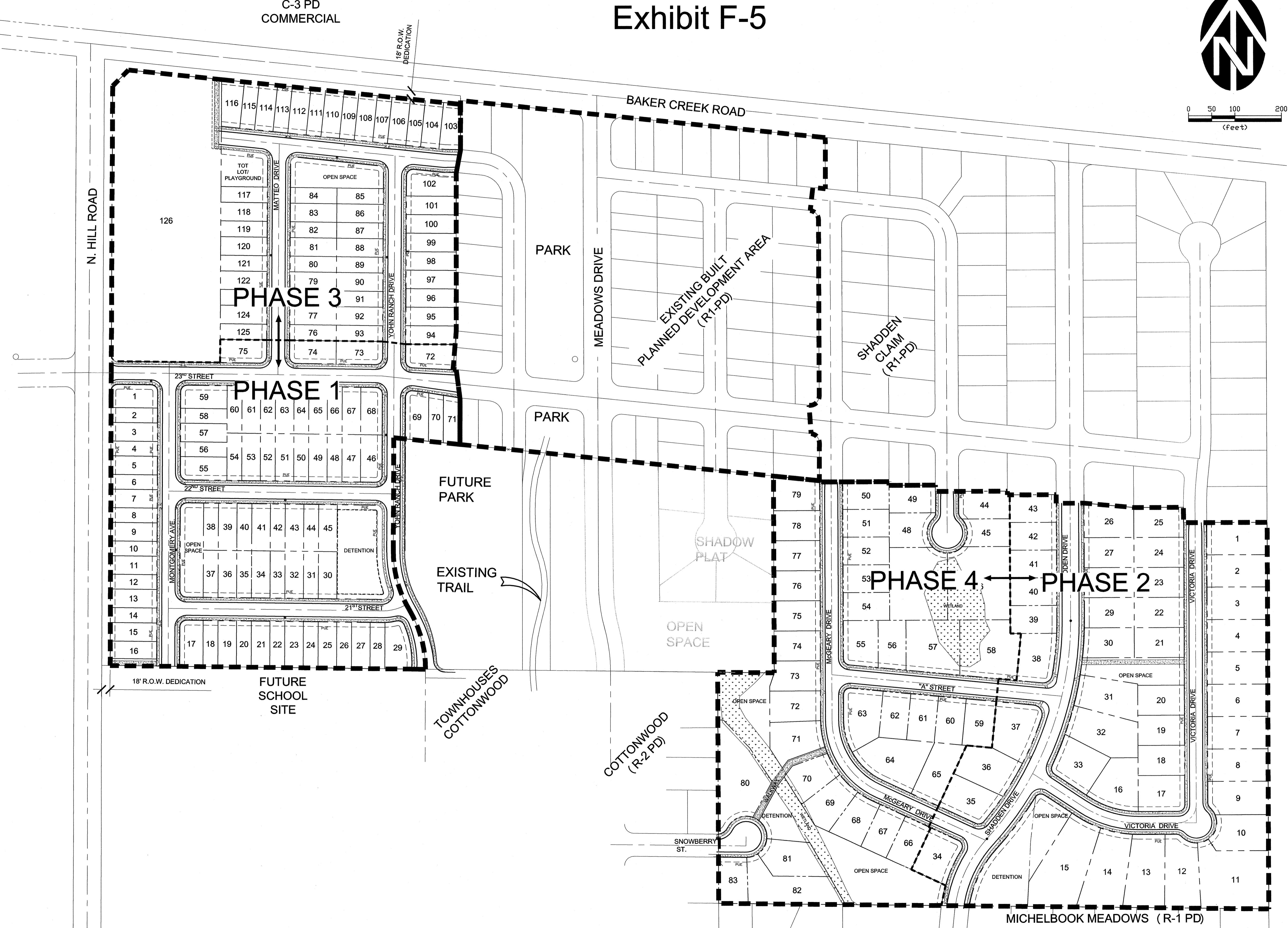
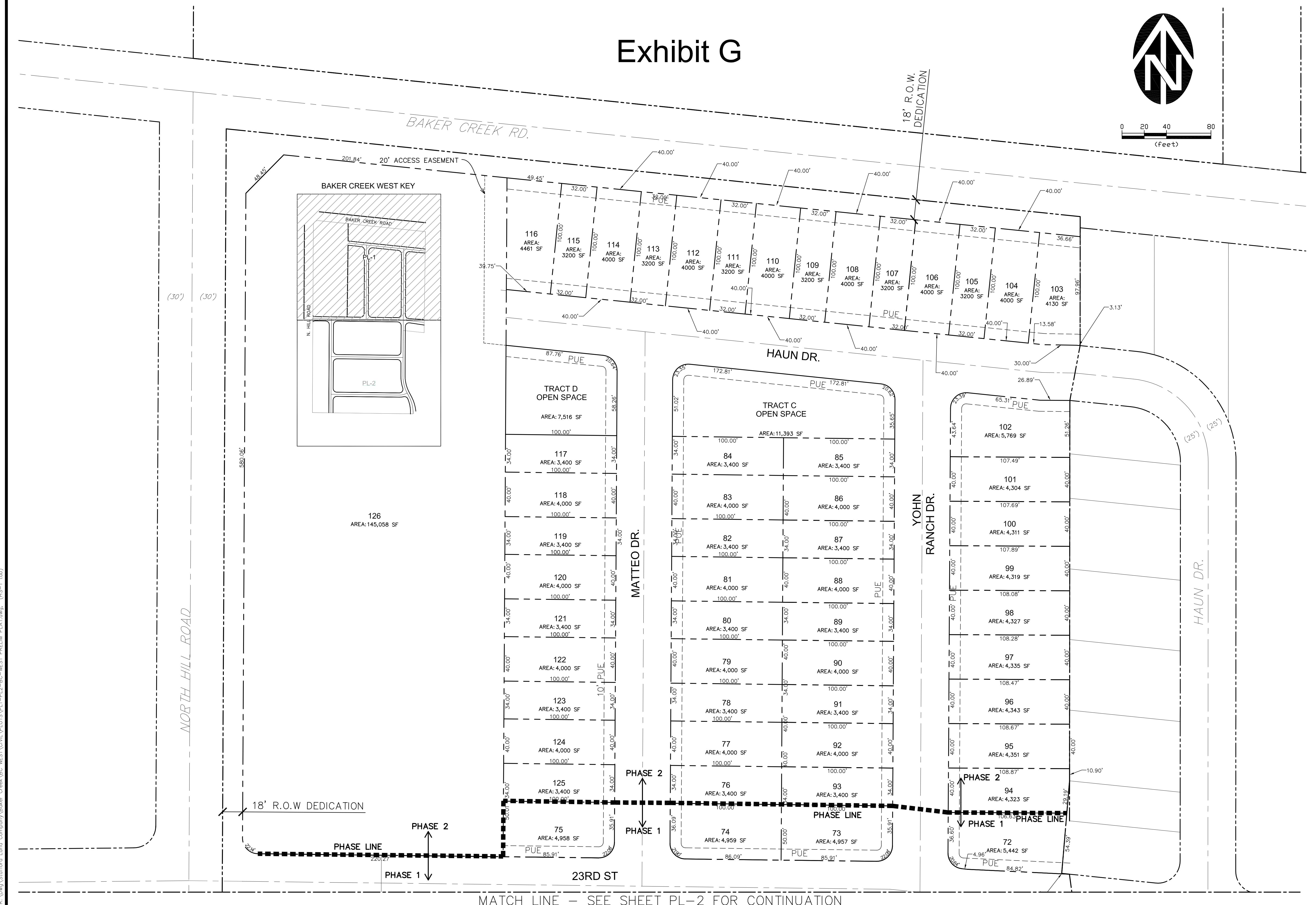
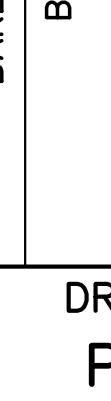
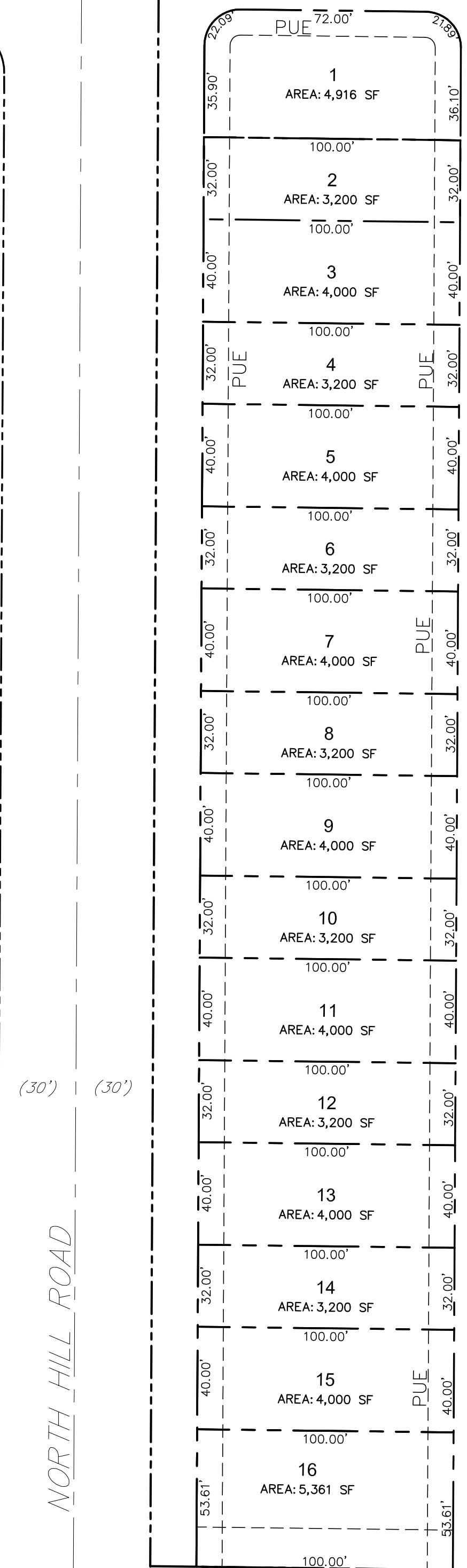


Exhibit C



DRAWING	PL-1		
JOB NUMBER	2940.0000.0		
<p>PRELIMINARY PLAT - WEST</p> <p>BAKER CREEK DEVELOPMENT, LLC</p> <p>BAKER CREEK SUBDIVISION</p> <p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com</p> <p>RENEWED: 6/30/2018</p> 			
REVIEW	NO. 1	DATE CKD.	DESCRIPTION BY REVISIONS
DSN. DRN. CKD.		DATE: MAR 2017	REVISIONS
VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 1"		IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
<p>REGISTERED PROFESSIONAL ENGINEER STATE OF OREGON NOV. 12, 2008 WILLIAM J. WEI</p>			

MATCH LINE - SEE SHEET PL-1 FOR CONTINUATION



MONTGOMERY DR.

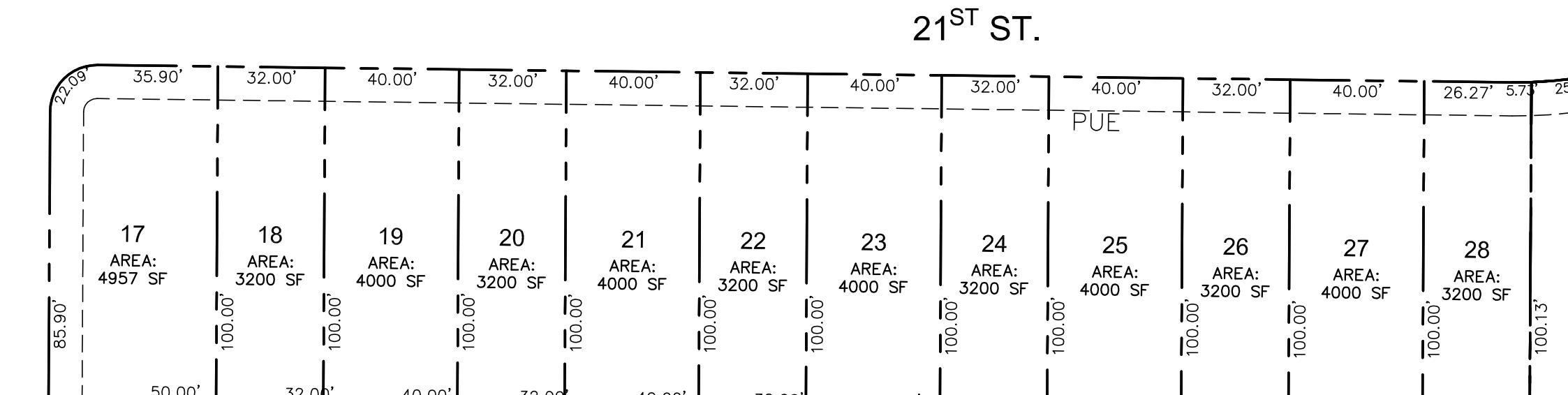
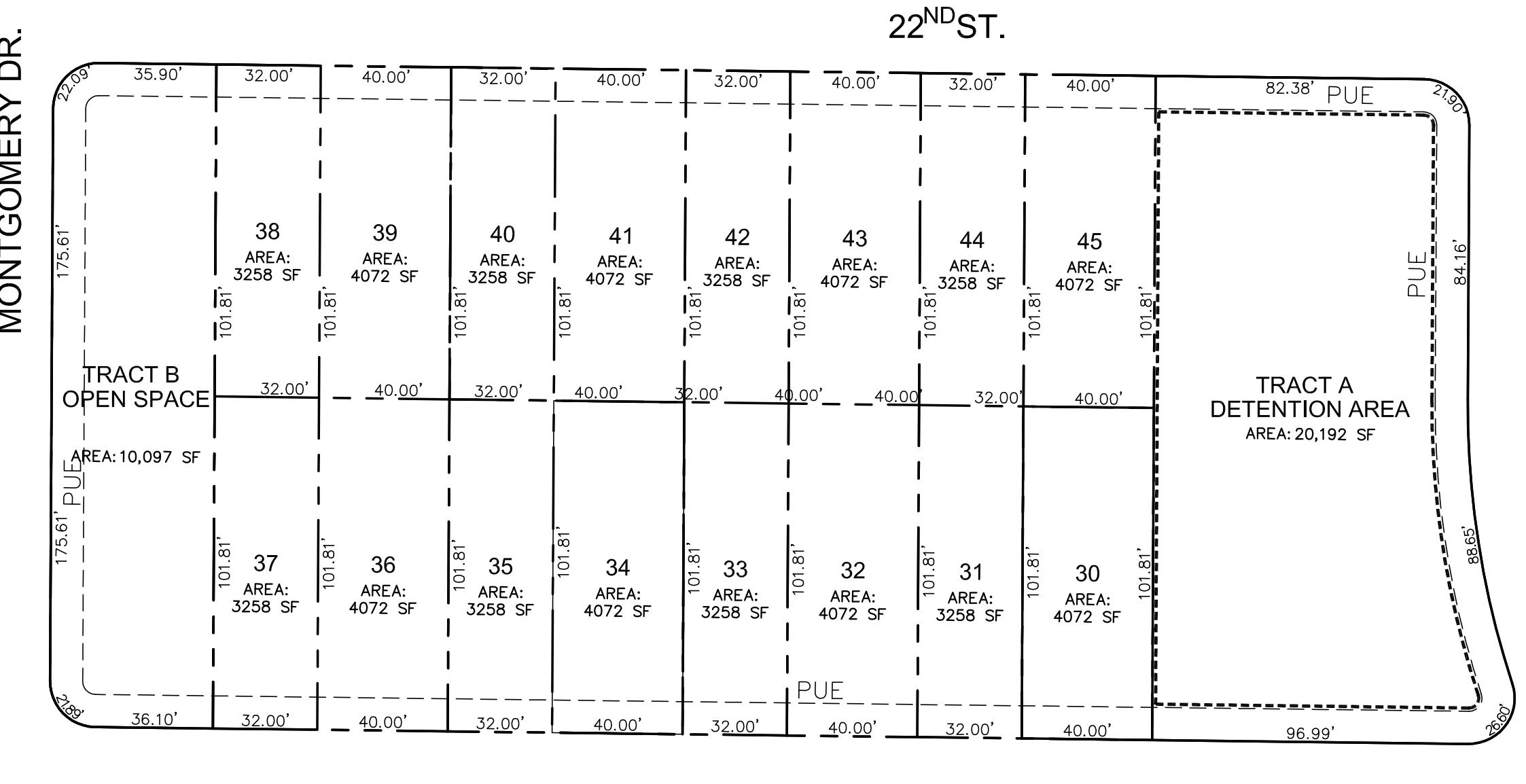
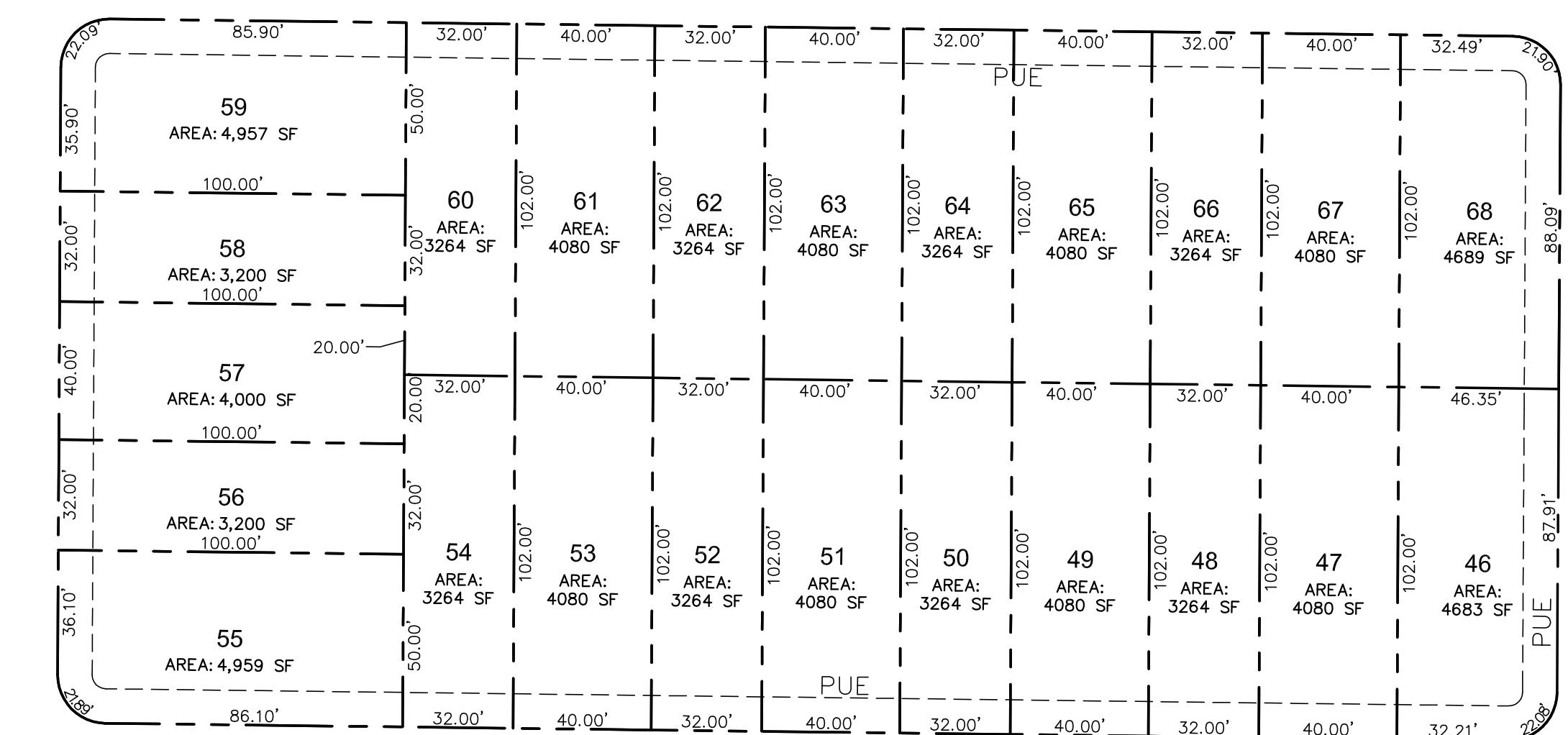
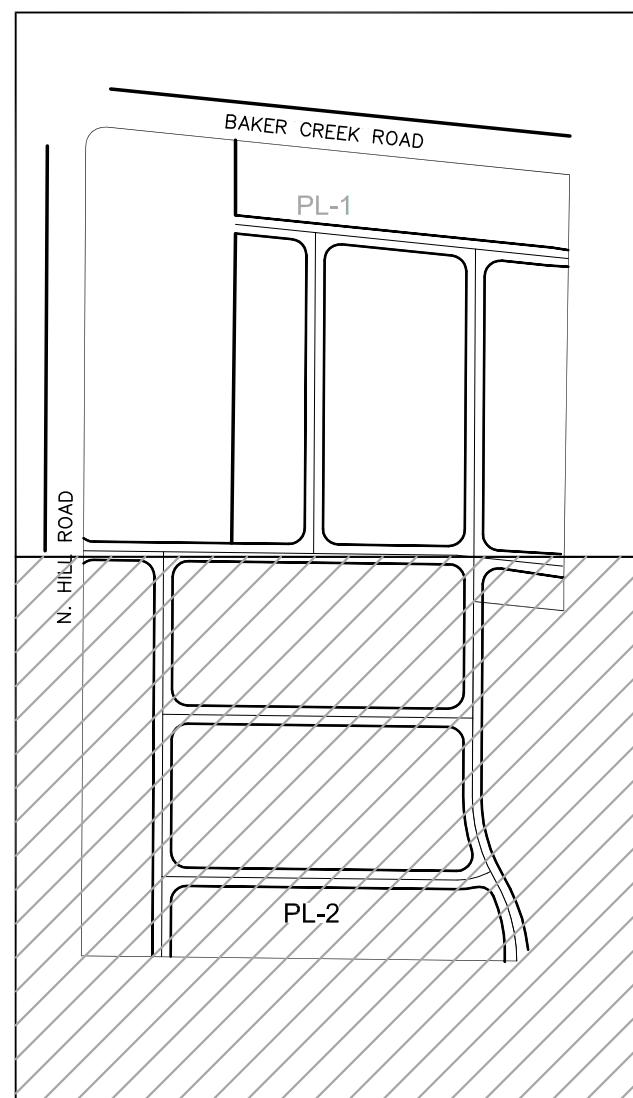
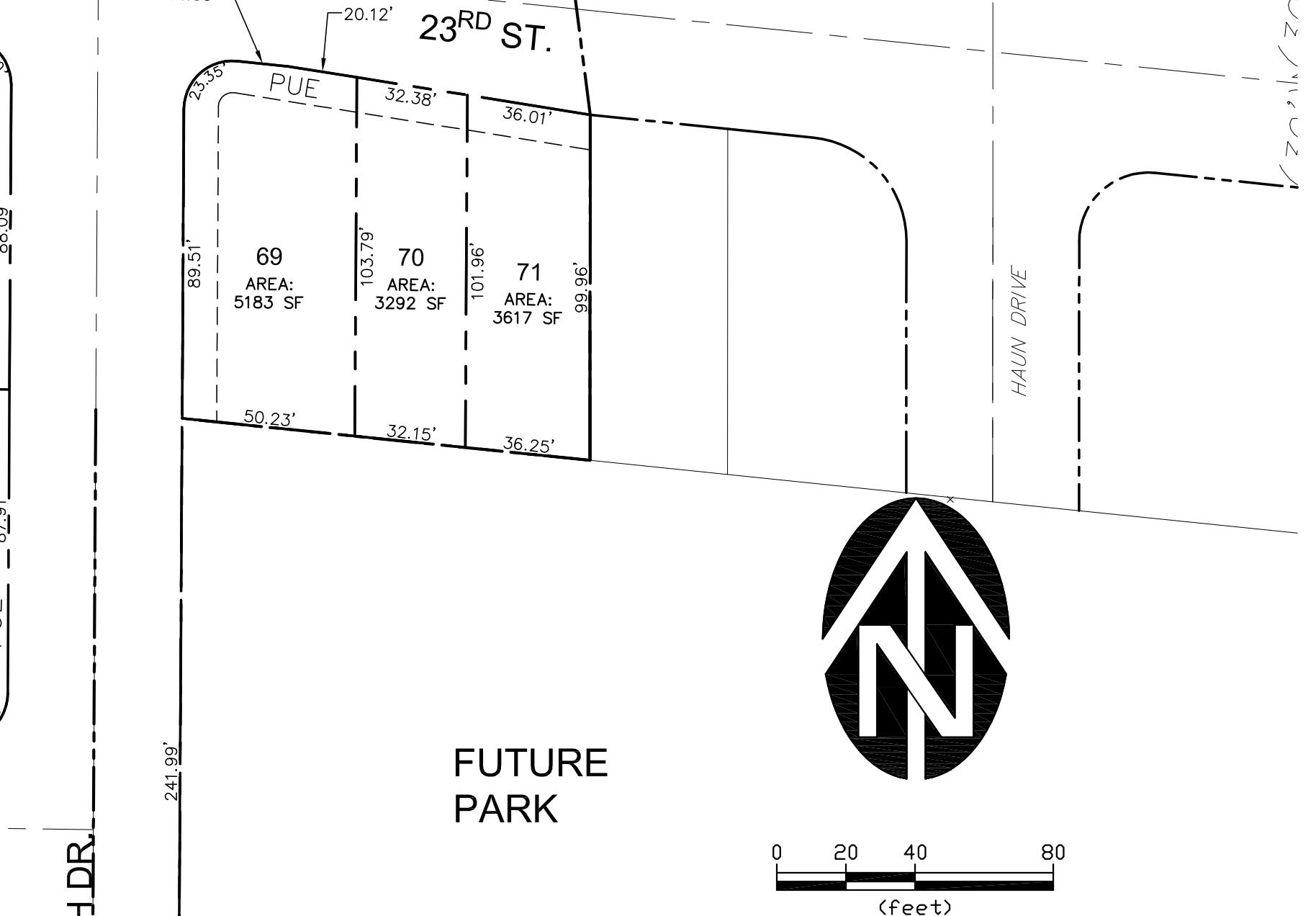


Exhibit G



22ND ST.



0 20 40 80 (feet)

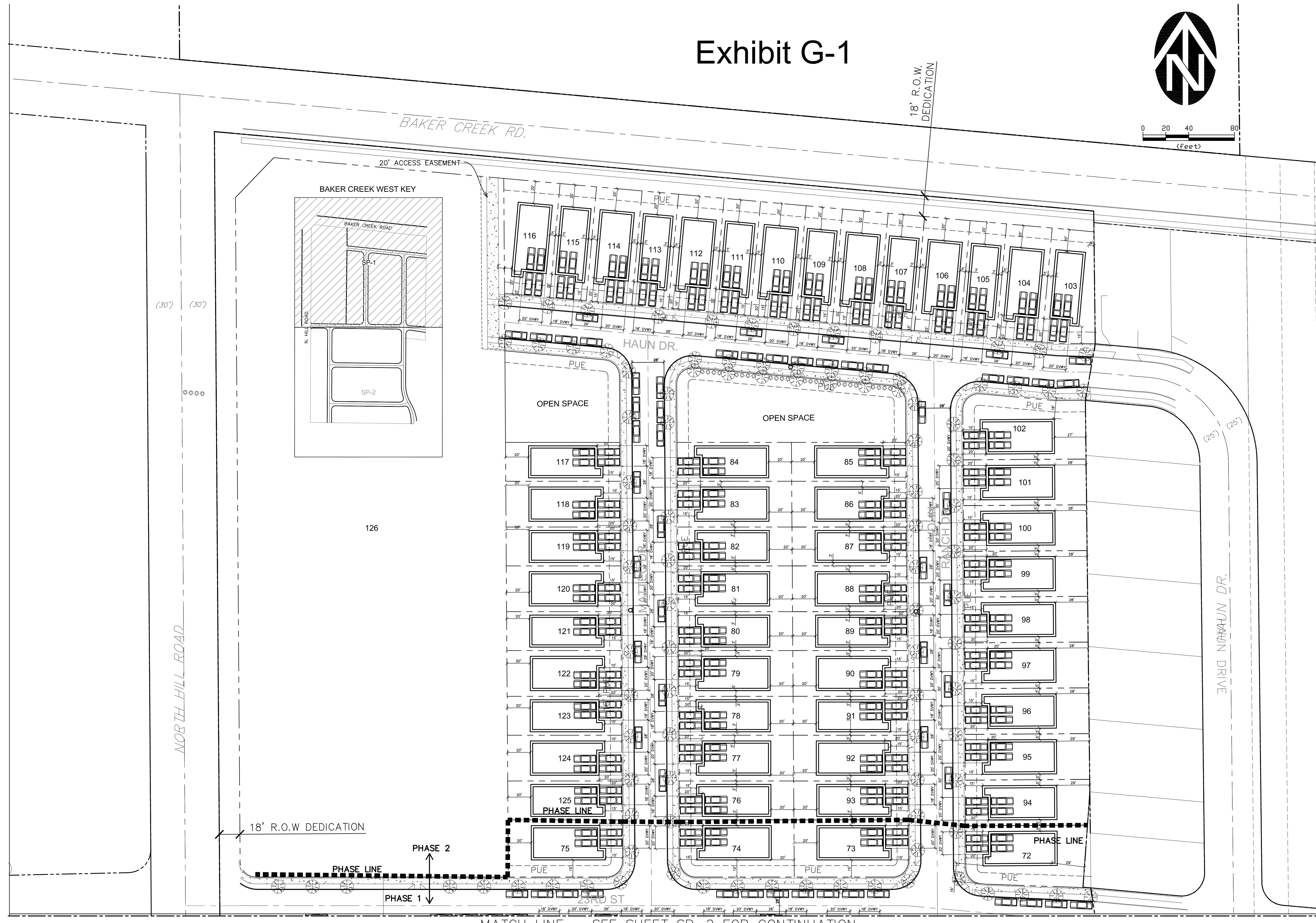
BAKER CREEK DEVELOPMENT, LLC
BAKER CREEK SUBDIVISION
PRELIMINARY PLAT—WEST

DRAWING
PL-2
JOB NUMBER
2940.0000.0

REVIEW
WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
E-mail: westech@westech-eng.com
Phone: (503) 585-2474 Fax: (503) 585-3986
RENEWED: 6/20/2018

VERIFY SCALE
BDR. IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH
ADJUST
SCALES ACCORDINGLY
DSN.
DSN.
Ckd.
Ckd.
No. 1
Date MAR 2017
Description REVISIONS

Exhibit G-1



0 20 40 80
(feet)

18' R.O.W.
DEDICATION

VERIFIED PROFESSIONAL ENGINEER	REVIEW
BY	WILLIAM J. NEALE
DATE: MAR 2017	RENEWED: 6/20/2018
DSN:	CKD:
DESCRIPTION	NO. DATE
REVISIONS	

WE WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

BAKER CREEK DEVELOPMENT, LLC
BAKER CREEK SUBDIVISION
SITE PLAN - WEST

DRAWING SP-1
JOB NUMBER
2940.0000.0

3/18/2017 4:19:09 PM
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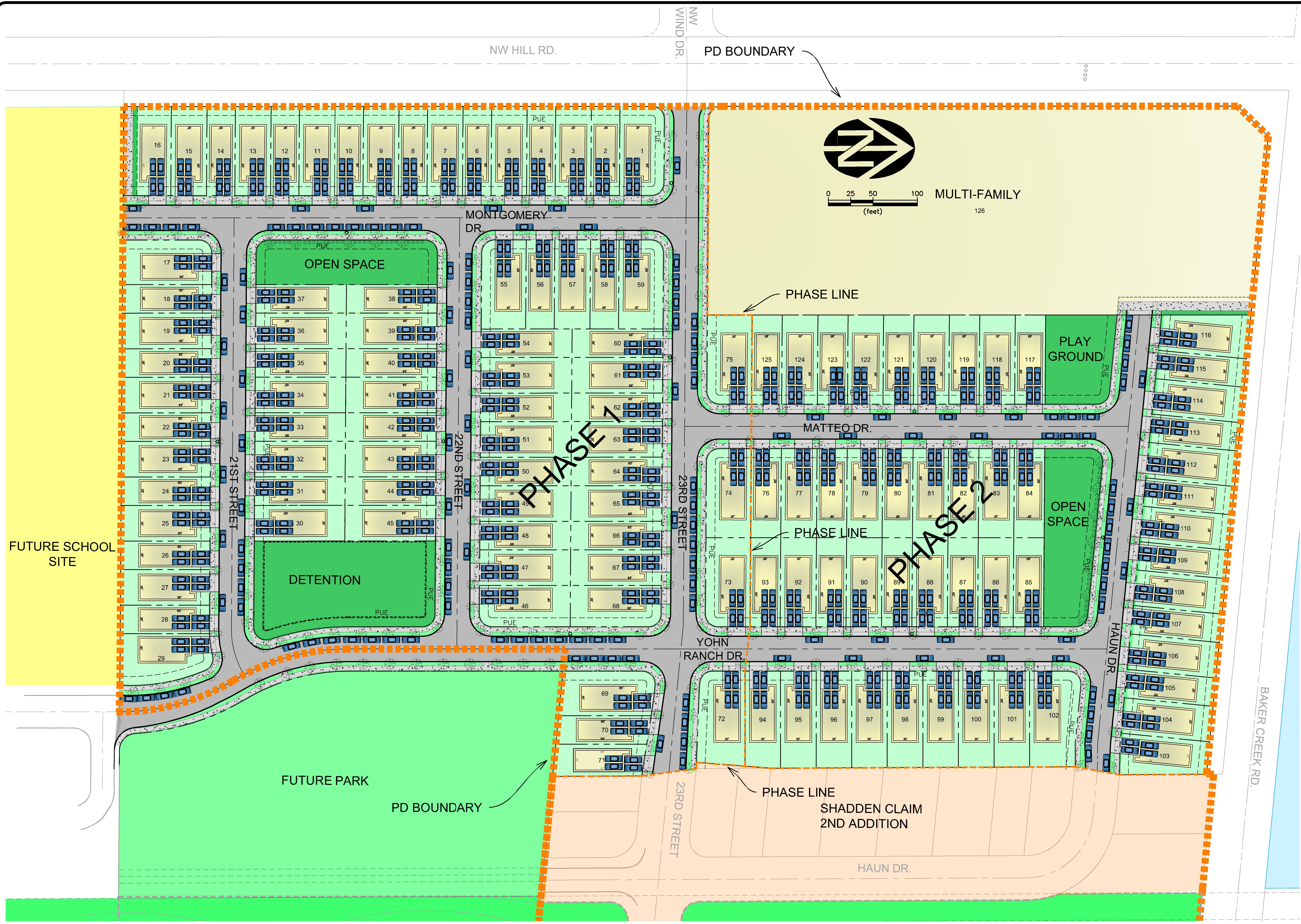
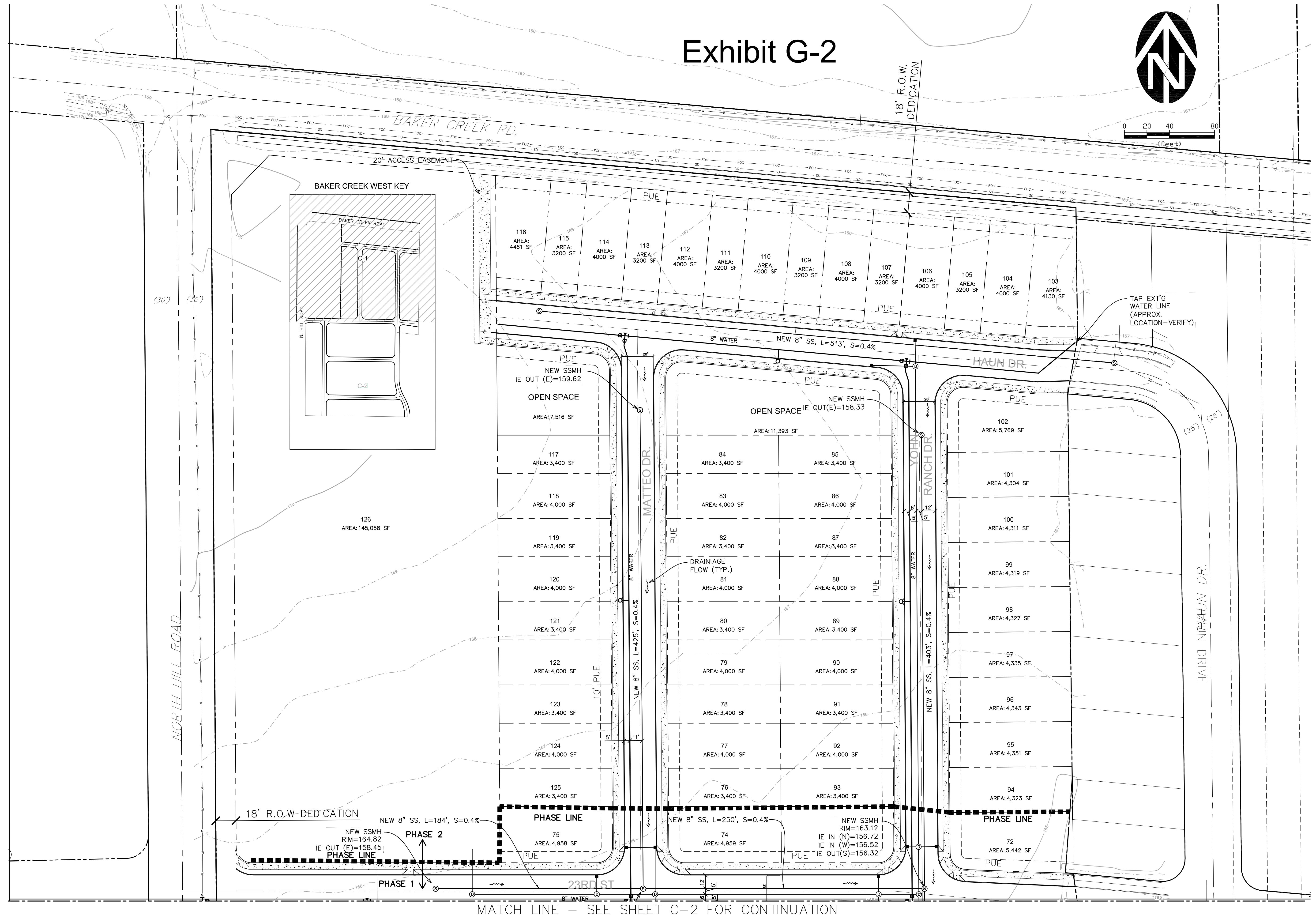


Exhibit G-2



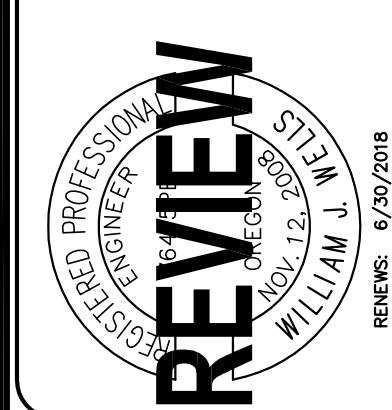
BAKER CREEK DEVELOPMENT, LLC
BAKER CREEK SUBDIVISION
UTILITY PLAN—WEST

DRAWING
C-1
JOB NUMBER
2940.0000.0



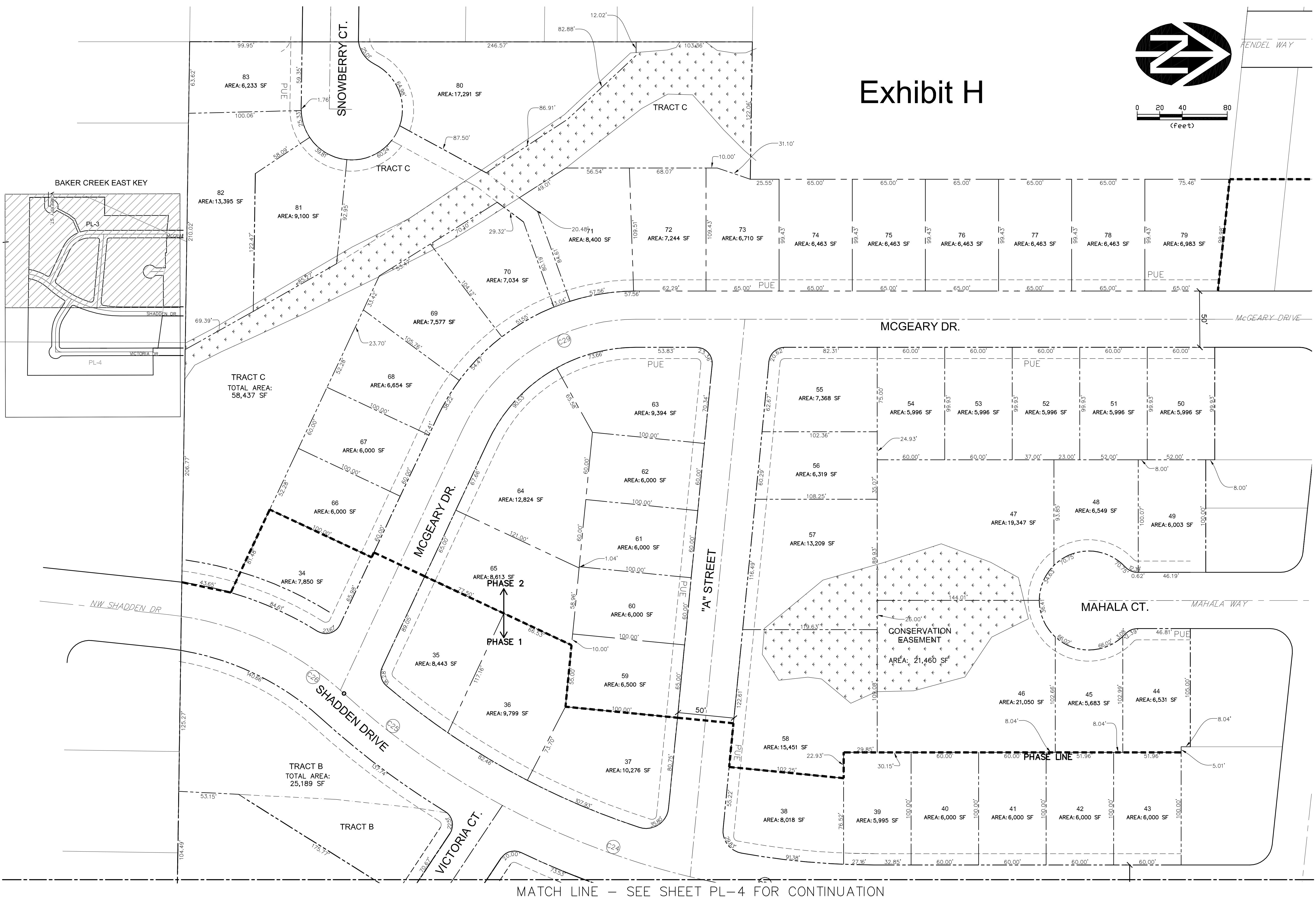
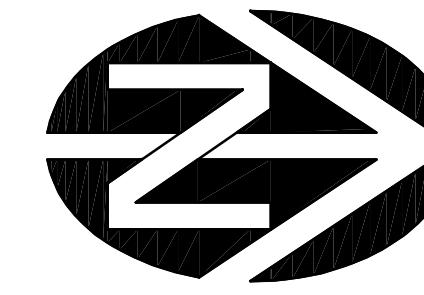
WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

VERIFY SCALE B.D. IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ADJUST SCALES ACCORDINGLY
DSN.
CKD.
NO. DATE
REVISIONS
DATE: MAR 2017

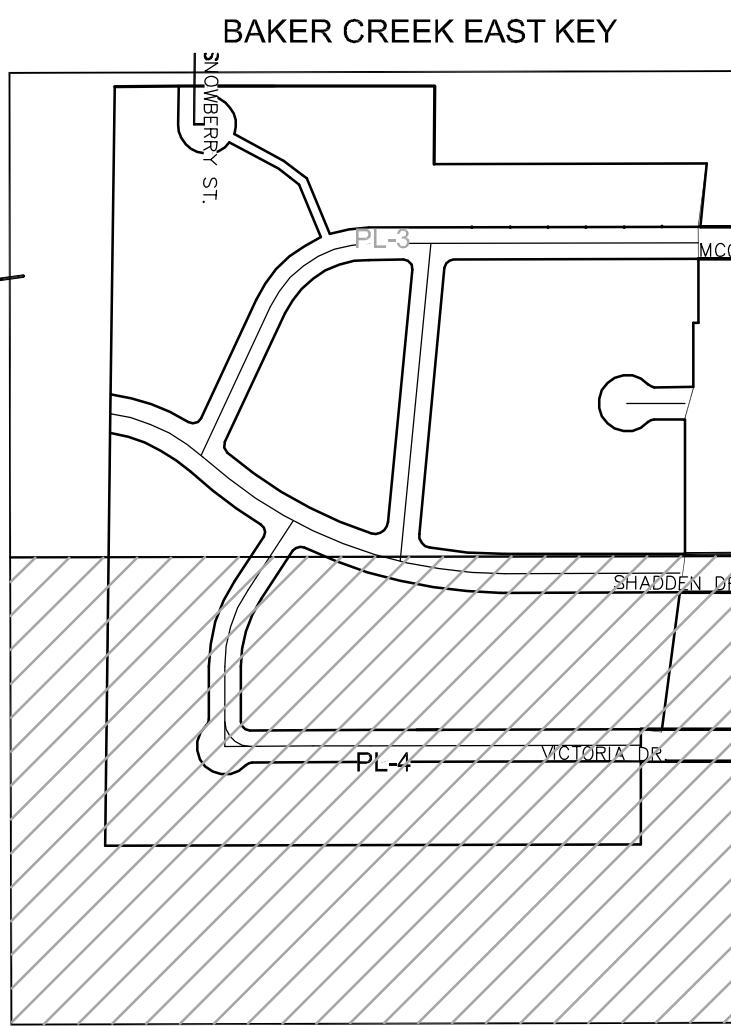
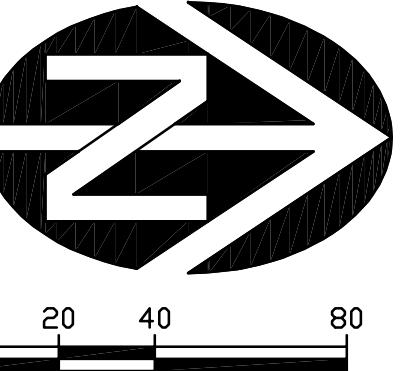


REVIEW
WILLIAM J. NEASE, P.E.
RENEWED: 6/20/2018

Exhibit H



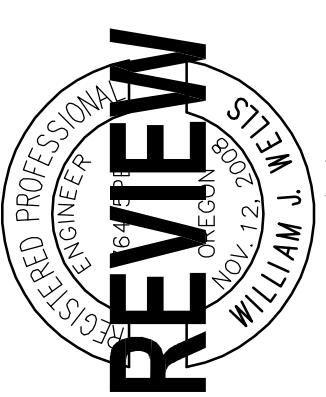
BAKER CREEK DEVELOPMENT, LLC	
BAKER CREEK SUBDIVISION	
PRELIMINARY PLAT-EAST	
DRAWING PL-3	
JOB NUMBER 2940.0000.0	
 <p>REVIEW</p>	
<p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com</p> <p>RENEWED: 6/30/2018</p>	
<p>VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 1"</p> <p>IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY</p>	
DSN.	NO.
DRN.	DATE
CKD.	DESCRIPTION
DATE: MAR 2017	
REVISIONS	



3/29/2017 4:22:18 PM
R:\westech\Land Company\Baker Creek\BC EAST\CIVIL\PLATS\PL-4.dwg (PL-4.dwg)



DESCRIPTION	REVISIONS
VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 _____ 1" IF NOT ONE INCH ADJUST SCALES ACCORDINGLY	DSN. DRN. CKD. DATE: MAR 2017



REVIEW



BAKER CREEK DEVELOPMENT, LLC
BAKER CREEK SUBDIVISION

DRAWING

PL-4

JOB NUMBER

2940.0000.0

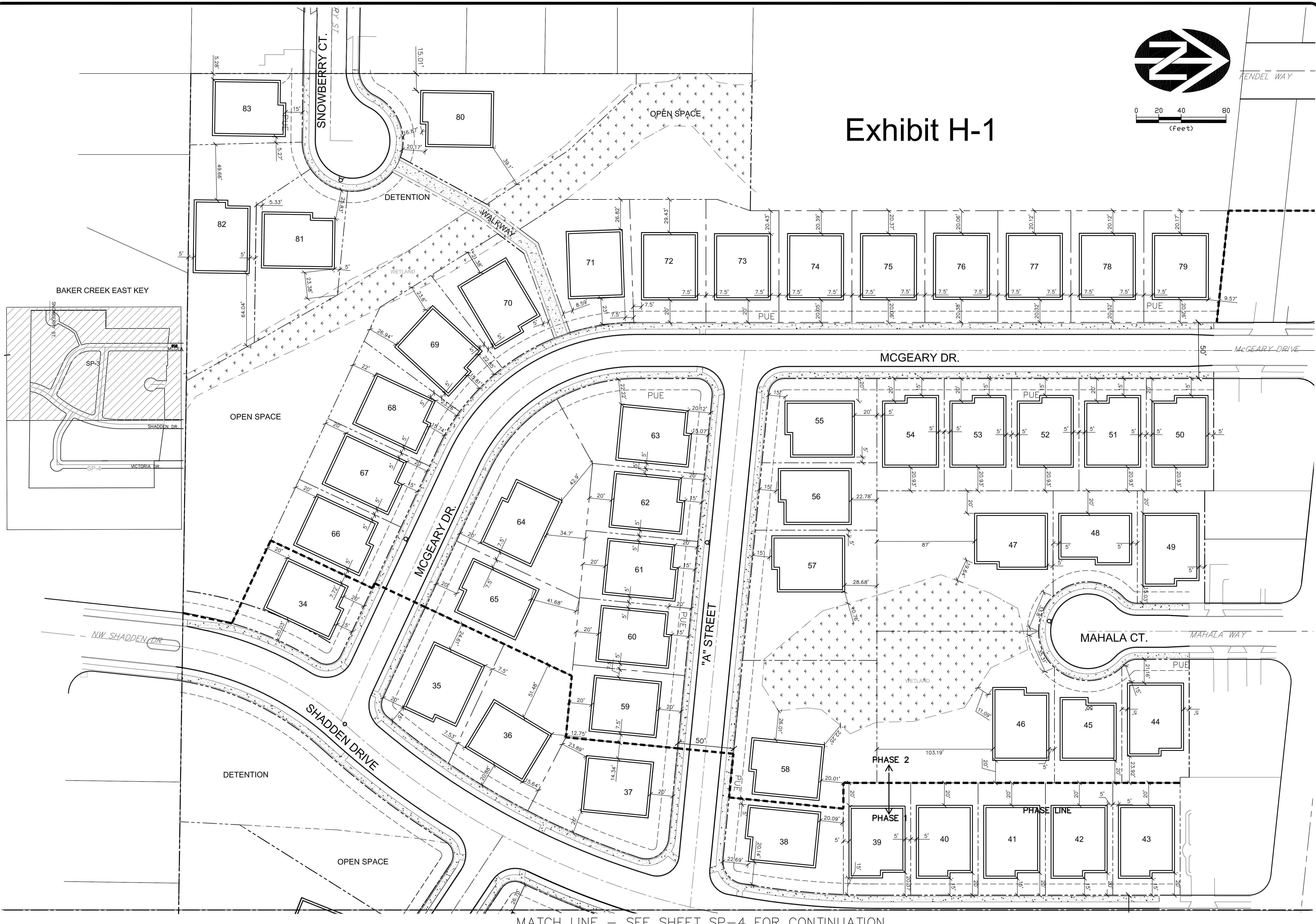
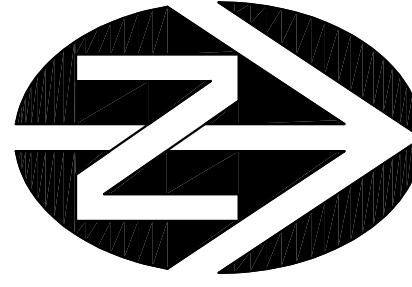
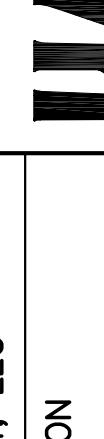


Exhibit H-1



A horizontal scale with numerical markings at 0, 20, 40, and 80. A solid black bar spans from the 20 mark to the 40 mark. A dashed black line extends from the 0 mark to the 80 mark.

MATCH LINE - SEE SHEET SP-4 FOR CONTINUATION

BAKER CREEK DEVELOPMENT, LLC	
BAKER CREEK SUBDIVISION	
SITE PLAN-EAST	
DRAWING SP-3	
JOB NUMBER 2940.0000.0	
 <p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p>	
<p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com</p>	
 <p>REVIEWED NOV. 12, 2008 WILLIAM J. WEI OREGON PROFESSIONAL ENGINEER REGISTRATION #64591</p>	
<p>RENEWED: 6/30/2018</p>	
<p>VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY</p>	
DSN.	
DRN.	
CKD.	
NO. 1	DATE
DESCRIPTION	
REVIEWS: MAR 2017	
REVISIONS	
BY	

SITE PLAN-EAST

41 Fairview Indus

REVIEW
OREGON 2008
NOV 12 2008
WEDNESDAY

REVIEW OREGON 800 NOV 12 2011 WITH

1 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97301
CONSULTING ENGINEERS AND PLANNERS

AWING
P-3

NUMB

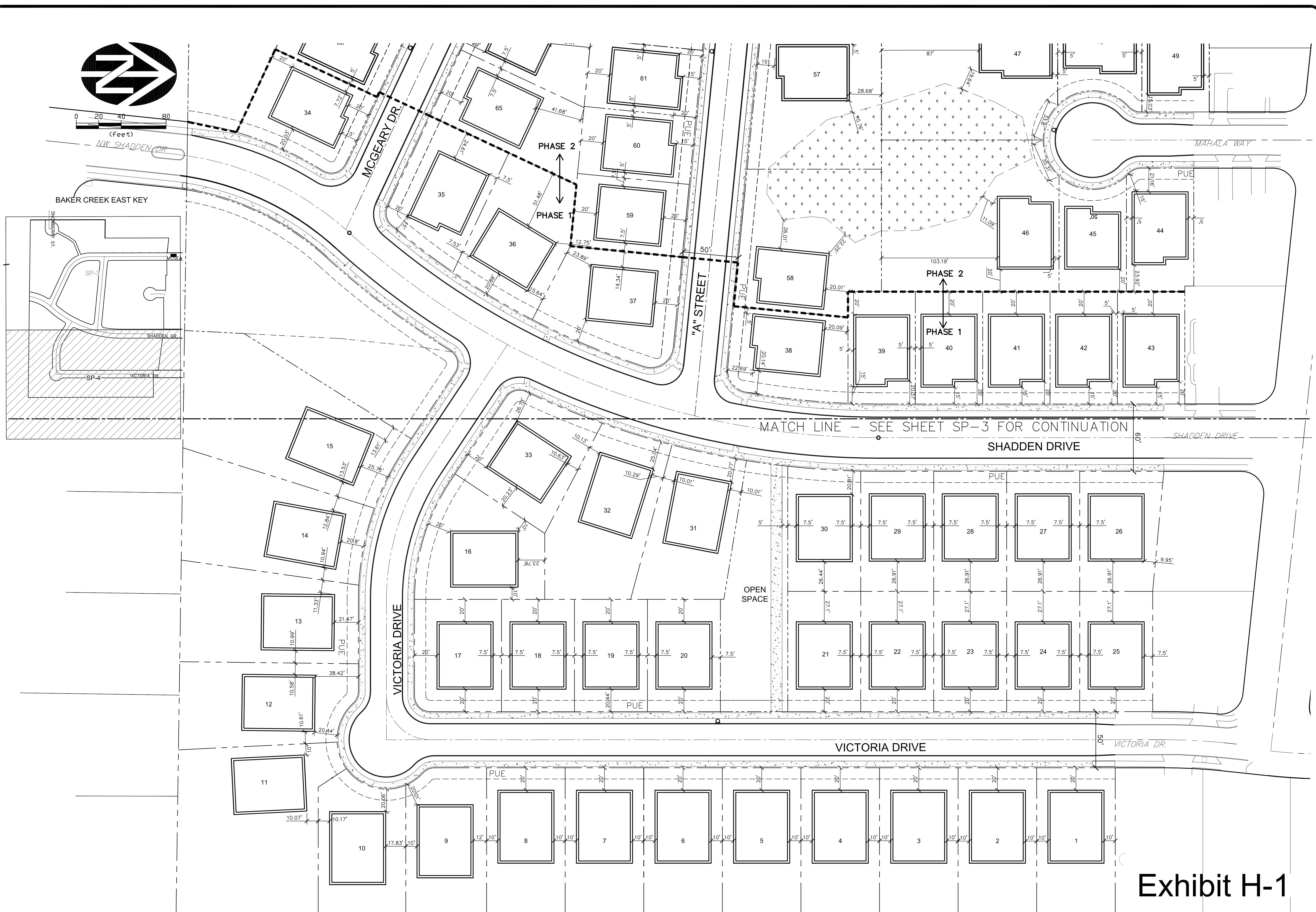


Exhibit H-1

**DRAWING
SP-4**

JOB NUMBER

2940.0000.0



441 Fairview Indust
Phone: (503) 5

REVIEW

REGISTERED PROFESSIONAL
ENGINEER
64TH EDITION
OREGON
NOV. 12, 2007
WILLIAM J. WELLS
RENEWS: 6/30/2018

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

41 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com



**OVERALL SITE—BAKER CREEK
FAST**

DRAWING
SP-B
OB NUMBER
940.0000.C



WESTERN
CONSUL

DRAWING
SP-B
JOB NUMBER
2940.0000.C

VERIFY SCALE			
BAR IS ONE INCH ON ORIGINAL DRAWING 0 1" <small>IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY</small>			
DSN.	DRN.	CKD.	DESCRIPTION
NO.	DATE		REVISIONS
			DATE: MAR 2017

REVIEW

REGISTERED PROFESSIONAL
ENGINEER

64 EPI

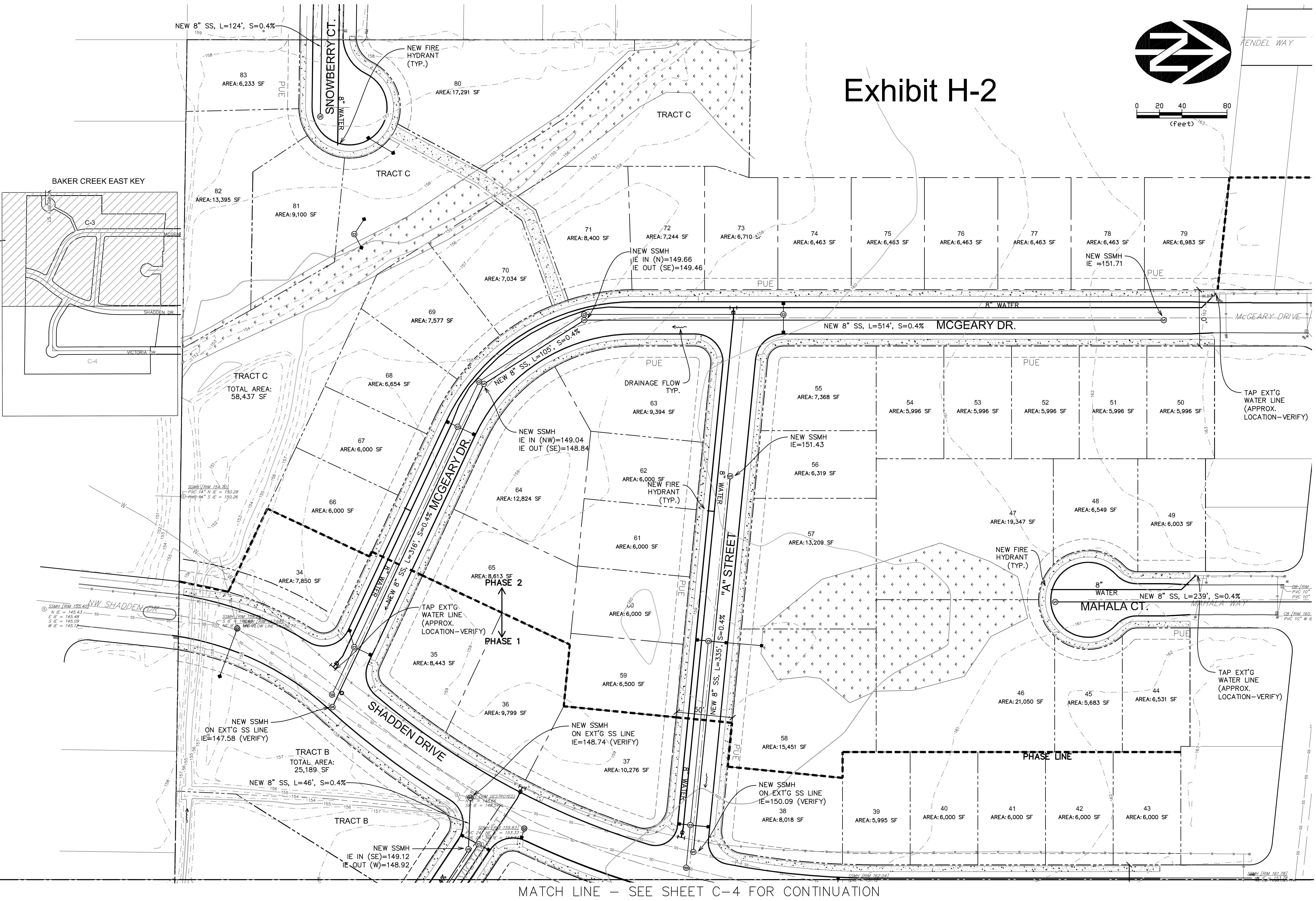
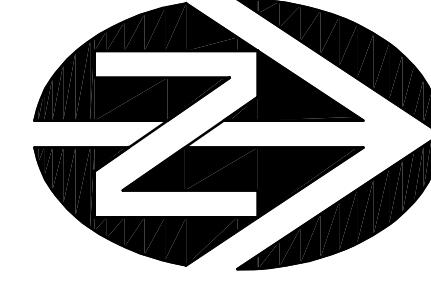
OREGON NO. 89 S

NOV. 12, 2009

WILLIAM J. WEI

RENEW: 6/30/2018

Exhibit H-2



THE EAST AND ASIA

BAKER CREEK SUBDIVISION

WESTE
CONSULT

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING 1"
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

DRAWIN
C-3

JOB NUM
2940.000

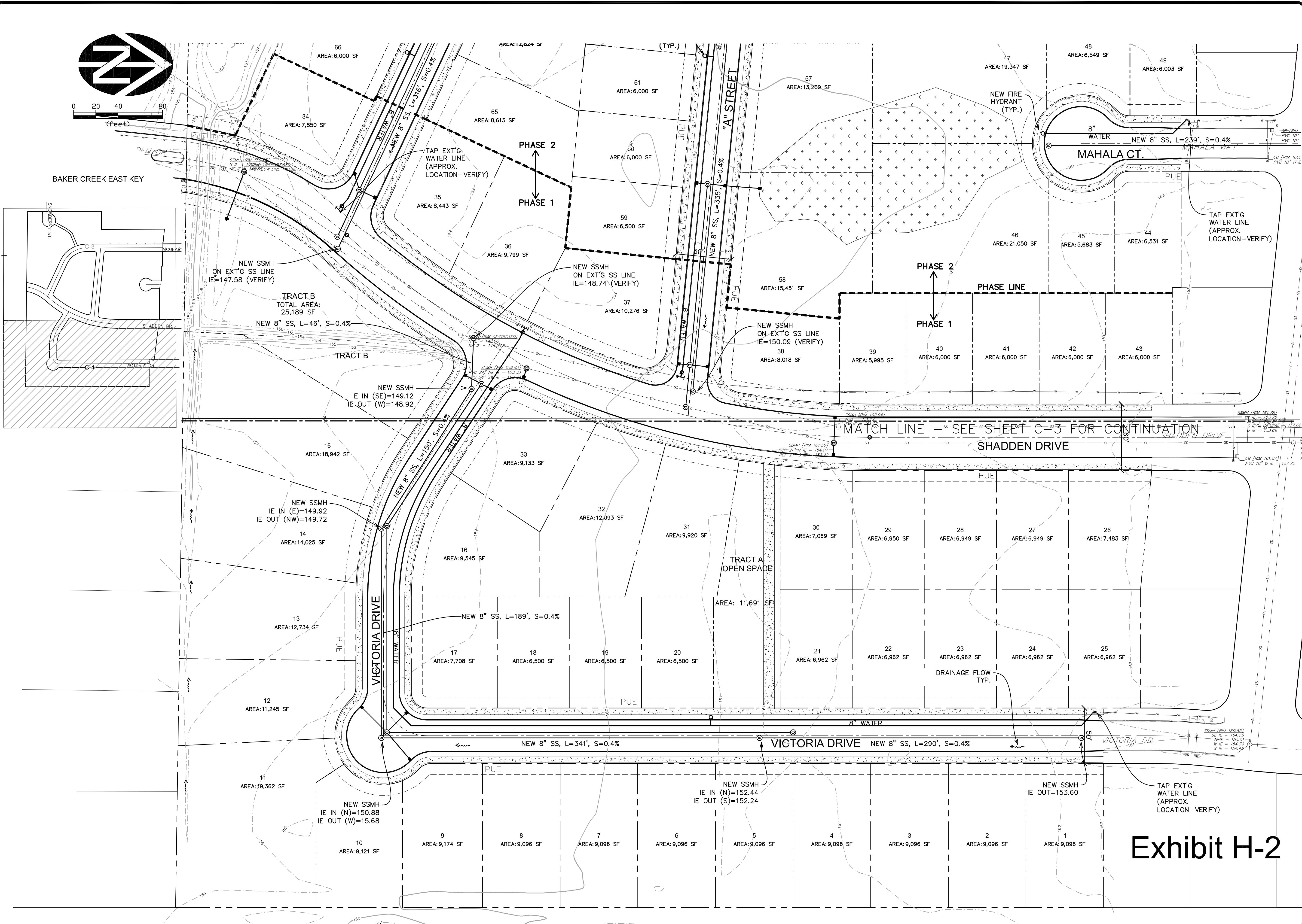


Exhibit H-2

DRAWING
C-4
JOB NUMBER
2940.0000.0

EXHIBIT I -Phot Rendering of Baker Creek West Streetscape



DISCLAIMER

This is an example to scale photo rendering or Baker Creek West Streetscape. Actual elevations and landscaping may vary.

Exhibit J

• USING ADDITION MEASURES OPTION #2 •	
WITH CONSERVATION MEASURE 'A'	
SEE PAGE 2 nd FOR ENERGY CODE	
OREGON RESIDENTIAL ENERGY CODE	
BUILDING COMPONENTS	
MAXIMUM ALLOWABLE WINDOW AREA	
WINDOW CLASS	
DOOR, OTHER THAN MAIN ENTRY	
MAIN ENTRY DOOR, MAXIMUM 50 SQ. FT.	
WALL INSULATION	
UNDERFLOOR INSULATION	
FLAT CEILINGS	
VAULTED CEILINGS	
SKYLIGHT CLASS	
SKYLIGHT AREA	
BASEMENT WALLS	
SLAB FLOOR EDGE INSULATION	
FORCED AIR DUCT INSULATION	
FORCED AIR WALL HEATER	
RADON CONTROL, PER ORS C, APPENDIX F,	
SECTION APPENDIX F POLICY, ALL REQUIREMENTS AS	
RECORDED, NOTING DAMP-PROOFING, SEALING AT	
ALL PENETRATIONS AT FLOOR LINE, INCLUDING	
DUCTING, HORIZONTAL AND VERTICAL VENT PIPING	
THROUGH ALL FLOORS TO EXIT ROOF AND ELECTRICAL	
BOX IN ATTIC FOR POSSIBLE FUTURE EXHAUST	
REQUIREMENTS.	

SECTION APPENDIX F POLICY, ALL REQUIREMENTS AS RECORDED, NOTING DAMP-PROOFING, SEALING AT ALL PENETRATIONS AT FLOOR LINE, INCLUDING DUCTING, HORIZONTAL AND VERTICAL VENT PIPING THROUGH ALL FLOORS TO EXIT ROOF AND ELECTRICAL BOX IN ATTIC FOR POSSIBLE FUTURE EXHAUST REQUIREMENTS.

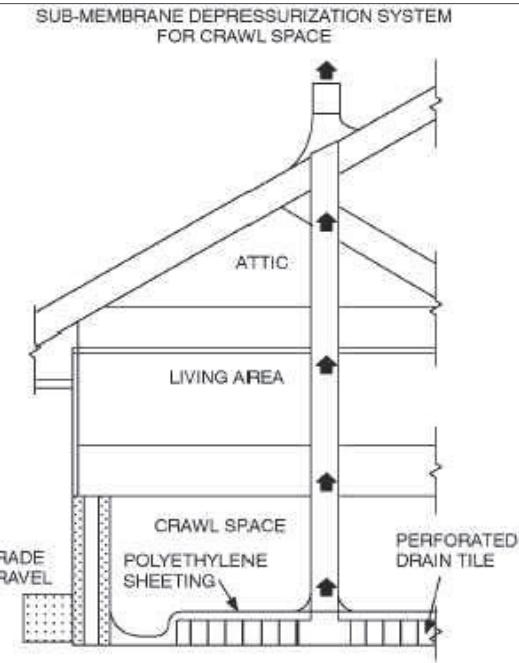
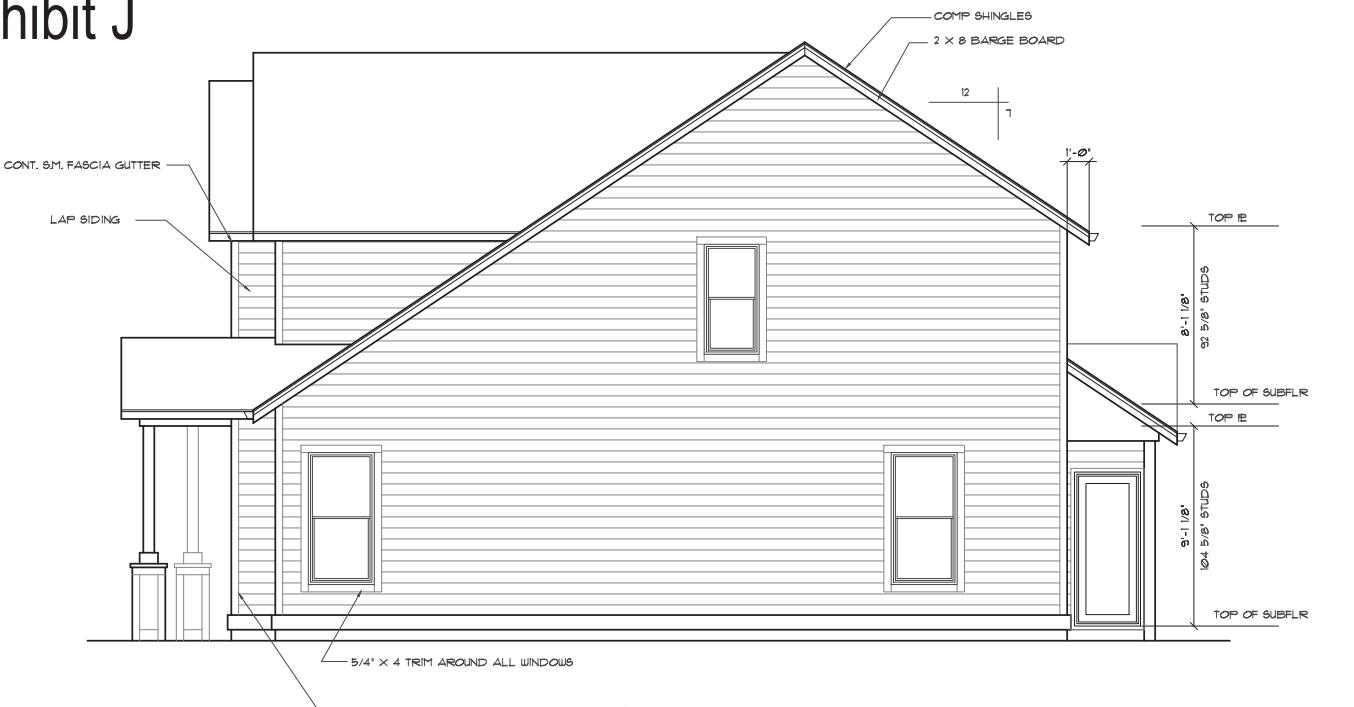


TABLE N1101.1(2) ADDITIONAL MEASURES	
1	High efficiency walls & windows: Exterior walls - U-0.0158 ² R-30 insulation sheathing/SIPS, and one of the following options: Windows - Max 15 percent of conditioned area, or Skylights - U-0.0250 ² R-30, and
2	High efficiency envelope: Exterior walls - U-0.0500 ² R-21 insulating framing, and Vinyl cladding - U-0.030 R-30 ³ , and Flat ceilings - U-0.0250 ² R-30, and Windows - U-0.30, and Skylights - U-0.0250 ² R-30, and Additional 15 percent of permanently installed lighting fixtures as high-efficiency lamps or Conservation Measure D and E, Or U-0.0250 ² R-30 insulation sheathing/SIPS, and Flat ceilings - U-0.0250 ² R-40, and Windows - U-0.30, and Performance tested duct systems ²
3	High efficiency HVAC envelope: U-0.0500 ² R-21 insulating framing, and Building tightness testing, ventilation & duct sealing: A mechanical exhaust, supply, or combination system providing whole-building ventilation rates specified in Table N1101.1(3), or The dwelling shall be tested with a blower door and found to exhibit no more than 1.60 air changes per hour, or 2.00 air changes per hour when tested with Conservation Measure E, and Performance tested duct systems ²
4	ducted HVAC systems within conditioned spaces: (Cannot be used with Conservation Measure B or C) All ducts and plenums are contained within building envelope ¹
5	High efficiency HVAC system: A gas-fired furnace or boiler with minimum AFUE of 90% a, or Air-source heat pump with minimum HSPF of 8.5 or Or geothermal heat pump with minimum COP of 3.0
6	Ducted HVAC systems within conditioned spaces: All ducts and plenums are contained within building envelope ¹ Ductless heat pump: Regular efficiency resistance heating at least the primary zone of a dwelling, with at least one ductless mini-split heat pump having a minimum capacity of 1.5 kW, and each zone shall have integrated back-up resistance heat, and the unit(s) or zone(s) that may be installed in the dwelling shall be sized to have capacity to meet the entire dwelling design heat loss rate at outdoor design temperature condition. Conventional electric resistance may be used when no supplemental zoning heat sources are installed in the building and integrated back-up resistance heat is allowed in a PTHP
7	High efficiency water heating & lighting: A minimum 1.25 ⁴ AFUE water heating with min EF of 0.85, and A minimum 25 percent of permanently installed lighting fixtures as CFL or linear fluorescent or a min efficacy of 40 lumens per watt as specified in Section N1.07.2 Energy management system & duct sealing: E Energy management system device that is capable of monitoring or controlling energy consumption, and Performance tested duct systems ² , and A minimum 75 percent of permanently installed lighting fixtures as high-efficiency lamps
8	F Minimum 1.25 ⁴ AFUE conditioned floor space: G Solar water heating: Minimum 0.40 ft ² of gross collector area ⁵

- Notes:
1. Required if 1,000 ft² of conditioned space require less than 3 ft. 0 in. height.
2. Details located within the building envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
3. Documentation of Performance tested duct systems shall be submitted to the building official upon completion of work. This work shall be performed by a contractor certified by the Oregon Residential Energy Code Conservation Measure D and E Task Force to perform duct sealing and duct testing. Documentation of duct sealing and duct testing shall be submitted to the building official upon completion of work.
4. Section N1.07.2 requires 25 percent of permanently installed lighting fixtures to come high-efficiency lamps. Each of these additional measures adds an additional percent to the Section N1.07.2 requirement.
5. A 1.00 AFUE rating is required for the solar water heating system.
6. Building tightness tests shall be conducted with a blower door depressurizing the dwelling by 50 Pa/sec³. Documentation of blower door test shall be submitted to the building official upon completion of work.
7. Solar electric systems shall include documentation including Total Solar Resource Projections is not less than 75 percent.
8. Solar water heating panels shall be Solar Rating and Certification Corporation (SRCC) Standard OG-300 certified and labeled, with documentation including Total Solar Resource Projections is not less than 75 percent.
9. A total of 5 percent of all HVAC ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required by this code.



RIGHT ELEV.

SCALE: 1/4"=1'-0"



FRONT ELEV.

SCALE: 1/4"=1'-0"

REAR ELEV.

SCALE: 1/4"=1'-0"

FINAL GRADING - SURFACE ATER SHALL NOT DISPERSE ONTO ADJACENT PROPERTY
STORM WATER CONVEYED BY PIPING NOT TO DISPERSE ONTO ADJACENT PROPERTY
GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM
WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.



LEFT ELEV.

SCALE: 1/4"=1'-0"

683 MAIN SQ FT
909 GAR SQ FT
1572 TOAL SQ FT

347 GAR SQ FT

4/9/2014
Date:

SK-1572-2

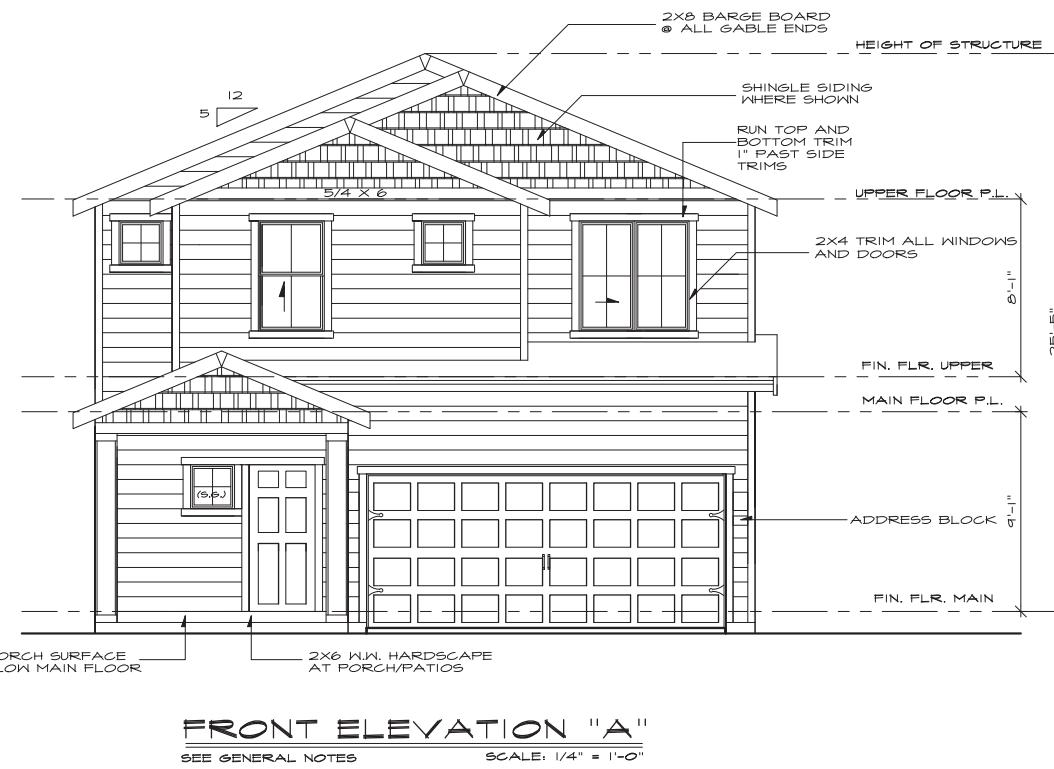
Project Number

Revision:

Sheet Title:

1

Written dimensions on this drawing shall have precedence over
excepted dimensions. Contractor shall check all plans,
conditions, etc., pertaining to the work before proceeding.
The Owner must be notified of any variations from the
dimensions shown on the drawings prior to proceeding. Any
such variation shall be resolved by the Owner prior to
proceeding with the work, or the Contractor shall accept
full responsibility for the cost to rectify same.



- NOTES:
1. ALL WOOD EXPOSED TO WEATHER SHALL BE PRESSURE TREATED, PAINTED OR CEDAR.
 2. CAULK AND SEAL ALL WINDOW/DOOR AND EXTERIOR ENVELOPE PENETRATIONS.
 3. GLAZING PER STATE ENERGY CODE.
 4. SEPERATE PERMITS ARE REQUIRED FOR FENCES, PLUMBING, MECHANICAL, AND ELECTRICAL.
 5. PROTECTION FROM DECAY IS REQUIRED FOR ALL WOOD SIDING AND WALL FRAMING LESS THAN 2" ABOVE CONCRETE STEPS, PORCH SLABS, PATIO SLABS, AND SIMILAR HORIZONTAL SURFACES EXPOSED TO THE WEATHER.
 6. REFER TO ALL ELEVATIONS FOR TYPICAL NOTES.
 7. S.G. = SAFETY GLASS

FLASHING NOTE:

APPROVED CORROSION-RESISTANT FLASHING SHALL BE APPLIED SHINGLE FASHION IN SUCH A MANNER TO PREVENT ENTRY OF WATER INTO THE WALL CAVITY OR PENETRATION OF WATER INTO THE BUILDING STRUCTURAL FRAMING COMONENTS. THE FLASHING SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH. APPROVED CORROSION RESISTANT FLASHING SHALL BE INSTALLED AT THE FOLLOWING LOCATIONS:

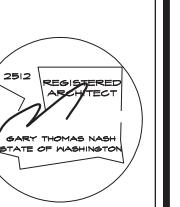
1. EXTERIOR WINDOW AND DOOR OPENINGS. FLASHING AT EXTERIOR WINDOW AND DOOR OPENINGS SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH OR TO THE WATER RESISTIVE BARRIER FOR SUBSEQUENT DRAINAGE.
2. AT THE INTERSECTION OF CHIMNEYS OR OTHER MASONRY CONSTRUCTION WITH FRAME OR STUCCO WALLS.
3. UNDER AND AT THE ENDS OF MASONRY, WOOD, OR METAL COPINGS AND SILLS.
4. CONTINUOUSLY ABOVE ALL PROJECTING WOOD TRIM.
5. WHERE EXTERIOR PORCHES, DECKS, OR STAIRS ATTACH TO A WALL OR FLOOR ASSEMBLY OF WOOD FRAME CONSTRUCTION.
6. AT WALL AND ROOF INTERSECTIONS.
7. AT BUILT IN GUTTERS.



REAR ELEVATION "A"
SEE GENERAL NOTES
SCALE: 1/4" = 1'-0"

DISCLAIMER

This is an example building elevation,
actual elevations may vary.



NASH & ASSOCIATES
ARCHITECTS

603 116TH AVE NE, KENMORE, WA • 98020
425.295.4417
www.nashandassociates.com



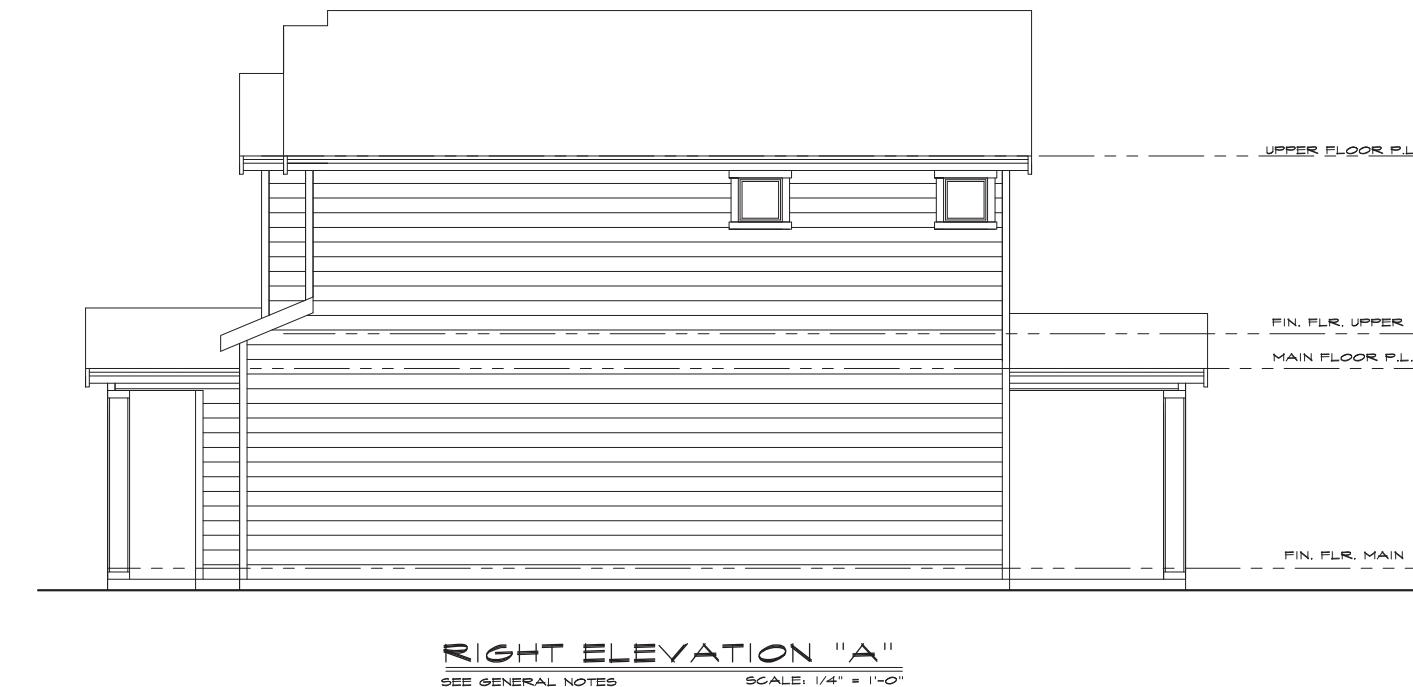
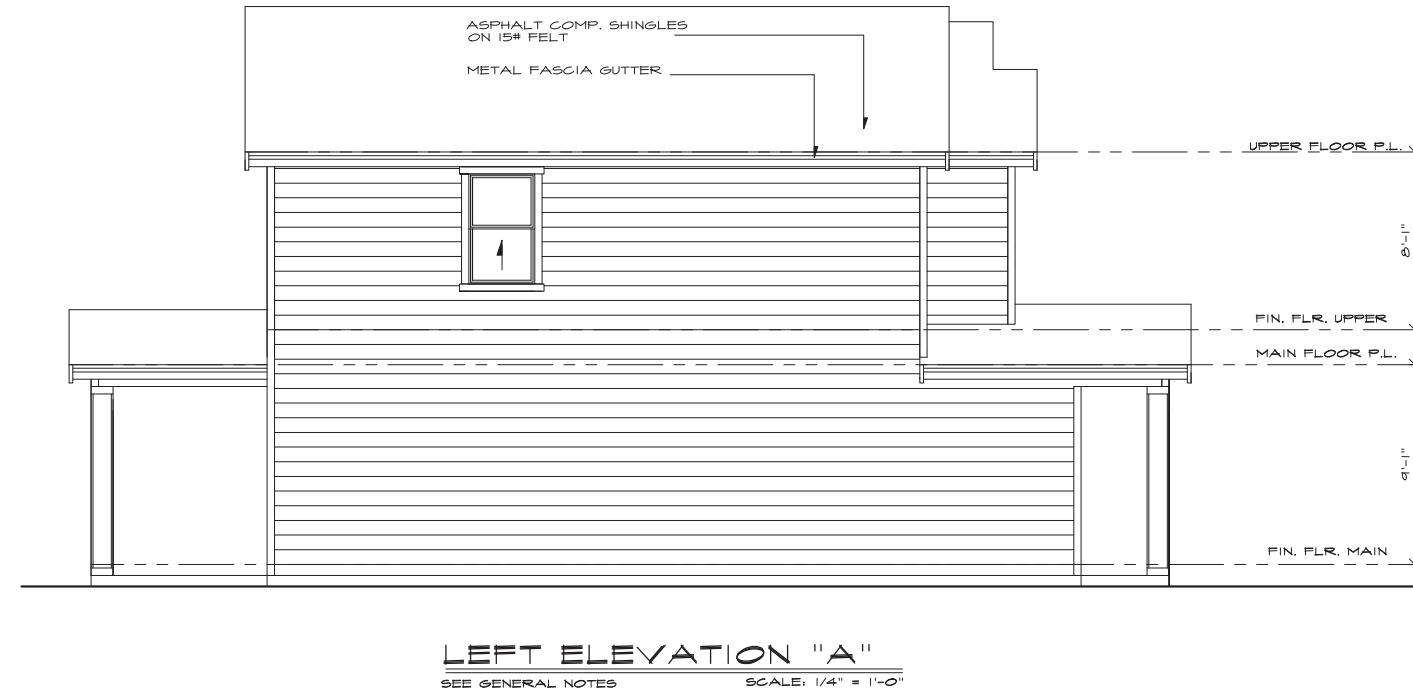
PLAN 1623
ELEVATION A
CYPRESS

project:
date: 03-07-16
permit:
revisions:

drawn by: MNL
checked by:

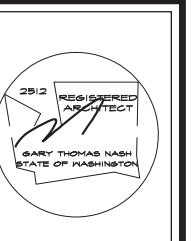
SHEET
A-1
OF
A-8

Written dimensions on this drawing shall have precedence over
spoken or written instructions given by the Contractor, architect, or all other
conditions, etc., pertaining to the work before proceeding.
The Owner must be notified of any variations from the
dimensions, materials, or methods of construction shown. Any
such variation shall be resolved by the Owner prior to
proceeding with the work, or the Contractor shall accept
full responsibility for the cost to rectify same.



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ARCHITECTS
6003 116TH AVE NE, KENMORE, WA • 98028
425-292-4417
www.nashandassociates.com



PLAN 1623
ELEVATION A
CYPRESS

date: 03-07-16
permit:
revisions:

drawn by: MNL
checked by:

SHEET

A2
OF
A8

GRANDVILLE G

2408 TOTAL SQUARE FEET

PLAN NUMBER 32112G

STAFFORD HOMES & LAND LOT 16, THE VINEYARDS

Sunter
D E S I G N . I N C .
16865 Boones Ferry Road, Suite 201, Lake Oswego, Oregon 97035
Tel: (503) 624-0555. Fax: (503) 624-0155
www.sunterhomedevelopment.com

EXHIBIT K

1

DISCLAIMER
This is an example building elevation, actual building elevations may differ.

REVERSE

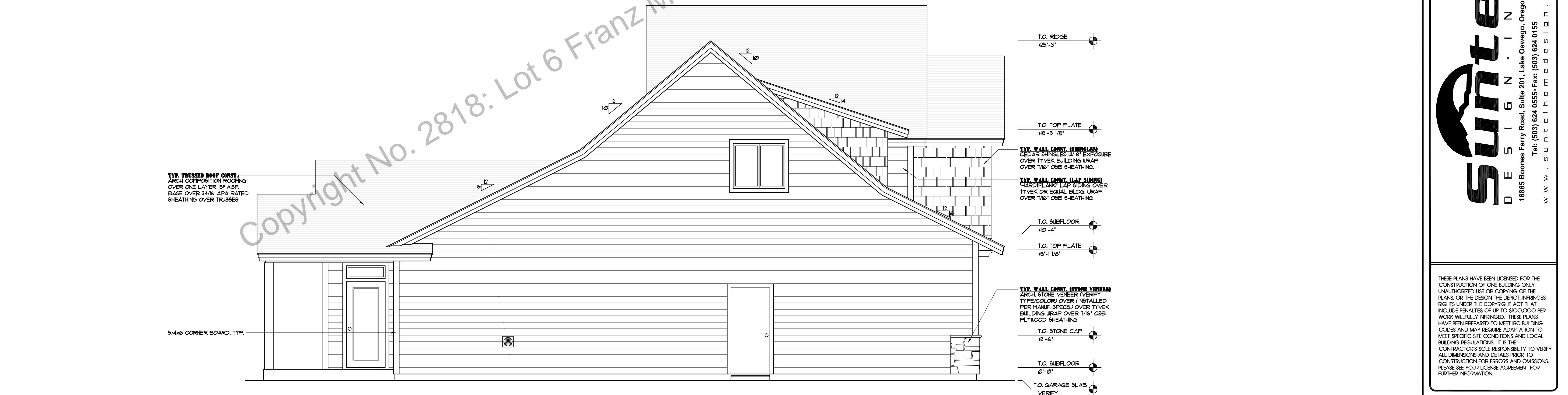
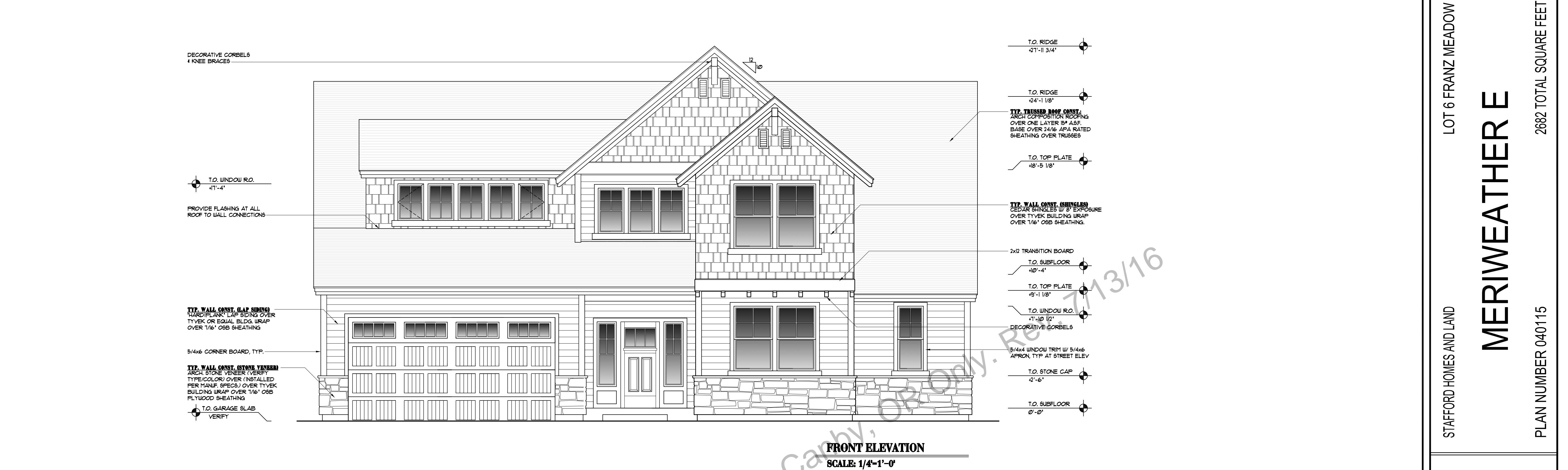
THIS DRAWING HAS BEEN
FULLY REVERSED
PLEASE VERIFY
ORIENTATION

JOB NAME: GRANDVILLE G
REV: _____
DATE: 4/16



RIGHT ELEVATION

SCALE: 1/4"-1'-0"



DISCLAIMER

This is an example building elevation, actual building elevations may differ.

JOB
NAME: STAFFORD HOMES & LAND
DATE: 062816

1

SunTei
SUNTEI INC.
18865 Boones Ferry Road, Suite 201, Lake Oswego, Oregon 97035
Tel: (503) 624-0955 • Fax: (503) 624-0155
www.sunteihomeandland.com

LOT 6 FRANZ MEADOW

MERIWEATHER E

STAFFORD HOMES AND LAND

PLAN NUMBER 040115

2682 TOTAL SQUARE FEET

Copyright No. 2818: Lot 6 Franz Meadows, Carry, OR Copy. Rev. 7/13/16

THESE PLANS HAVE BEEN LICENSED FOR THE CONSTRUCTION OF ONE BUILDING ONLY. UNAUTHORIZED USE OR COPIES OF THE PLANS OR THE DESIGN THEREIN INFRINGES RIGHTS UNDER THE COPYRIGHT ACT THAT INCLUDE PENALTIES OF UP TO \$100,000 PER WORK WILFULLY INFRINGED. THESE PLANS HAVE BEEN DRAWN IN ACCORDANCE WITH BUILDING CODES AND MAY REQUIRE ADAPTION TO MEET SPECIFIC SITE CONDITIONS AND LOCAL BUILDING REGULATIONS. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO VERIFY ALL DIMENSIONS AND CALL OUTS PROVIDED ON THE PLANS. CONSTRUCTION ERRORS AND OMISSIONS PLEASE SEE YOUR LICENSE AGREEMENT FOR FURTHER INFORMATION.

CARRINGTON V-3C

STAFFORD HOMES & LAND

PLAN NUMBER 3295V

LOT 2 FRANZ MEADOWS
1134 NE 16TH AVE

2,377 TOTAL SQUARE FEET

REVERSE

THIS DRAWING HAS BEEN
FULLY REVERSED
PLEASE VERIFY
ORIENTATION



DISCLAIMER

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RIGHT ELEVATION
SCALE: 1/4"-1'-0"

THESE PLANS HAVE BEEN LICENSED FOR THE
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UNAUTHORIZED USE OR COPYING OF THE
PLANS, OR THE DESIGN THEY DEPICT, INFRINGES
UPON THE OWNER'S CONTRACTUAL RIGHTS
INCLUDES PLANS MADE UP TO SPECIFICATIONS
BY WORK WILLFULLY INFRINGED. THESE PLANS
HAVE BEEN PREPARED TO MEETIRC BUILDING
CODE AND ARE INTENDED AS A GUIDE TO
MEET SPECIFIC SITE CONDITIONS AND LOCAL
BUILDING REGULATIONS. IT IS THE
CONTRACTOR'S SOLE RESPONSIBILITY TO
CONTRACTOR FOR ERRORS AND OMISSIONS.
PLEASE SEE YOUR LICENSE AGREEMENT FOR
FURTHER INFORMATION.

PLAN NAME: CARRINGTON V-3
REV: STAFFORD - 3 CAR
DATE: Q11916

LAUREL

SunTei
D E S I G N . I N C .
16865 Boones Ferry Road, Suite 201, Lake Oswego, Oregon 97035
Tel: (503) 624-0555. Fax: (503) 624-0155
www.sunteihome.com

2,367 TOTAL SQUARE FEET

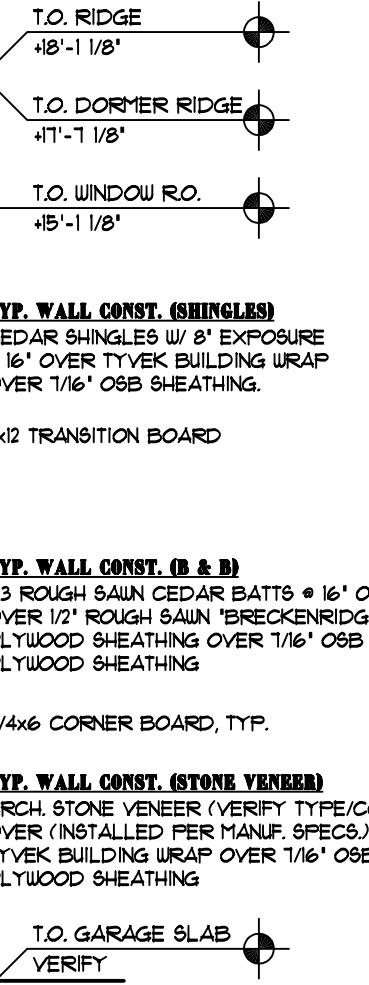
STAFFORD HOMES & LAND LOT 10, THE VINEYARDS ESTATE
141 SW BRIER AVE, DUNDEE, OR

PLAN NUMBER 111214

THESE PLANS HAVE BEEN LICENSED FOR THE CONSTRUCTION OF ONE BUILDING ONLY. UNAUTHORIZED USE OR COPYING OF THE PLANS, OR THE DESIGN THEY DEPICT, INFRINGES RIGHTS UNDER THE COPYRIGHT ACT THAT INCLUDE PENALTIES OF UP TO \$100,000 PER WORK WILLFULLY INFRINGED. THESE PLANS HAVE BEEN PREPARED TO MEET CABO BUILDING CODES AND MAY REQUIRE ADAPTION TO MEET SPECIFIC SITE CONDITIONS AND LOCAL BUILDING REGULATIONS. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO VERIFY ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION FOR ERRORS AND OMISSIONS. PLEASE SEE YOUR LICENSE AGREEMENT FOR FURTHER INFORMATION.

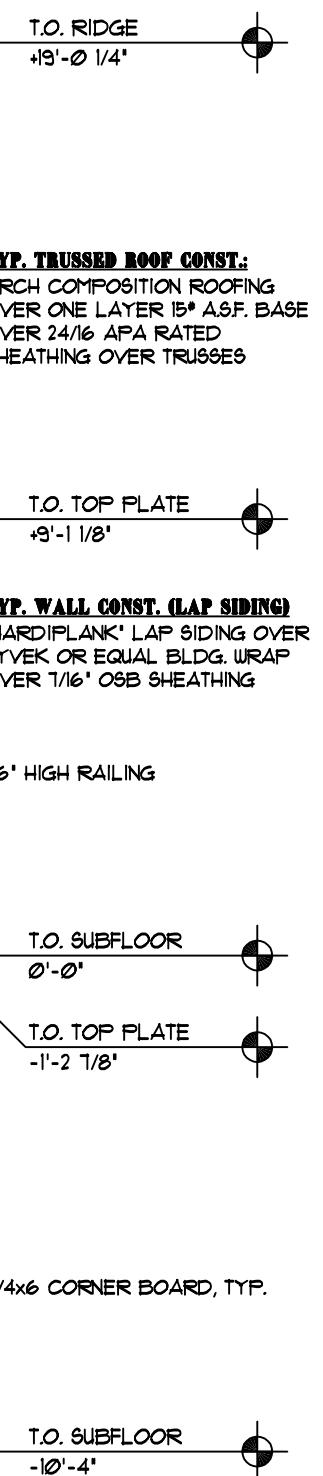
JOB NAME: LAUREL
DATE: 10/2015 KKA

1



FRONT ELEVATION

SCALE: 1/4'-1'-0"



RIGHT ELEVATION

SCALE: 1/4'-1'-0"

REVERSE

THIS DRAWING HAS BEEN
FULLY REVERSED
PLEASE VERIFY
ORIENTATION

TYP. TRUSS ROOF CONST.:
ARCH COMPOSITION ROOFING
OVER ONE LAYER 15# A.S.F.
BASE OVER 24/16 APA RATED
SHEATHING OVER TRUSSES

T.O. RIDGE
+18'-1 1/8"

DECORATIVE CORBELS &
KNEE BRACES

T.O. RIDGE
+14'-3 1/8"

PROVIDE FLASHING AT ALL
ROOF TO WALL CONNECTIONS

T.O. TOP PLATE
+9'-1 1/8"

T.O. WINDOW RO.
+1'-10 1/2"

5/4x4 WINDOW TRIM W/ 5/4x6
APRON, TYP AT STREET ELEV

T.O. STONE CAP
+2'-6"

T.O. SUBFLOOR
0'-0"

TYP. WALL CONST. (SHINGLES):
CEDAR SHINGLES W/ 8" EXPOSURE
• 16' OVER TYVEK BUILDING WRAP
OVER 1/16" OSB SHEATHING

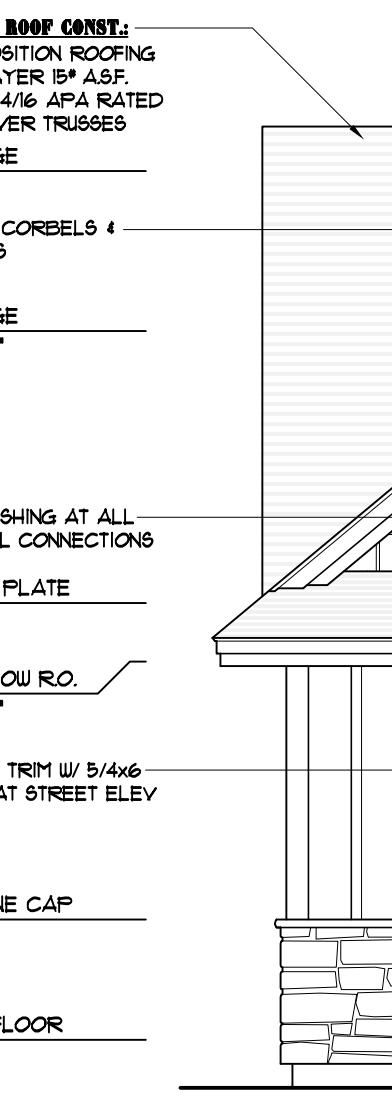
2x12 TRIM BOARD

TYP. WALL CONST. (R & B):
1/3 ROUGH SAWN CEDAR BATTIS • 16' O.C.
OVER 1/2" ROUGH SAWN 'BRECKENRIDGE'
PLYWOOD SHEATHING OVER 1/16" OSB
PLYWOOD SHEATHING

5/4x6 CORNER BOARD, TYP.

TYP. WALL CONST. (STONE VENEER):
ARCH. STONE VENEER (VERIFY TYPE/COLOR)
OVER (INSTALLED PER MANUF. SPECS.) OVER
TYVEK BUILDING WRAP OVER 1/16" OSB
PLYWOOD SHEATHING

T.O. GARAGE SLAB
VERIFY



TYP. WALL CONST. (STONE VENEER):
ARCH. STONE VENEER (VERIFY
TYPE/COLOR) OVER (INSTALLED
PER MANUF. SPECS.) OVER TYVEK
BUILDING WRAP OVER 1/16" OSB
PLYWOOD SHEATHING

T.O. GARAGE SLAB
VERIFY

(E) GRADE

T.O. RIDGE
+18'-1 1/8"

T.O. DORMER RIDGE
+11'-1 1/8"

T.O. WINDOW RO.
+15'-1 1/8"

TYP. RIDGE:
T.O. RIDGE
+18'-1 1/8"

T.O. DORMER RIDGE
+11'-1 1/8"

T.O. WINDOW RO.
+15'-1 1/8"

TYP. WALL CONST. (SHINGLES):
CEDAR SHINGLES W/ 8" EXPOSURE
• 16' OVER TYVEK BUILDING WRAP
OVER 1/16" OSB SHEATHING

2x12 TRIM BOARD

TYP. WALL CONST. (R & B):
1/3 ROUGH SAWN CEDAR BATTIS • 16' O.C.
OVER 1/2" ROUGH SAWN 'BRECKENRIDGE'
PLYWOOD SHEATHING OVER 1/16" OSB
PLYWOOD SHEATHING

5/4x6 CORNER BOARD, TYP.

TYP. WALL CONST. (STONE VENEER):
ARCH. STONE VENEER (VERIFY TYPE/COLOR)
OVER (INSTALLED PER MANUF. SPECS.) OVER
TYVEK BUILDING WRAP OVER 1/16" OSB
PLYWOOD SHEATHING

T.O. GARAGE SLAB
VERIFY

T.O. RIDGE
+19'-0 1/4"

TYP. TRUSS ROOF CONST.:
ARCH COMPOSITION ROOFING
OVER ONE LAYER 15# A.S.F. BASE
OVER 24/16 APA RATED
SHEATHING OVER TRUSSES

T.O. TOP PLATE
+9'-1 1/8"

TYP. WALL CONST. (LAP SIDING):
"HARDIPLANK" LAP SIDING OVER
TYVEK OR EQUAL BLDG. WRAP
OVER 1/16" OSB SHEATHING

36' HIGH RAILING

T.O. SUBFLOOR
0'-0"

T.O. TOP PLATE
-1'-2 1/8"

5/4x6 CORNER BOARD, TYP.

T.O. SUBFLOOR
-10'-4"

DISCLAIMER

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Exhibit L Sample Photo Elevations for 50' Wide Dwellings



DISCLAIMER

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DISCLAIMER

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Landscape and side yards are not representative of the proposed development.



Planning & Design
Bill Hoyle | Mike Hoyle
Call 503.780.7611
ccb 204299

CONCORD
OAKS



DISCLAIMER

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Exhibit M - Sample Photo Elevations for 26-ft and 30-ft Wide Dwellings

DRAFT
W-RES PROOF



DISCLAIMER

This is a photo rendering of an example building elevation, landscaping and side yards are not representative of the proposed development.



DISCLAIMER

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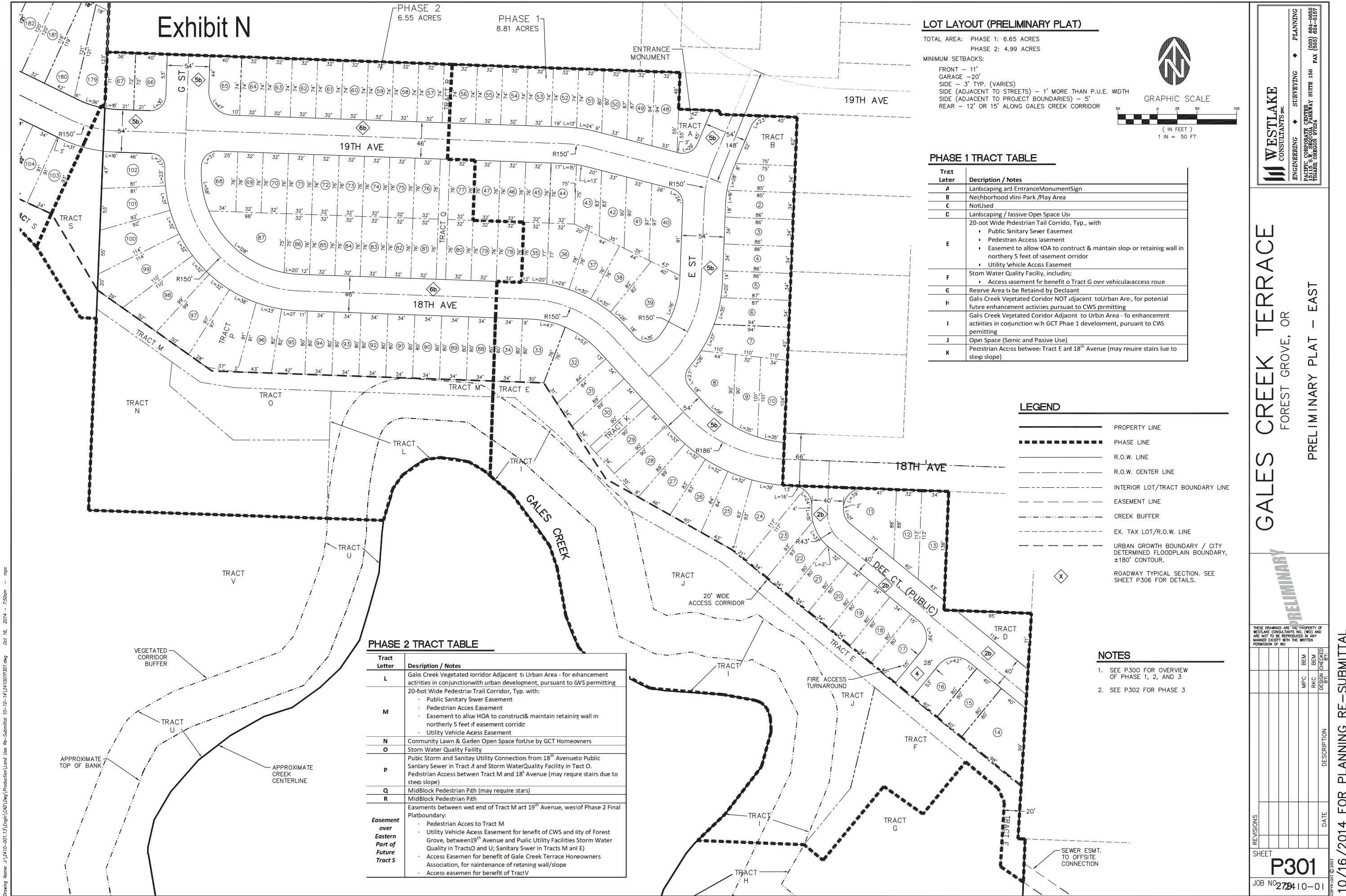
DISCLAIMER

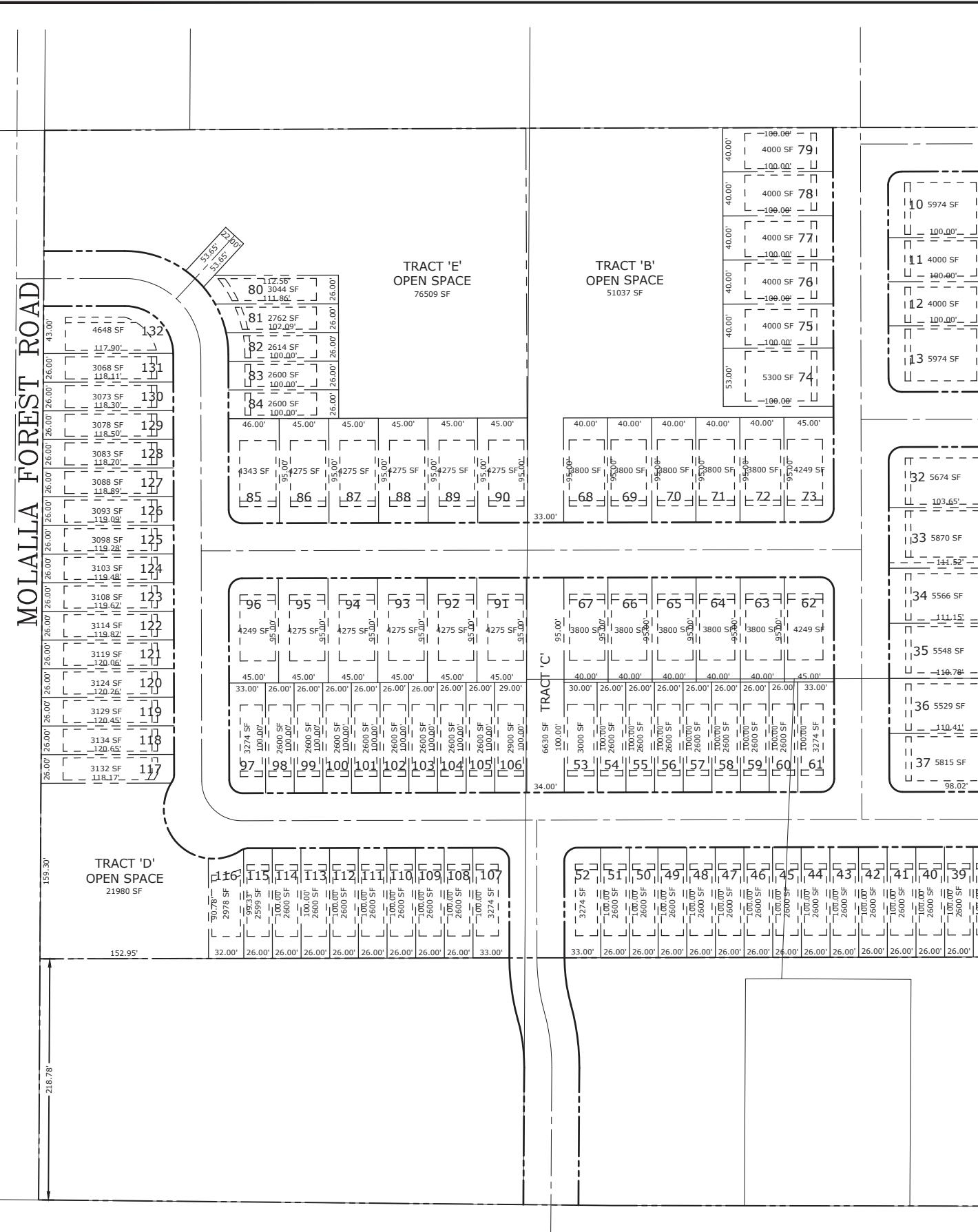
This is a photo rendering of an example building elevation, landscaping and side yards are not representative of the proposed development.



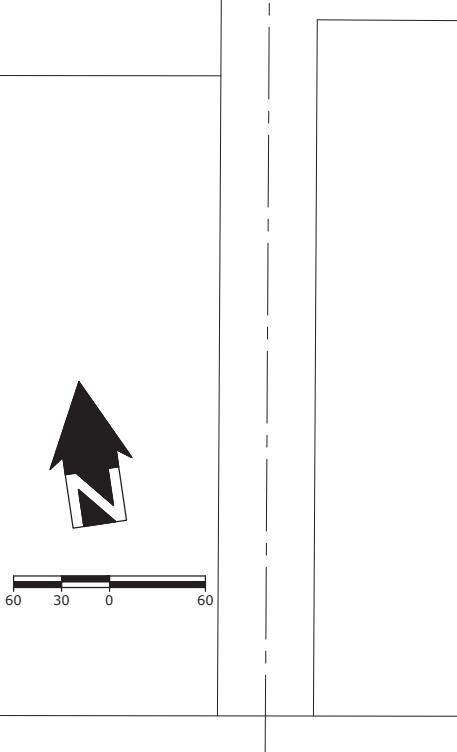
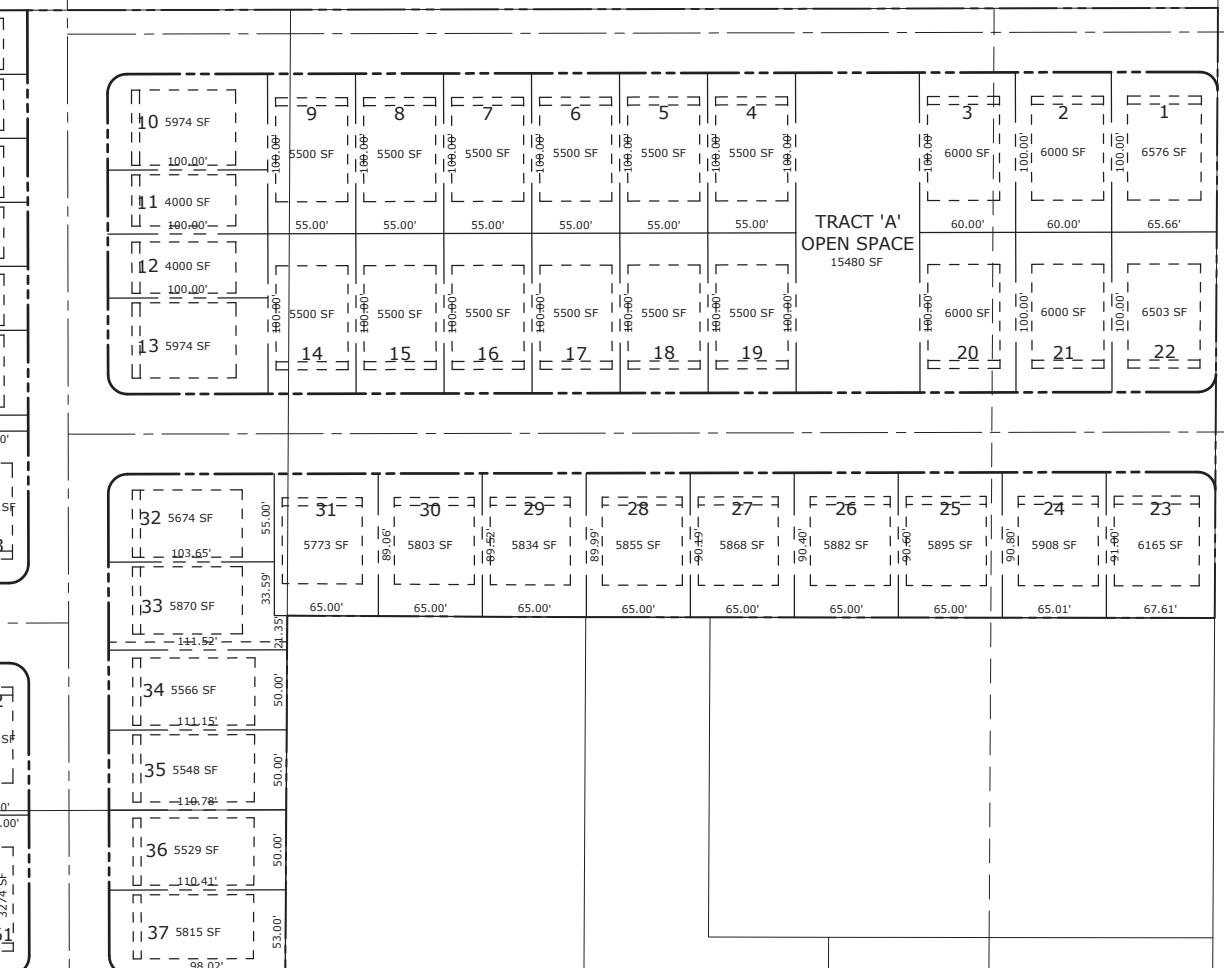
DISCLAIMER

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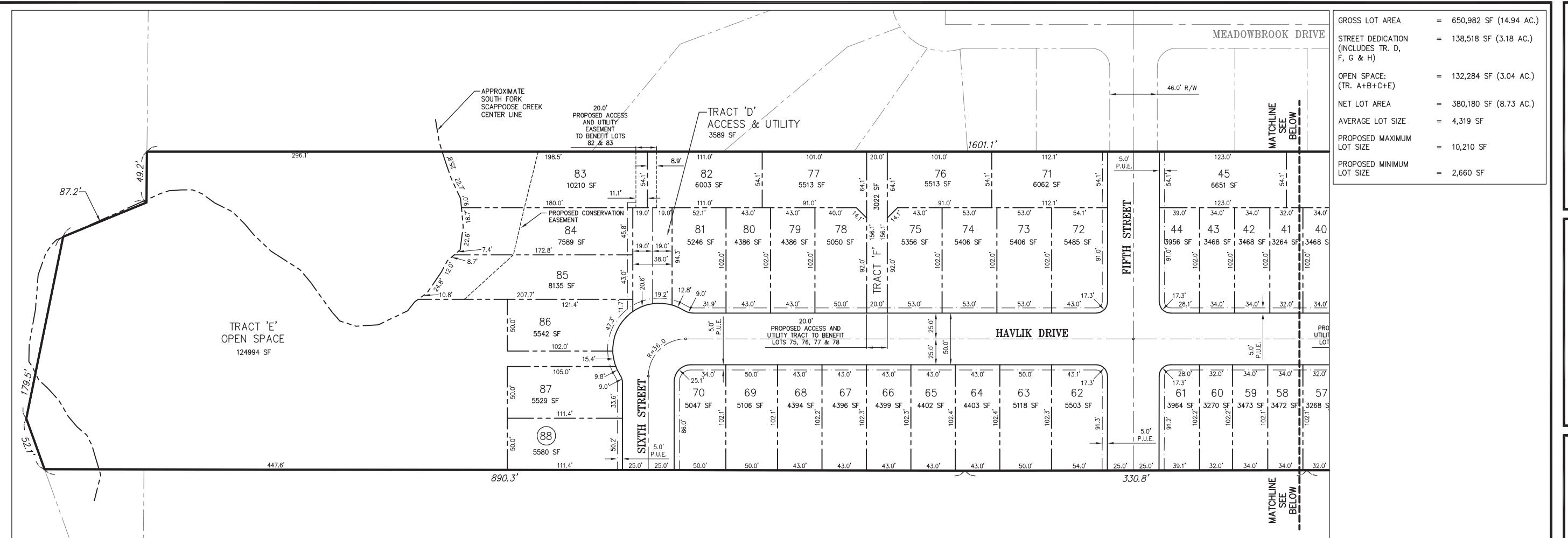




OREGON STATE HIGHWAY NO. 211

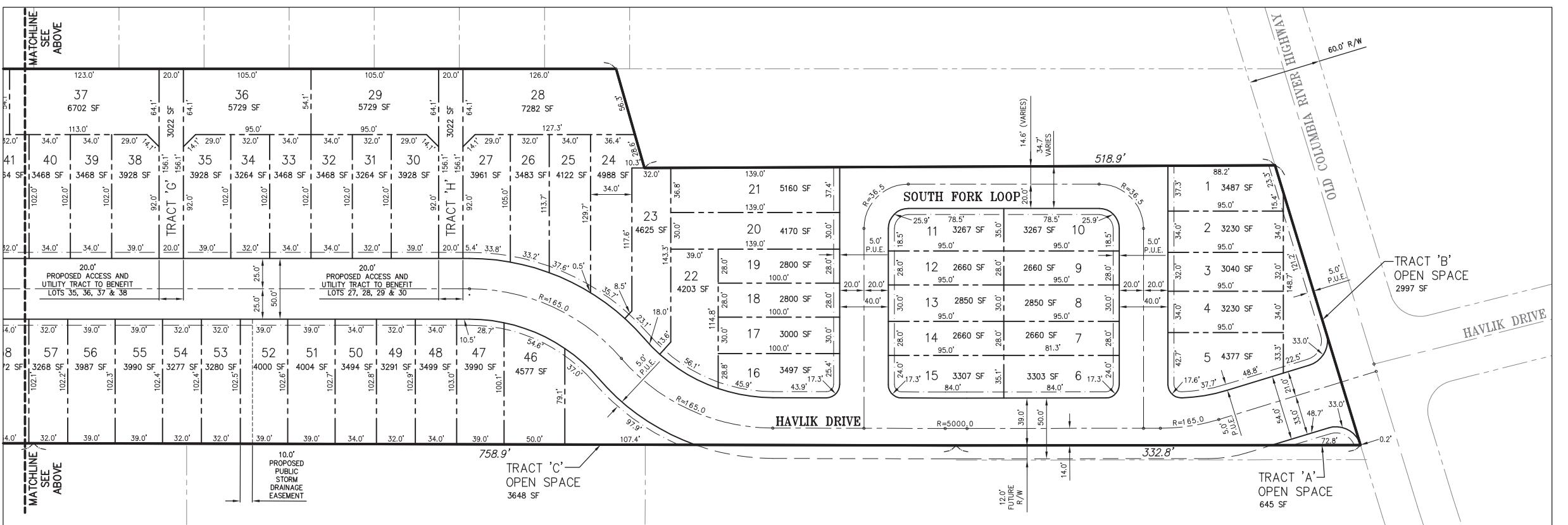


PROJECT NO.:	3133	DATE:	02/19/16	REVISIONS:	
DESIGNED BY:	J01	DRAWN BY:	J01		
BEAR CREEK PUD					
CASE FILE NO. P70-2015					
STAFFORD LAND COMPANY, INC.					
485 S. STATE STREET					
LAKE OSWEGO, OR 97034					
503-305-7647					
13190 SW 68th Parkway, Suite 150					
Tigard, Oregon 97223					
503.968.6655 www.cesnw.com					
X3133-BASE.DWG					
XX					



W ENGINEERS
Engineering & Planning
3409 NW John Olsen Place
Hillsboro, OR 97124
503.601.4401

FOR: STAFFORD LAND COMPANY
485 SOUTH STATE STREET
LAKE OSWEGO, OR 97034
503-305-7647
SITE: TAX MAP 03 02 13B
TAX LOT 2300
CITY OF SCAPPoose, OREGON



SOUTH FORK
NO318
PRELIMINARY PLAT

DESIGNED	REVISION	BY	DATE
DRAWN	1		
REVIEWED	2		
SUBMITTED	3		
	4		
	5		
	6		
	7		

PPLT 282 **4** of 12
Chris, Plotted: Jun 18, 2015 - 4:48pm, P:\NO318\dwg\Plan\Ph1\NO318-04-PPLT.dwg

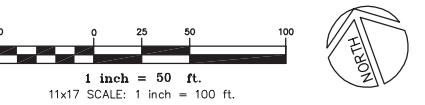
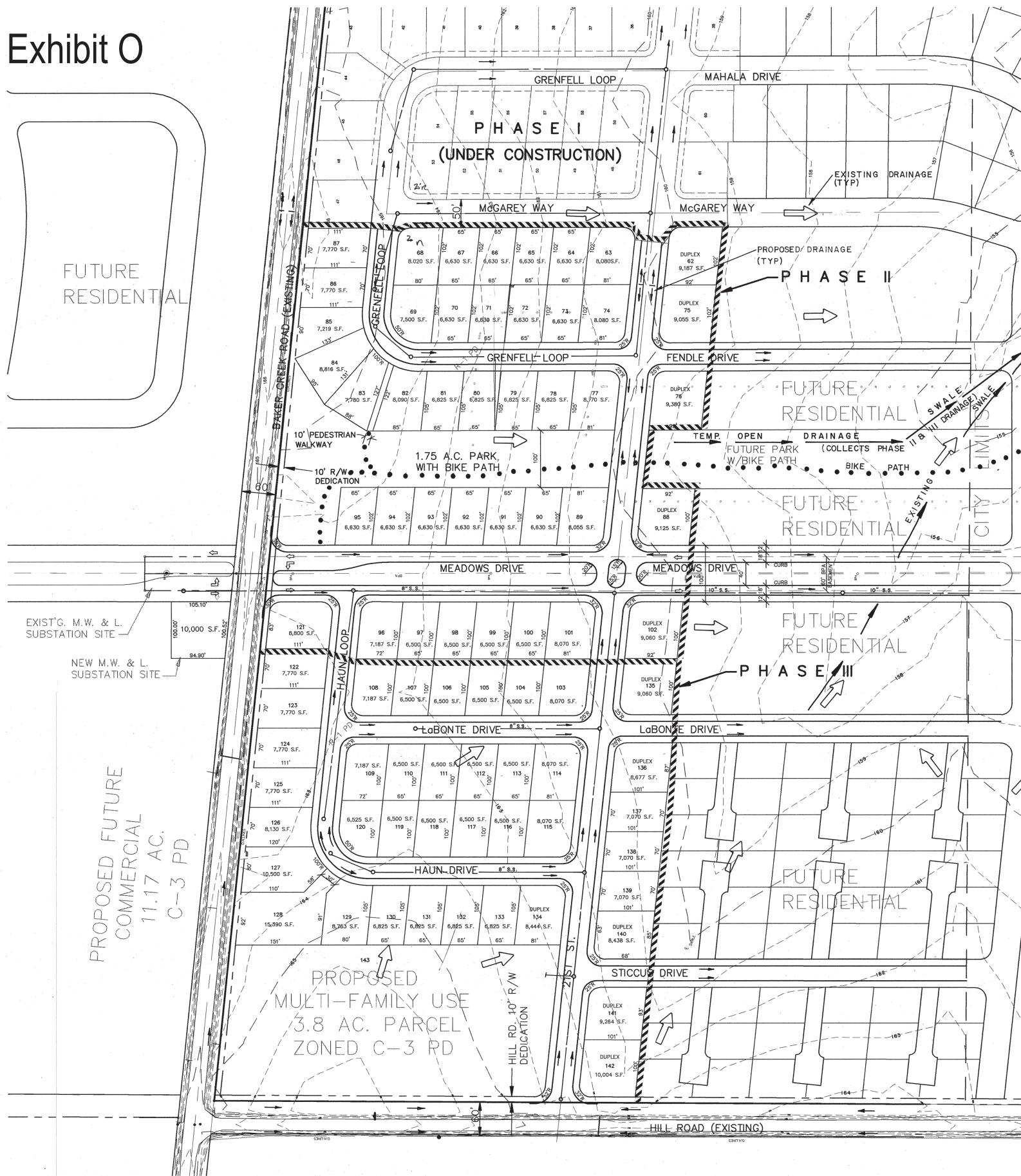


Exhibit O

FUTURE RESIDENTIAL



OWNER/DEVELOPER

VJ2 DEVELOPMENT CO.
695 COMMERCIAL ST. S.E.
SUITE 4
SALEM, OREGON 97301
PH: (503) 362-8232

ENGINEER

WESTECH ENGINEERING, INC.
3421 25TH STREET S.E.
SALEM, OREGON 97301
PH: (503) 585-2474

SURVEYOR

BARKER SURVEYING
2035 25TH STREET S.E.
SALEM, OREGON 97301
PH: (503) 588-8800

WATER & POWER

McMINNVILLE WATER & LIGHT

STREETS/SEWER/STORM DRAIN

McMINNVILLE PUBLIC WORKS

GAS

NW NATURAL GAS CO.

ZONE

PH II - R-1 PD
PH III - R-1 PD
PH III - C-3 PD

TAX LOT

TAX LOT 200
MAP 4 4 18

AREA

PH II = 13.4 AC.
PH III = 13.4 AC.

LOTS

PH II = 42
PH III = 39

TELEPHONE

G.T.E.

MIN.LOT SIZE

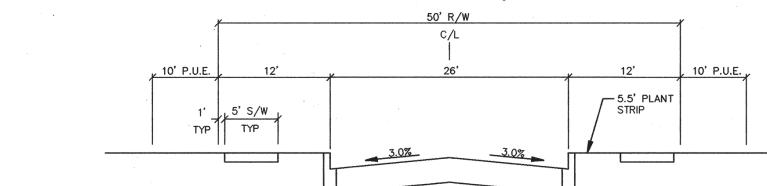
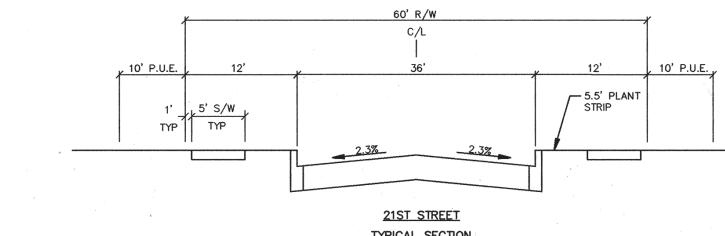
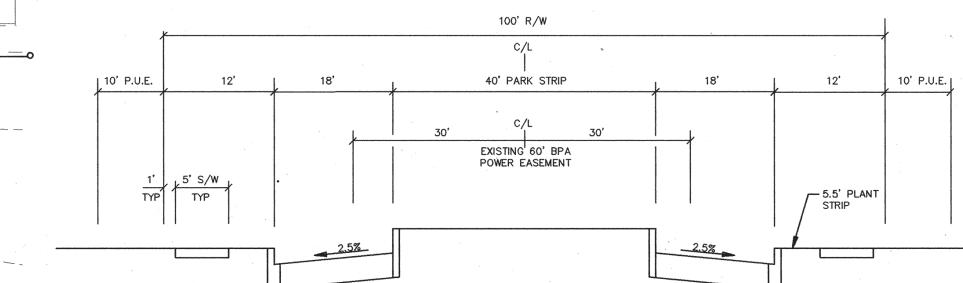
PH II = 6500 S.F.
PH III = 6500 S.F.

MAX.LOT SIZE

PH II = 9,380 S.F.
PH III = 15,390 S.F.

AVG.LOT SIZE

PH II = 7,413 S.F.
PH III = 7,676 S.F.



TYPICAL SECTION
GRENFELL LOOP
HAUN LOOP
LaBONTE DRIVE
FENDLE DRIVE
STICCUS DRIVE

VJ2 DEVELOPMENT CO.
SHADDEN CLAIM SUBDIVISION
McMINNVILLE, OREGON
PHASE II & III
TENTATIVE PLAN

SHEET
3 OF 3
JOB NUMBER
283800

BY
DESCRIPTION
REVISIONS

WE
WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
(503)585-2474

VOL. II Pg. 110

SHADDEN CLAIM FIRST ADDITION

AN R-I PD. SUBDIVISION, CITY OF McMINTNVILLE ORDINANCE NO. 4593
IN THE N.E. 1/4 OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
IN THE CITY OF McMINTNVILLE, YAMHILL COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

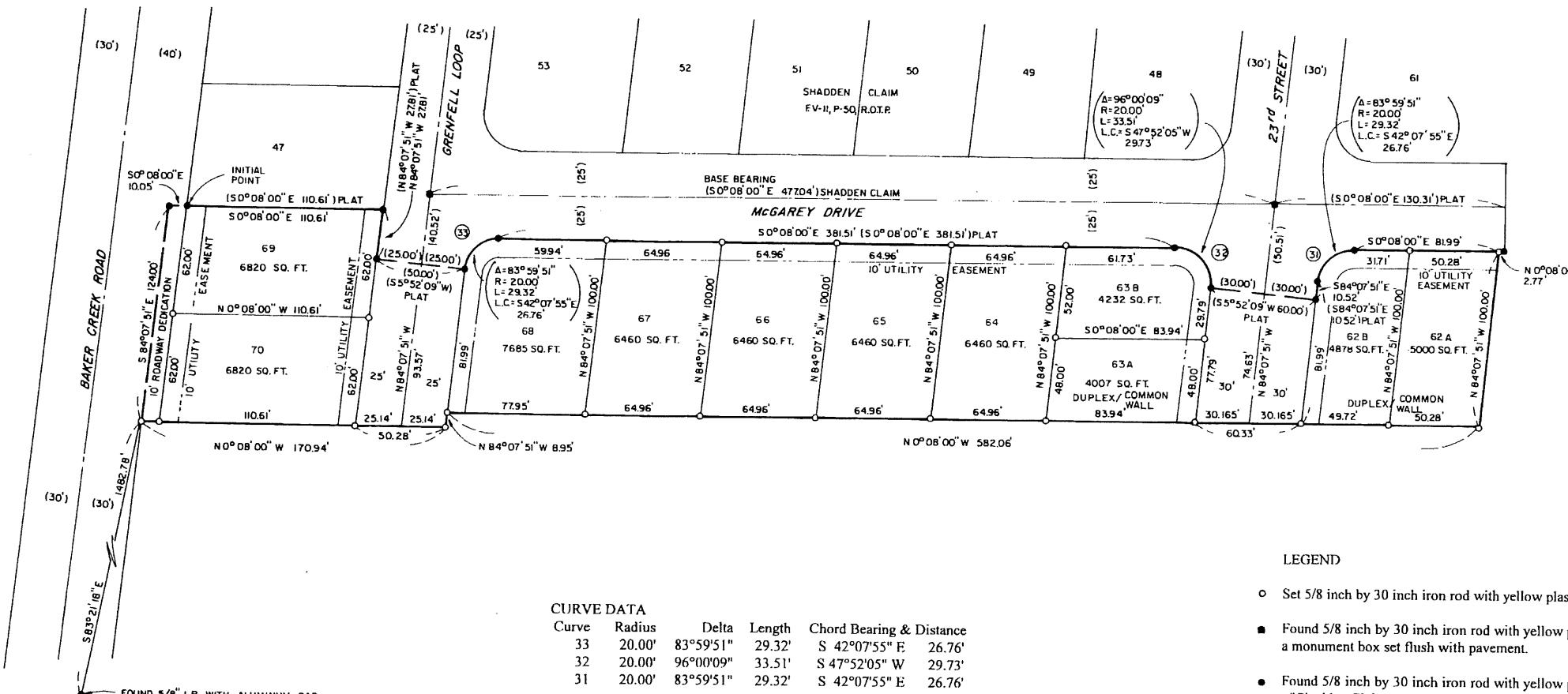
Clarence E. Barker

OREGON
JULY 10, 1984
CLARENCE E. BARKER
636

EXPIRATION DATE: 12-31-99

SCALE: 1" = 50'
DATE: 6-25-99

BARKER SURVEYING CO.
2035 25TH STREET S.E.
SALEM, OREGON 97302
PHONE (503) 588-8800



Vol. 11 Pg. 110

SHADDEN CLAIM FIRST ADDITION

AN R-I PD. SUBDIVISION, CITY OF McMinnville ORDINANCE NO. 4593
IN THE N.E. 1/4 OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
IN THE CITY OF McMinnville, YAMHILL COUNTY, OREGON

APPROVED:

Tobert
Tobert Division
County Commissioner

7-20-99
Date

Thomas E.E. Bunn
Thomas E.E. Bunn
County Commissioner

7-20-99
Date

Leigh C. Johnson
Leigh C. Johnson
County Commissioner

7-20-99
Date

Wendy H. Sibley
Wendy H. Sibley
County Assessor

7-20-99
Date

Clarence E. Barker 7/2/99
Clarence E. Barker
County Surveyor

7-22-99
Date

ATTEST:

County Clerk

Date

THE WITHIN PLAT IS HEREBY APPROVED:

J.L. Finch
J.L. Finch
City of McMinnville
Planning Commission Chairman

6-30-99
Date

Clarence E. Barker
Clarence E. Barker
City of McMinnville Surveyor

7-1-99
Date

STATE OF OREGON)
) S.S.
COUNTY OF YAMHILL)

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK

55.00
0001323199915021001
199915021 3:08:01 PM 07/21/1999

PR PARR 1 - 2 ANITA
0.00 45.00 10.00

ed by me in Yamhill County, in Film
day of _____,

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS that we VJ-2 Development, Inc. an Oregon Corporation are the owners of the lands, in fee, and we are developers of the lands represented on the attached map and more particularly described in the Surveyor's Certificate and have caused said lands to be surveyed and platted into lots, street right of ways and easements as shown and noted on the attached map, in accordance with the provisions of the respective O.R.S., and the standards of the City of McMinnville, to be dedicated as "SHADDEN CLAIM FIRST ADDITION". We the undersigned do hereby dedicate for the public use forever all street right of ways, and easements for the purposes shown and noted on the attached map.

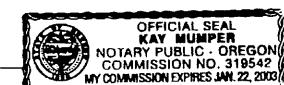
VJ-2 Development, Inc.

Willie Darnell Jones
Willie Darnell Jones, President

ACKNOWLEDGMENT

STATE OF OREGON)
) S.S.
COUNTY OF MARION)

On this 28th day of June, 1999, before me a Notary Public, for the State of Oregon, did personally appear the above named person in the capacity shown in the above Declaration and who is personally known to me to be the identical person described in and who executed the above Declaration freely and voluntarily. Subscribed and sworn to, before me, A Notary Public in and for said State of Oregon.



A subdivision plat consent affidavit by Berjac of Oregon, beneficiary under deed of trust described in Instrument No. 199620927 Deed and Mortgage Records has been executed and recorded in Instrument No. 199909984 of the Deed and Mortgage Records.

PLAT RESTRICTIONS:

Covenants, Conditions and Restrictions affecting this plat are recorded in Instrument No. 199909984, Yamhill County Deed and Mortgage Records.

SURVEYOR'S CERTIFICATE:

I, Clarence E. Barker, a Registered Professional Land Surveyor in the State of Oregon, hereby depose and say that during the month of May, 1999 I did accurately survey, subdivide and plat into lots, and right of ways, in accordance with O.R.S. 92.050, 209.250 and the City of McMinnville Land Division Ordinance, the lands represented on the attached map, the boundary of which is described as follows:

Beginning at the Initial Point of this subdivision which is a 5/8 inch by 30 inch iron rod with a yellow plastic cap stamped "Barker PLS 636" at the Northwest corner of Lot 47 of SHADDEN CLAIM as said subdivision is platted and recorded in Film 11, Page 50, Record of Town Plats for Yamhill County, Oregon, in Section 18, Township 4 South, Range 4 West of the Willamette Meridian in said Yamhill County; Thence along the West boundary of said SHADDEN CLAIM the following courses; South 00°08'00" East 110.61 feet; and North 84°07'51" West 27.81 feet; and South 05°52'09" West 50.00 feet; and along the arc of a 20.00 foot radius curve to the right (the long chord of which bears South 42°07'55" East 26.76 feet) a distance of 29.32 feet; and South 00°08'00" East 381.51 feet; and along the arc of a 20.00 foot radius curve to the right (the long chord of which bears South 47°52'05" West 29.73 feet) a distance of 33.51 feet; and South 05°52'09" West 60.00 feet; and South 84°07'51" East 10.52 feet; and along the arc of a 20.00 foot radius curve to the right (the long chord of which bears South 42°07'55" East 26.76 feet) a distance of 29.32 feet; and South 00°08'00" East 81.99 feet; Thence leaving said boundary North 84°07'51" West 100.00 feet; Thence North 00°08'00" West 582.06 feet; Thence North 84°07'51" West 8.95 feet; Thence North 00°08'00" West 170.94 feet to a point on the southerly right-of-way line of Baker Creek Road, said point being 30.00 feet southerly of the centerline of the road when measured at right angles; Thence South 84°07'51" East along said right-of-way line, a distance of 124.00 feet; Thence South 00°08'00" East 10.05 feet to the point of beginning and containing 1.7374 acres of land, more or less.

I, Clarence E. Barker, further depose and say that the attached map is a true and correct representation of the lots and right of ways as staked on the ground with appropriate monuments, as identified in the legend or with found monuments, as shown on the attached map, at all lot corners, the intersections, points of curvature and points of tangents of the centerlines of all streets and roads and all points on the exterior boundary line with changes of direction.

Clarence E. Barker 6-25-99
Clarence E. Barker, PLS No. 636

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clarence E. Barker
OREGON
JULY 10, 1964
CLARENCE E. BARKER
636

EXPIRATION DATE: 12-31-99

BARKER SURVEYING CO.
2035 25TH STREET S.E.
SALEM, OREGON 97302
PHONE (503) 588-8800

I hereby certify that this is an exact copy of the original plat.

Clarence E. Barker
Clarence E. Barker, PLS 636

Pursuant to O.R.S. 92.095. Taxes have been paid or bond posted to date of

June 30, 2000

199915021 3:08:01 PM 07/21/1999
PR PARR 1 - 2 ANITA
0.00 45.00 10.00

Wendy A. Sibley
Wendy A. Sibley
Yamhill County Tax Collector

7-20-99
Date

7-26-99

SHEET 2 OF 2

SHADDEN CLAIM SECOND ADDITION

AN R-I PD. SUBDIVISION, CITY OF McMINTNVILLE ORDINANCE NO. 4593
IN THE N.E. 1/4 OF SEC. 18, TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
IN THE CITY OF McMINTNVILLE, YAMHILL COUNTY, OREGON



SCALE: 1" = 50'
DATE: SEPTEMBER 2, 195

Clarence E. Barker
OREGON
JULY 10, 1964
CLARENCE E. BARKER
636
EXPIRATION DATE: 12-31-99

I hereby certify that this is an exact copy of the original plat.

Clarence E. Barker
Clarence E. Barker, PLS 636

LEGEND

- Set 5/8 inch by 30 inch iron rod with yellow plastic cap stamped "Barker PLS 636".
 - ☒ 5/8 inch by 30 inch rod with yellow plastic cap stamped "Barker PLS 636" to be post monumented. Monuments set JAN 4, 2000.
 - Set 5/8 inch by 30 inch iron rod with yellow plastic cap stamped "Barker PLS 636", in side of a monument box set flush with pavement.
 - Found 5/8 inch by 30 inch iron rod with yellow plastic cap stamped "Barker PLS 636" set in plat of Shadden Claim First Addition.
 - () Data of Record from plat of Shadden Claim First Addition

I.R. = Iron rod
Sq.Ft. = Square Feet
F.V. = Film Volume
P. = Page
R.O.T.P. = Record of Town Plats

NARRATIVE.

Basis of bearing is on the westerly line of SHADDEN CLAIM FIRST ADDITION. The purpose of this survey is to subdivide into lots a portion of a tract of land in Section 18 to be known as SHADDEN CLAIM SECOND ADDITION, as approved by the City of McMinnville Planning Commission.

The northerly line of this subdivision was held as determined in C.S. 10616.

Equipment used: Wild T-1600/D.I. 1600 Total Station.

Note: Lots abutting Baker Creek Road are prohibited access
on to Baker Creek Road.

FOUND 5 1/8" I.R. WITH ALUMINUM CAP
STAMPED "CITY OF MCMINNVILLE" "BAKER"
CITY OF MCMINNVILLE CONTROL POINT.
FOUND TO BE 5 52'15" 19° W 1438' FROM THE
INTERSECTION OF BAKER CREEK ROAD AND
NORTH HILL ROAD AS ESTABLISHED IN C.S. 10616.



SET SDR X BOY I.R. W/Y.P.C. @ N. 84°07'56" W 3.00' OF TRUE COR.

TO LOTS 86 + 87 DUE TO POWER JUNCTION BOX AT TRUE POSITION,
AND #2, NO MON SET DUE TO PAYING CONSIDERATIONS, SPRING OF
2000, BOTH PURSUANT TO INTERIOR MON. AFFIDAVIT FILED AS INST#
20000 2066 ON 2/14/00 W THE CO. CLERKS OFFICE.

Received 1-24-2000

County Surveyor

SHEET 1 OF 2

SHADDEN CLAIM SECOND ADDITION

AN R-1 PD. SUBDIVISION, CITY OF McMINTNVILLE ORDINANCE NO. 4593
 IN THE N.E. 1/4 OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
 IN THE CITY OF McMINTNVILLE, YAMHILL COUNTY, OREGON

SURVEYOR'S CERTIFICATE:

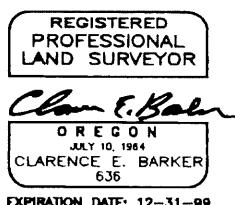
I, Clarence E. Barker, a Registered Professional Land Surveyor in the State of Oregon, hereby depose and say that during the month of August, 1999 I did accurately survey, subdivide and plat into lots, and right of ways, in accordance with O.R.S. 92.050, 209.250 and the City of McMinnville Land Division Ordinance, the lands represented on the attached map, the boundary of which is described as follows:

Beginning at the Initial Point of this subdivision which is a 5/8 inch by 30 inch iron rod with a yellow plastic cap stamped "Barker PLS 636" at the Northwest corner of Lot 70 of SHADDEN CLAIM FIRST ADDITION as said subdivision is platted and recorded in Volume 11, Page 110, Record of Town Plats for Yamhill County, Oregon, in Section 18, Township 4 South, Range 4 West of the Willamette Meridian in said Yamhill County;

thence South 00°08'00" East along the West boundary line of said SHADDEN CLAIM FIRST ADDITION, a distance of 160.89 feet; thence South 84°07'51" East 8.95 feet to the Northwest corner of Lot 68 of said subdivision; thence South 00°08'00" East along the West line of said Lot 68 and the southerly extension thereof, a distance of 582.06 feet to the Southwest corner of Lot 62A of said subdivision; thence North 84°07'51" West 679.79 feet; thence North 00°02'49" East 99.97 feet; thence North 07°22'19" West 61.64 feet; thence North 00°02'49" East 426.17 feet; thence North 10°35'05" East 50.17 feet; thence North 00°02'49" East 116.05 feet to a point on the southerly right-of-way line of Baker Creek Road, said point being 30.00 feet southerly of the centerline of the road when measured at right angles; thence South 84°07'51" East along said right-of-way line, a distance of 667.24 feet; thence South 00°08'00" East 10.05 feet to the point of beginning and containing 11.7154 acres of land, more or less.

I, Clarence E. Barker, further depose and say that the attached map is a true and correct representation of the lots and right of ways as staked on the ground with appropriate monuments, as identified in the legend or with found monuments, as shown on the attached map, at all lot corners, the intersections, points of curvature and points of tangents of the centerlines of all streets and roads and all points on the exterior boundary line with changes of direction.

Clarence E. Barker
 Clarence E. Barker, PLS No. 636
 Barker Surveying Co.
 2035 25th Street S.E.
 Salem, Oregon 97302



BARKER SURVEYING CO.
 2035 25TH STREET S.E.
 SALEM, OREGON 97302
 PHONE (503) 588-8800

CURVE DATA					
Curve	Radius	Delta	Length	Chord Bearing & Distance	
1	20.00'	96°00'09"	33.51'	N 47°52'05" E	29.73'
2	20.00'	83°59'51"	29.32'	N 42°07'55" W	26.76'
3	20.00'	83°59'51"	29.32'	N 42°07'55" W	26.76'
4	20.00'	96°00'09"	33.51'	N 47°52'05" E	29.73'
5	20.00'	83°59'51"	29.32'	N 42°07'55" W	26.76'
6	20.00'	96°00'09"	33.51'	N 47°52'05" E	29.73'
7	20.00'	83°59'51"	29.32'	N 42°07'55" W	26.76'
8	20.00'	96°00'09"	33.51'	N 47°52'05" E	29.73'
9	20.00'	83°59'51"	29.32'	N 42°07'55" W	26.76'
10	20.00'	96°00'09"	33.51'	N 47°52'05" E	29.73'
11	20.00'	96°00'09"	33.51'	N 47°52'05" E	29.73'
12	20.00'	83°59'51"	29.32'	N 42°07'55" W	26.76'
13	25.00'	96°00'09"	41.89'	N 47°52'05" E	37.16'
14	25.00'	83°59'51"	36.65'	N 42°07'55" W	33.46'
15	20.00'	95°49'21"	33.45'	N 47°57'29" E	29.68'
16	20.00'	84°10'39"	29.38'	N 42°02'31" W	26.81'
17	30.00'	84°10'39"	44.07'	N 42°02'31" W	40.22'
18	20.00'	95°49'21"	33.45'	N 47°57'29" E	29.68'
19	100.00'	21°33'55"	37.64'	N 10°44'09" W	37.42'
20	100.00'	53°09'34"	92.78'	N 48°05'53" W	89.49'
21	100.00'	9°27'10"	16.50'	N 79°24'16" W	16.48'
22	75.00'	84°10'39"	110.19'	N 42°02'31" W	100.54'
23	50.00'	84°10'39"	73.46'	N 42°02'31" W	67.03'

APPROVED:

Ted Lagonogushi
 County Commissioner

Jan 12, 2000
 Date

Thomas E.C. Burn
 County Commissioner

January 12, 2000
 Date

Robert Johnston
 County Commissioner

1-12-2000
 Date

Linda A Stevenson
 County Assessor

1-12-2000
 Date

Paul Linsell
 County Surveyor

12/21/99
 Date

ATTEST:

County Clerk

Date

THE WITHIN PLAT IS HEREBY APPROVED:

Jeffrey S. Jacobs
 City of McMinnville
 Planning Commission Chairman

12-9-99
 Date

Donald E. Schut
 City of McMinnville Surveyor

12-10-99
 Date

STATE OF OREGON)
 COUNTY OF YAMHILL)

Recorded in Official Yamhill County Records
 CHARLES STERN, COUNTY CLERK

66.00
 00025457280000594001
 200000594 11:53:22 AM 01/14/2000
 PR PPR 1 41.89' 2 ANITA
 45.00 10.00 11.00

Pursuant to O.R.S. 92.095. Taxes have been paid or bond posted to date of

1 June 30, 2000

Linda A Stevenson
 Yamhill County Tax Collector

1-12-2000
 Date

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS that we VJ-2 Development, Inc. an Oregon Corporation are the owners of the lands, in fee, and we are developers of the lands represented on the attached map and more particularly described in the Surveyor's Certificate and have caused said lands to be surveyed and platted into lots, street right of ways, park land and easements as shown and noted on the attached map, in accordance with the provisions of the respective O.R.S., and the standards of the City of McMinnville, to be dedicated as "SHADDEN CLAIM SECOND ADDITION". We the undersigned do hereby dedicate for the public use forever all street right of ways, park land and easements for the purposes shown and noted on the attached map.

VJ-2 Development, Inc.

Willie Darnell Jones
 Willie Darnell Jones, President

ACKNOWLEDGMENT

STATE OF OREGON)
) S.S.
 COUNTY OF MARION)

On this 7th day of December, 1999, before me a Notary Public, for the State of Oregon, did personally appear the above named person in the capacity shown in the above Declaration and who is personally known to me to be the identical person described in and who executed the above Declaration freely and voluntarily. Subscribed and sworn to, before me, A Notary Public in and for said State of Oregon.



A subdivision plat consent affidavit by Berjac of Oregon, beneficiary under deed of trust described in Instrument No. 199620927 Deed and Mortgage Records has been executed and recorded in Instrument No. 200000593 of the Deed and Mortgage Records.

PLAT RESTRICTIONS:

Covenants, Conditions and Restrictions affecting this plat are recorded in Instrument No. 199909984, Yamhill County Deed and Mortgage Records.

I hereby certify that this is an exact copy of the original plat.

Clarence E. Barker
 Clarence E. Barker, PLS 636

Received 1-24-2000
 County Surveyor

Exhibit P



LEGEND



BERMS AND BUFFER PLANTINGS

Areas that provide noise and visual buffer through the use of trees, plantings and topography. These areas also serve to define spaces and reinforce circulation routes.



OPEN LAWN AREAS

Areas for both passive and active recreation such as sunbathing, reading, people-watching, running, jumping, playing soccer, tossing a ball or simply socializing. This concept provides a single mid-sized open lawn area surrounded by other park amenities which creates a more intimate feeling space.



PICNIC AREAS

Areas set off the beaten path and shaded by trees where people can share a meal, read a book, people watch, socialize or simply relax and take a break. These areas are located around the perimeter of the park within more private nooks.



SPORT COURT AREAS

Areas dedicated to court to both high intensity activities such as basketball and lower intensity activities such as bocce, tether ball, wall ball or horseshoes. The sports court area is located centrally along the east half of the park to increase the buffer distance between the activities and the adjacent properties.



FITNESS STATIONS

Area containing outdoor exercise equipment attached to a trail system to promote health and fitness. This concept provides small fitness stations along the trail and is meant to serve as the beginning of a system to be expanded upon up and down the entire trail.



PEDESTRIAN CIRCULATION

Consists of perimeter walkways, an existing trail that bisects the park and interior pathways intersecting the various park amenities and providing various loops in the circulation system. The system will provide ADA accessibility to all features within the park.



INCLUSIVE / BARRIER FREE PLAYGROUND

The playground will be designed to provide barrier free play opportunities for kids of all abilities in a sensory rich environment that will stimulate their physical, cognitive and sensory development while also providing a safe and accessible play environment. This playground layout consists of a series of play pods along a linear layout allowing for a variety of play experiences throughout the park. It also allows for pods to be grouped together if appropriate uses together. The space between and integrated into each of the pods also provides opportunities to incorporate trees and landscape plantings resulting in a more naturalized feel and experience.



NATURE THEMED PLAY

Intended to provide non-prescribed imaginative play that may include opportunities such as sand and water play, building and exploration opportunities. This area is located to take advantage of the existing wetland area while providing some separation from more traditional play equipment and safety surfacing that does not hold up to the wear and tear that sand often creates.



RESTROOM

The single occupancy gender neutral restroom that is ADA compliant and accommodates those who may require someone to assist them. The building will also serve as storage for park maintenance equipment. The restroom will be located in a safe and convenient location.



SEATING AND SITE FURNISHINGS

Seating will be distributed throughout the park to provide areas to rest and relax and to take advantage of views. Additional furnishings will include trash receptacles, dog waste stations, picnic tables, game tables, drinking fountains and signage.



Roadway Improvements and Parking

Both NW Meadows Drive and Yohn Ranch Drive will be extended to fill the gaps between the existing property lines. Once completed, "in" these improvements will be public sidewalks, utility extensions and street tree plantings. Parking is anticipated to be allowed along the curb line with dedicated ADA Accessible Parking.



GROUP SHELTER / GAZEBO

A covered shelter located to serve as a hub within the inclusive / barrier free playground and a second smaller group gathering such as family reunions and birthday parties. This shelter is located within close proximity of the playground, but has some separation and also serves the adjacent open lawn area.



0' 30' 60' 90'

NW Neighborhood Park Master Plan
Preliminary Master Plan
April 23, 2015



MacKay + Sposito

Baker Creek

Adventure Series 30386-3

3/20/2017

Exhibit P-1

PlayPros, Inc.

541/914-1357

CCB 140881 RAINBPP941LN



Reverse View

DISCLAIMER

This is example play ground equipment.
Exact equipment, color and configuration
may vary depending on availability.

Play Elements:

- Triple Rail Slide
- Curve Slide
- Bubble Wall Climber
- Clover Climber
- PW Steering Wheel
- Dino Activity Panel
- Turning Bar
- ADA Transfer



Gordon Root, Manager
Baker Creek Development, LLC
Stafford Development Company, LLC
485 S State St
Lake Oswego, OR 97034
April 17, 2017

Re: Baker Creek Development DOCKET NUMBER: AP 1-17

Dear Honorable Mayor and City Councilors:

Baker Creek Development, LLC is proud to present the proposed Baker Creek Planned Development (PD) plat to the City Council for review and approval. This Plat is the culmination of many months of work and intended to achieve the right mix of housing types, open space amenities, and streetscapes to create an affordable, vibrant and livable community that the City will be proud of.

The Baker Creek Planned Development proposes to build 208 new single family detached and 70 apartment dwelling units, part of a larger amended Planned Development consisting of 57.48 acres, which includes earlier completed phases known as “Shadden Claim 1st & 2nd Additions.” While the original subdivision approval has expired, the planned development overlay zone remains, and governs future land use approvals on this land. Therefore, we proposed amending the PD overlay to permit the mix of housing set forth in the chart below in areas of the development referred to as Baker Creek West (“BCW”) and Baker Creek East (“BCE”).

Plat	Lot Type	Lot Size (sq. ft.)	Lot Width (ft.) (Min.)	Side Yard Setback (ft.)	House Width (ft.) (Typ.)
BCE	SFD-70	9,000 (Min.)	70	10	50
BCE	SFD-65	>6,500 (Av.)	65	7.5	50
BCE	SFD-60	>6,000 (Av.)	60	5	50
BCW	SFD-40	4,000 (Min.)	40	5	30
BCW	SFD-32	3,200 (Min.)	32	3	26

The BCE plat consists of 83 single family home lots, with three lot types of sizes ranging generally from 6,000 sq. ft. to 9,000 sq. ft. The BCW plat consists of 125 detached single family home lots, with two small lot types with minimum sizes of 3,200 sq. ft. and 4,000 sq. ft. The small lot homes will be more affordable to a wider range of members of the McMinnville community. In addition, these homes will be within close walking distance of a variety of future commercial services which be sited in the commercial designated land across Baker Creek Road to the North. Baker Creek Development, LLC owns this land, and anticipates the land uses will include a neighborhood market, retail stores, and restaurants. That development is envisioned to also incorporate some multi-family housing targeted to the aging population.

Baker Creek Development has employed the following seven core principles in designing the combined plat:

- Provide a wide range of lot sizes, housing types, and price points,
- Focus on the detached single family residential housing type,
- Provide adequate open space to maximize the outdoor experience for the residents,
- Exceed City off-street parking requirements,
- Avoid “cookie cutter” housing,
- Provide an appropriate transition of housing density, and
- Protect key natural features on the property and incorporate them into the overall community design.

We discuss each of these seven principles in detail below.

Providing a Wide Range of Lot Sizes, Housing Types, and Price Points

Oregon has been a leader in finding ways to develop land more efficiently. As part of this effort, we have seen a move toward a more compact urban form, which incorporates a mix of smaller lot sizes. While all developments have fixed infrastructure costs such as streets, sewer, and water, we can lower the cost to the homebuyer by reducing lot sizes. This is critical for communities such as McMinnville, where more than 1 in 4 households are considered “cost burdened” because they spend more than 30% of their income on housing.

The proposed Baker Creek Planned Development Plat strives to achieve a proper mix and balance between housing size and amenities on the one hand, and affordability on the other. The greater zoning flexibility offered by this Planned Development allows more alternatives in housing types and housing affordability.

Baker Creek Design Philosophy: Preference for Detached Single Family Housing Type.

Study after study has shown that the vast majority of people view detached single-family dwellings as their preferred housing choice, even on smaller, more affordable lots. In recognition of this fact, BCD has specifically designed the Baker Creek PD with this type of housing type in mind. For the proposed BCW Plat, BCD is proposing dwellings that offer the increased privacy and window light offered by detached homes. We believe the McMinnville market will be highly receptive to this housing type, and we expect strong demand for these homes. Their sizes allow them to be more energy-efficient compared to larger residences. BCW incorporates high density residential apartments reaching the absolute broadest housing need demographic, while the overall emphasis of the development remains on detached single-family homes to meet housing preferences identified in studies.

Open Space.

In addition to the abundant existing public park land and open space in the vicinity, BCW proposes over 29,000 sq. ft. of additional active open space:

ACTIVE OPEN SPACE A	10,097 sf
ACTIVE OPEN SPACE B	11,393 sf
TOT LOT/PLAYGROUND	7,516 sf

We propose to improve the Tot Lot with playground equipment, a picnic table, and park bench. The active open space will have flat fields with lawns that can be used for frisbee, football, soccer, and similar sports activities. The development also includes new public walkways and other passive and active open space area in both BCW & BCE as shown on the plans.

Parking.

Parking can also present challenges in compact urban form developments. Baker Creek Development LLC is committed to providing sufficient parking to prevent spillover parking. Each detached single family unit will have four off-street parking spaces minimum. This will include a two car garages and a full depth, 20-foot long driveways, which can accommodate two parked vehicles. Driveways will be paired where feasible in order to maximize on street parking as well. There is more than one on-street space per single family dwelling unit. Overall, we are confident that our design exceeds McMinnville city standards by at least 100%, with the over 1100 new spaces created.

Vibrant Streetscapes: Avoiding “Cookie Cutter” Development Patterns

One of the primary goals of BCW is to avoid the creation of “cookie cutter” housing. We value a thoughtful approach to design that emphasizes community. We seek to create a destination that engages our home buyers and creates a true sense of community. To ensure a visually stimulating and vibrant streetscape, we are committing to the following:

1. We have interspersed two different lot types into BCW plat's design, so that wider lots alternate with 32-foot wide lots. Lots with three-foot side yard setbacks will be adjacent to lots with five-foot setbacks, ensuring a minimum of eight feet between dwelling structures on all lots.
2. The requested flexibility in front yard setbacks on some lots will allow us to design the dwellings with architectural projections, thus staggering the distance homes are set back from neighborhood streets. This will avoid a flat plane between garage face and front building face. The proposed setbacks increase the complexity and aesthetic interest of building elevations.
3. The builder will present to the Planning Director for approval at building permit review a Pattern Book that offers sections on eight (8) elements of the elevations. These elevations will show variation in roof types, gables, dormers, front facades and color packages, trim packages, siding treatment variation (such as board and bat, shingle, lap, and belly bands). Thus, we will far exceed the city's “five finger” rule for streetscape variety.

4. We are supportive of, and will fully implement, Plan Policy 99.10, which requires developers to offer a certain percentage of individual lots to the general public for sale once the tentative plat is approved. This policy is consistent with our business model, and will likely result in increased variety in housing styles.
5. We will establish a homeowners association (HOA) and create Conditions, Covenants, and Restrictions (CC&Rs) that includes an Architectural Review Committee (ARC), which will be tasked with maintaining a supervisory role over housing design and construction long term.

Providing an Appropriate Transition of Housing Density.

One of the most important objectives of this development is the proper integration of housing types to create a smooth transition from existing and proposed adjacent development. For example, the larger lots proposed in Baker Creek East are on the easternmost portion of the site, and form an excellent transition from the golf course located to the east and the Michelbook Meadows subdivision to the South. Moving to the west, the BCE lots transition to medium lots similar to those in the existing adjacent detached home lots of Shadden Claim and the R-2 PD lots of the Cottonwood subdivision. Moving farther west to BCW, we offer small lots consistent with attached duplex/townhomes of Shadden Claim and Cottonwood subdivisions. The transition is complete with the multi-family zoned land in the NW corner of BCW surrounded by commercial land to the north of Baker Creek Rd., the future park to the east, and future school site to the south, an area which provides the most direct access to future public transportation routes.¹

Protecting Key Natural Features on the Property and Incorporating Them into Design.

As a last primary objective, we have designed Baker Creek East around the existing wetlands and tree groves that exist on that property. In this manner, these important natural resources are preserved as open space. In addition to their important ecological functions, we strongly believe that the wetlands and tree groves enhance the value of neighboring properties and provide a focal point which provides a sense of place and connection for the residents of the communities that we build. The street configuration and block sizes have been modified in this Planned Development to avoid impacting these features. Density has been transferred to BCW. Lots are oriented around passive open space and walkways create access to it.

¹ At such time as demand reaches critical mass, Yamhill County Transit Area (“YCTA”) will provide transit stops along NW Baker Creek Road, NW Hill Road.

Conclusion.

We are extremely proud to present this planned development to the City Council for review and approval. We hope that you will find that we have chosen a good mix of lot sizes to meet the housing needs to the community, and will approve this application. We believe strongly that we have designed the development in a manner which both provides an orderly transition from existing neighborhoods as well as necessary open space and off-street parking amenities, while at the same time keeping the housing within the price range which is affordable for the community.

Sincerely,



Gordon Root, Manager
Baker Creek Development, LLC
Stafford Development Company, LLC



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: April 18, 2017
TO: City Council
FROM: Planning Department
SUBJECT: AP 1-17 – Public Notices

Notice of this request was mailed to property owners located within 500 feet of the subject site on March 28, 2017 prior to the City Council public hearing. Notice was published in the April 18, 2017 Edition of the News Register. Below is a list to be included in this attachment:

- Property Owner Notice
- Notification Map
- Vicinity Map
- List of property owners to whom notice was sent
- Published Notice

PUBLIC HEARING NOTICE



NOTICE IS HEREBY GIVEN that the McMinnville City Council will hold a public hearing on the 25th day of April, 2017, at the hour of 7:00 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

APPEAL OF PLANNING COMMISSION DECISION – BAKER CREEK DEVELOPMENT LLC

DOCKET NUMBER: AP 1-17

Baker Creek Development, LLC, is appealing the February 16, 2017, decision of the McMinnville Planning Commission denying Baker Creek Development, LLC's requested zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 9.4 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 23 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. In addition, Baker Creek Development, LLC is appealing the Planning Commission's de-facto denial of a tentative phased subdivision plan on approximately 40 acres of land for development of 213 single-family homes and one multiple-family development due to the denial of the two zone changes. The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville City Council hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville City Council in making a decision.

The City Council's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.51 (Planned Development Overlay), Chapter 17.53 (Land Division Standards), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).
3. The requirements of McMinnville Planned Development Ordinance No. 4626.

The referenced zoning ordinance criteria is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City Council to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours, and is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

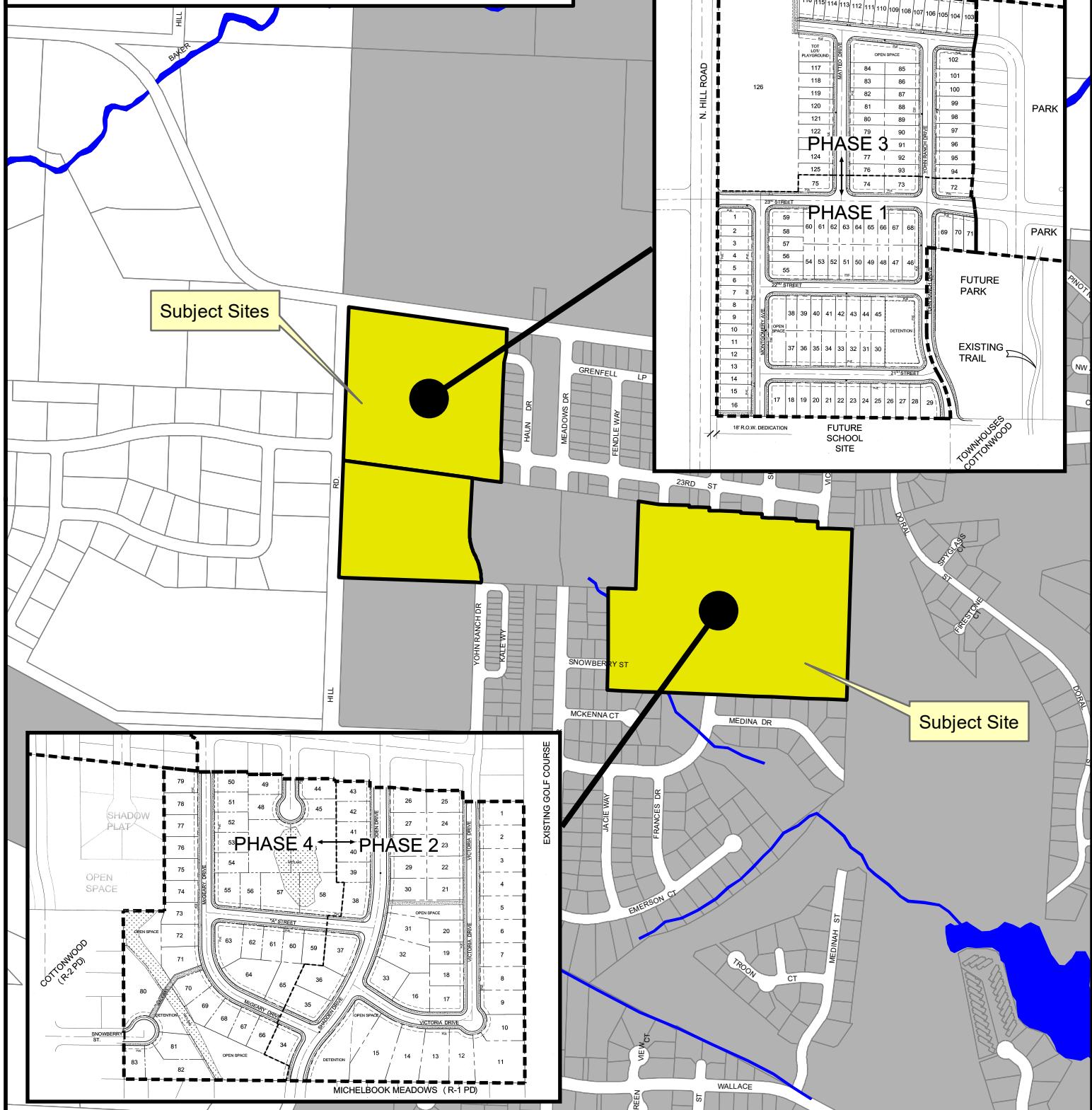
The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.



Heather Richards
Planning Director

(Map of area on back)

Vicinity Map

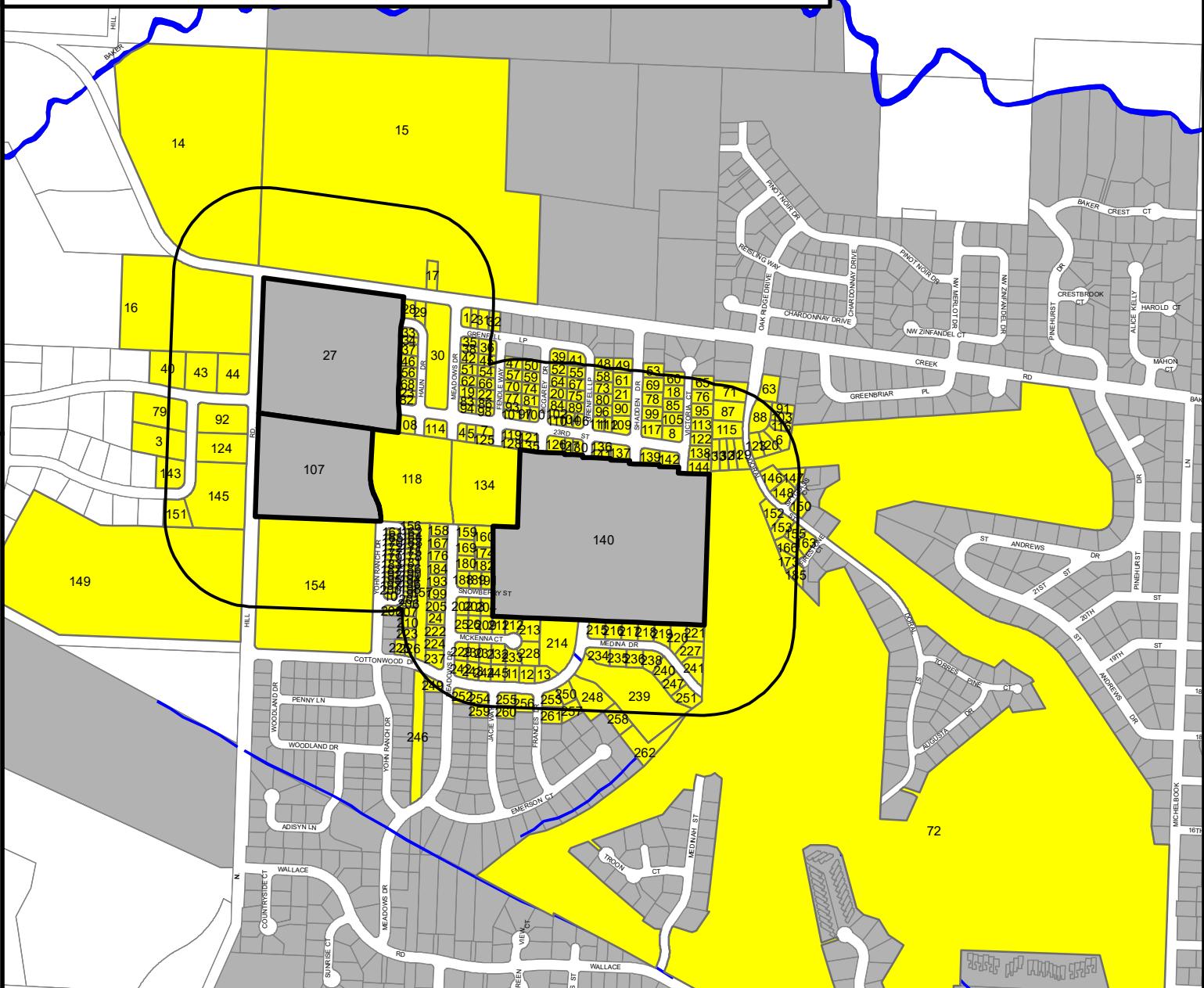


Geographic Information System

500 250 0 500 Feet

**City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7291**

Notification Map



AP 1-17

Baker Creek Development, LLC, is appealing the February 16, 2017, decision of the McMinnville Planning Commission denying Baker Creek Development, LLC's requested zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 9.4 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 23 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. In addition, Baker Creek Development, LLC is appealing the Planning Commission's de-facto denial of a tentative phased subdivision plan on approximately 40 acres of land for development of 213 single-family homes and one multiple-family development due to the denial of the two zone changes.

Recorded Owner:
Baker Creek Development LLC
485 S State Street
Lake Oswego, OR 97034



APPROVED BY: PLANNING COMMISSION
CITY COUNCIL

ATTESTED TO BY: _____

1,000 500 0 1,000 Feet



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

Map. No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4418AD07800	2412 NW MEADOWS DR	LEHDE JOHN	LEHDE VIRGINIA G	1015 E 4TH ST	YAMHILL OR	97148
2	R4418AD07700	1865 NW GRENFELL LOOP	FISHER CHARLES	FISHER CHARLES E	1865 NW GRENFELL LP	MCMINNVILLE OR	97128
3	R4418B 03300	2145 SW HOMER ROSS LP	SPENCER KORY	SPENCER CHRISTEANA D	1271 NE HWY 99W #449	MCMINNVILLE OR	97128
4	R4418AD10700	1866 NW 23RD ST	HAYES ROSALEE	HAYES REGINALD F & ROSALEE FAMILY TRUST	1866 NW 23RD ST	MCMINNVILLE OR	97128
5	R4418AD10600	1860 NW 23RD ST	BRENDLE THOMAS	BRENDLE SHELLEY M	1860 NW 23RD ST	MCMINNVILLE OR	97128
6	R4417BC02508	2184 NW DORAL ST	DUNCAN JEANETTE	DUNCAN FAMILY TRUST U/A/D JUNE 1992	2184 NW DORAL ST	MCMINNVILLE OR	97128
7	R4418AD10500	2291 NW FENDLE WAY	BROOKS JACK	BROOKS JEAN	2291 NW FENDLE WAY	MCMINNVILLE OR	97128
8	R4418AD02700	1655 NW 23RD ST	PETERSON KEVEN	PETERSON HELEN	1655 NW 23RD ST	MCMINNVILLE OR	97128
9	R4418DB12111	1926 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
0	R4418DB12137	1920 NW YOHN RANCH DR	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
11	R4418DB08600	1789 NW COTTONWOOD DR	RUDEN BRIAN	RUDEN AMY	1947 NW WOODLAND DR	MCMINNVILLE OR	97128
12	R4418DA05600	1771 NW COTTONWOOD DR	JENKINS JENNIFER	JENKINS JENNIFER L	1771 NW COTTONWOOD DR	MCMINNVILLE OR	97128
13	R4418DA05500	1733 NW COTTONWOOD DR	HOFSTETTER PETER	HOFSTETTER CHRISTINA H	1733 NW COTTONWOOD DR	MCMINNVILLE OR	97128
14	R4418 01700		CAN ENTERPRISES	CAN ENTERPRISES LLC	PO BOX 778	NEWBERG OR	97132
15	R4418 00100	1755 NW BAKER CREEK RD	BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034
16	R4418 01200	11105 NW BAKER CREEK RD	DRAPER DENNIS	DRAPER FAMILY TRUST	11105 BAKER CREEK RD	MCMINNVILLE OR	97128
17	R4418 00101	1901 NW BAKER CREEK RD	MCMINNVILLE CITY	% WATER & LIGHT COMMISSION	PO BOX 638	MCMINNVILLE OR	97128
18	R4418AD03000	2357 NW VICTORIA CT	KJELLAND JAMES	KJELLAND JUDI J	2357 NW VICTORIA CT	MCMINNVILLE OR	97128
19	R4418AD08400	2332 NW MEADOWS DR	GARVEY ROBERT	GARVEY MARLENE D	2332 NW MEADOWS DR	MCMINNVILLE OR	97128
20	R4418AD05800	2338 NW MCGAREY DR	BUSH KAREN	BUSH KAREN M	2338 NW MCGAREY DR	MCMINNVILLE OR	97128
21	R4418AD01500	2341 NW SHADDEN DR	RONER DONALD	RONER DONALD	2341 NW SHADDEN DR	MCMINNVILLE OR	97128
22	R4418AD08900	2331 NW FENDLE WAY	ANDERSON EVA	ANDERSON EVA L	2331 NW FENDLE WY	MCMINNVILLE OR	97128
23	R4418AD11800	2321 NW HAUN DR	BENTON DONALD	BENTON DONALD A & COLLENE R JT RLT	2313 NW HAUN DR	MCMINNVILLE OR	97128
24	R4418DB11200	1917 NW MEADOWS DR	SCHOLER ANDREW	SCHOLER AMY P	1917 NW MEADOWS DR	MCMINNVILLE OR	97128
25	R4418DB07600	1843 NW MCKENNA CT	SMITH JESSE	SMITH AMBER	1843 NW MCKENNA CT	MCMINNVILLE OR	97128
26	R4418DB07700	1835 NW MCKENNA CT	VOGT ALEXANDER	VOGT KERI L	1835 NW MCKENNA CT	MCMINNVILLE OR	97128
28	R4418AD11100	1921 NW HAUN DR	HOLMES LOGAN	HOLMES CORISSA N	1921 NW HAUN DR	MCMINNVILLE OR	97128
29	R4418AD11000	1903 NW HAUN DR	DRULINER LARRY	DRULINER BARBARA	1903 NW HAUN DR	MCMINNVILLE OR	97128
30	R4418AD10900		MCMINNVILLE CITY	MCMINNVILLE CITY OF	230 NE 2ND ST	MCMINNVILLE OR	97128
31	R4418AD07600	1857 NW GRENFELL LOOP	HOWLETT ROGER	HOWLETT JOINT TRUST	1857 NW GRENFELL LP	MCMINNVILLE OR	97128
32	R4418AD07500	1845 NW GRENFELL LOOP	SOTO FLORENCE	SOTO LESLIE L (WROS)	1845 NW GRENFELL LP	MCMINNVILLE OR	97128
33	R4418AD11200	1918 NW HAUN DR	LONG KRISTEN	LONG KRISTEN	625 ESKATON CR #343	GRASS VALLEY CA	95945
34	R4418AD11300	2391 NW HAUN DR	LONG KRISTEN	LONG KRISTEN	625 ESKATON CR #343	GRASS VALLEY CA	95945

Date Sent 3/28/17
 Sent By SP

Map. No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
35	R4418AD07900	2390 NW MEADOWS DR	HENSEL ETHELINDA	HENSEL ETHELINDA	PO BOX 810	GASTON OR	97119
36	R4418AD09300	2387 NW FENDLE WAY	JOHNSON SCOTT	JOHNSON DOLORES A	2387 NW FENDLE WY	MCMINNVILLE OR	97128
37	R4418AD11400	2379 NW HAUN DR	THESSIN WILLIAM	MURRAY CAROLE J	2379 NW HAUN DR	MCMINNVILLE OR	97128
38	R4418AD08000	2384 NW MEADOWS DR	HENSEL ETHELINDA	HENSEL ETHELINDA	PO BOX 810	GASTON OR	97119
39	R4418AD05500	2384 NW MCGAREY DR	VILJAK INGRID	VILJACK ESTHER FAMILY TRUST	PO BOX 190	SHERIDAN OR	97378
40	R4418B 01100	2175 SW WEST WIND DR	BOWMAN MARVIN	BOWMAN MARVIN S	13875 SW 158TH TERRACE	TIGARD OR	97224
41	R4418AD05400	2381 NW GRENFELL LOOP	WEINREB MARY	WEINREB MARY MARGARET (WROS)	2381 NW GRENFELL LP	MCMINNVILLE OR	97128
42	R4418AD08100	2372 NW MEADOWS DR	RANGBAR FARHAD	RANGBAR FARHAD SALAH	390 NW MT BACHELOR ST	MCMINNVILLE OR	97128
43	R4418B 01200	2145 SW WEST WIND DR	ROGERS MARIA	ROGERS MARIA	2145 NW WEST WIND DR	MCMINNVILLE OR	97128
44	R4418B 01300	2115 SW WEST WIND DR	SCHLOTFELDT JAMES	SCHLOTFELDT KATHY B	PO BOX 1797	MCMINNVILLE OR	97128
45	R4418AD09200	2377 NW FENDLE WAY	DOTY LAWRENCE	DOTY DEVRI D REVOC LIVING TRUST 1/2	1707 NW DOTY LN	MCMINNVILLE OR	97128
46	R4418AD11500	2361 NW HAUN DR	WILTON WILLIAM	WILTON WILLIAM S	2361 NW HAUN DR	MCMINNVILLE OR	97128
47	R4418AD09600	2376 NW FENDLE WAY	RICHARDS R	RICHARDS ALTHEA REVOCABLE TRUST	2376 NW FENDLE WY	MCMINNVILLE OR	97128
48	R4418AD00700	2376 NW GRENFELL LOOP	CECHOVIC MICHAEL	CECHOVIC MICHAEL R	PO BOX 415	ENTERPRISE OR	97828
49	R4418AD01700	2371 NW SHADDEN DR	DELARBRE MATHIEU	DELARBRE JESSIE A	2371 NW SHADDEN DR	MCMINNVILLE OR	97128
50	R4418AD06900	2373 NW MCGAREY DR	HALL AMBER	HALL AMBER N	2373 NW MCGAREY DR	MCMINNVILLE OR	97128
51	R4418AD08200	2360 NW MEADOWS DR	ACKER ELEANOR	ACKER ELEANOR N	2360 NW MEADOWS DR	MCMINNVILLE OR	97128
52	R4418AD05600	2374 NW MCGAREY DR	CRAIG PATRICIA	AVENDANO NAOMI M	2374 NW MCGAREY DR	MCMINNVILLE OR	97128
53	R4418AD02200	2364 NW SHADDEN DR	THOMPSON JAMES	THOMPSON PAMELA G	2364 NW SHADDEN DR	MCMINNVILLE OR	97128
54	R4418AD09100	2359 NW FENDLE WAY	BARTSCH ALBERT	BARTSCH DIANE L	2359 NW FENDLE WY	MCMINNVILLE OR	97128
55	R4418AD05300	2363 NW GRENFELL LOOP	MARTINEZ JOSE	MARTINEZ BERTHA	2340 NW GRENFELL LP	MCMINNVILLE OR	97128
56	R4418AD11600	2349 NW HAUN DR	GRISWOLD JEAN	GRISWOLD JEAN E TRUST	123 NE 35TH ST	NEWPORT OR	97365
57	R4418AD09700	2358 NW FENDLE WAY	TOWNSEND NANCY	TOWNSEND NANCY M	2358 NW FENDLE WY	MCMINNVILLE OR	97128
58	R4418AD00800	2360 NW GRENFELL LOOP	JUSTICE SAMUEL	JUSTICE SUSAN R	2360 NW GRENFELL LP	MCMINNVILLE OR	97128
59	R4418AD06800	2355 NW MCGAREY DR	FRENCH NEVA	FRENCH NEVA R	2355 NW MCGAREY DR	MCMINNVILLE OR	97128
60	R4418AD03100	2369 NW VICTORIA CT	CROWDIS EDWARD	CROWDIS KELLIE J	2369 NW VICTORIA CT	MCMINNVILLE OR	97128
61	R4418AD01600	2359 NW SHADDEN DR	SUTTON ROBERT	SUTTON MINDY G	2359 NW SHADDEN DR	MCMINNVILLE OR	97128
62	R4418AD08300	2348 NW MEADOWS DR	TIEDGE JOHN	TIEDGE FAUN	2243 NW DORAL ST	MCMINNVILLE OR	97128
63	R4417BC02503	2242 NW DORAL ST	HANEY WILLIAM	HANEY BARBARA A	PO BOX 1303	MCMINNVILLE OR	97128
64	R4418AD05700	2354 NW MCGAREY DR	REDMOND TIMOTHY	REDMOND TIMOTHY H	2354 NW MCGAREY DR	MCMINNVILLE OR	97128
65	R4418AD03700	2362 NW VICTORIA CT	CRAWFORD STEPHEN	CRAWFORD DEBORA	2362 NW VICTORIA CT	MCMINNVILLE OR	97128
66	R4418AD09000	2347 NW FENDLE WAY	KEARNS SEQUOYAH	KEARNS SEQUOYAH J	2347 NW FENDLE WY	MCMINNVILLE OR	97128
67	R4418AD05200	2355 NW GRENFELL LOOP	BUCHHOLZ LESLIE	BUCHHOLZ JUDITH E	2355 NW GRENFELL LP	MCMINNVILLE OR	97128

Date Sent 3/28/17
 Sent By SD

Map. No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
68	R4418AD11700	2335 NW HAUN DR	YEO RICHARD	YEO RICHARD & CARLA LIVING TRUST	PO BOX 534	YAMHILL OR	97148
69	R4418AD02300	2350 NW SHADDEN DR	ENNIS JAMES	ENNIS ELIZABETH J	2350 NW SHADDEN DR	MCMINNVILLE OR	97128
70	R4418AD09800	2346 NW FENDLE WAY	WARREN WILLIAM	WARREN KATHLEEN M	2346 NW FENDLE WY	MCMINNVILLE OR	97128
71	R4417BC02602	2243 NW DORAL ST	TIEDGE JOHN	TIEDGE FAUN	2243 NW DORAL ST	MCMINNVILLE OR	97128
72	R4417 01400	1301 NW MICHELBOOK LN	MICHELBOOK ESTATES	MICHELBOOK ESTATES INC	1301 NW MICHELBOOK LANE	MCMINNVILLE OR	97128
73	R4418AD00900	2352 NW GRENFELL LOOP	SOMERSHOE LEWIS	SOMERSHOE BEVERLY	2352 NW GRENFELL LP	MCMINNVILLE OR	97128
74	R4418AD06700	2345 NW MCGAREY DR	WILLIUS SANDRA	WILLIUS MARC A (WROS)	PO BOX 1364	MCMINNVILLE OR	97128
75	R4418AD05100	2343 NW GRENFELL LOOP	ZEEB MICHAEL	ZEEB LEELA	2343 NW GRENFELL LP	MCMINNVILLE OR	97128
76	R4418AD03800	2348 NW VICTORIA CT	KING DARRELL	KING LUCY G	2348 NW VICTORIA CT	MCMINNVILLE OR	97128
77	R4418AD09900	2328 NW FENDLE WAY	LENO RANDALL	HOOPER NORIEDA B	2328 NW FENDLE WY	MCMINNVILLE OR	97128
78	R4418AD02400	2334 NW SHADDEN DR	SKINNER KENNETH	SKINNER FLORANCE A	2334 NW SHADDEN DR	MCMINNVILLE OR	97128
79	R4418B 03400	2200 SW WEST WIND DR	CAREY STEVEN	CAREY RHONDA A	2200 NW WEST WIND DR	MCMINNVILLE OR	97128
80	R4418AD01000	2340 NW GRENFELL LOOP	SANCHEZ BERTHA	SANCHEZ BERTHA A	2340 NW GRENFELL LP	MCMINNVILLE OR	97128
81	R4418AD06600	2325 NW MCGAREY DR	GARVEY LISA	GARVEY LISA A	2325 NW MCGAREY DR	MCMINNVILLE OR	97128
82	R4418AD11900	2313 NW HAUN DR	BENTON DONALD	BENTON DONALD A & COLLENE R JT RLT	2313 NW HAUN DR	MCMINNVILLE OR	97128
83	R4418AD08500	2320 NW MEADOWS DR	HARMES JENNIFER	HARMES JENNIFER L	2320 NW MEADOWS DR	MCMINNVILLE OR	97128
84	R4418AD05900	2320 NW MCGAREY DR	DREYER VERNON	DREYER TARLENE J	2320 NW MCGAREY DR	MCMINNVILLE OR	97128
85	R4418AD02900	2339 NW VICTORIA CT	EWERT STEVEN	EWERT LANE A J	2339 NW VICTORIA CT	MCMINNVILLE OR	97128
86	R4418AD08800	2317 NW FENDLE WAY	CADINHA LINDA	C/O LINDA BONA	19701 NE TRUNK RD	DUNDEE OR	97115
87	R4417BC02603	2221 NW DORAL ST	JACOBS ARTHUR	JACOBS PATRICIA A	2221 NW DORAL ST	MCMINNVILLE OR	97128
88	R4417BC02504	2224 NW DORAL ST	CALDWELL STEPHEN	CALDWELL LESLIE A	2224 NW DORAL ST	MCMINNVILLE OR	97128
89	R4418AD05000	2321 NW GRENFELL LOOP	HANSON RUTH	HANSON RUTH L	2321 NW GRENFELL LP	MCMINNVILLE OR	97128
90	R4418AD01400	2323 NW SHADDEN DR	JELLISON NANCY	JELLISON NANCY L	2323 NW SHADDEN DR	MCMINNVILLE OR	97128
91	R4417BC02505	2216 NW DORAL ST	BURNETT HERMAN	BURNETT HERMAN & SHIRLEY TRUST	2216 NW DORAL ST	MCMINNVILLE OR	97128
92	R4418B 01400		JORGENSEN GARY	JORGENSEN LINDA	6483 N HAZEL	FRESNO CA	93711
93	R4418AD10000	2318 NW FENDLE WAY	CRONIN DONALD	CRONIN DONALD M TRUST	4375 SE WHITESON RD	MCMINNVILLE OR	97128
94	R4418AD08600	2314 NW MEADOWS DR	VICE TIMOTHY	GARCIA HOLLY P	2314 NW MEADOWS DR	MCMINNVILLE OR	97128
95	R4418AD03900	2332 NW VICTORIA CT	SMITH JEFFREY	SMITH JEFFREY A	2332 NW VICTORIA CT	MCMINNVILLE OR	97128
96	R4418AD01100	2322 NW GRENFELL LOOP	CARLETON LARRY	CARLETON MERIKO A	3609 W 8TH ST	THE DALLES OR	97058
97	R4418AD06400	1815 NW 23RD ST	FAX J	FAX LIVING TRUST	13955 NW WILLIS RD	MCMINNVILLE OR	97128
98	R4418AD08700	2313 NW FENDLE WAY	CADINHA LINDA	C/O LINDA BONA	19701 NE TRUNK RD	DUNDEE OR	97115
99	R4418AD02500	2318 NW SHADDEN DR	BISHOP EDWIN	BISHOP TANYA C	2318 NW SHADDEN DR	MCMINNVILLE OR	97128
100	R4418AD06500	1809 NW 23RD ST	FAX J	FAX LIVING TRUST	13955 NW WILLIS RD	MCMINNVILLE OR	97128

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101	R4418AD10100	2310 NW FENDLE WAY	BRANDT GREGORY	BRANDT REBECCA L	2310 NW FENDLE WAY	MCMINNVILLE OR	97128
102	R4418AD06000	1775 NW 23RD ST	LONG PAUL	LONG PAUL V	29380 NE OWLS LN	NEWBERG OR	97132
103	R4417BC02507	2200 NW DORAL ST	BERRY ARLYS	BERRY ARLYS FAMILY TRUST	2200 DORAL ST	MCMINNVILLE OR	97128
104	R4418AD04900	1751 NW 23RD ST	DK RENTALS	DK RENTALS LLC	PO BOX 164	YAKUTAT AK	99689
105	R4418AD02800	2327 NW VICTORIA CT	GOLDBERG MICHAEL	GOLDBERG M & HARTNETT K REVOCABLE TRUST	2327 NW VICTORIA CT	MCMINNVILLE OR	97128
106	R4418AD04901	1749 NW 23RD ST	DK RENTALS	DK RENTALS LLC	PO BOX 164	YAHUTAT AK	99689
108	R4418AD12000	1906 NW 23RD ST	SEMON WAYNE	SEMON MELVA	2293 NW HAUN DR	MCMINNVILLE OR	97128
109	R4418AD01300	2305 NW SHADDEN DR	UTT SARAH	UTT SARAH J	2305 NW SHADDEN DR	MCMINNVILLE OR	97128
110	R4418AD06001	2312 NW MCGAREY DR	HOWLAND PETER	HOWLAND PETER M LIVING TRUST	1775 NW 23RD ST	MCMINNVILLE OR	97128
11	R4418AD01200	2300 NW GRENFELL LOOP	HAAS MELVIN	HAAS MELVIN & PATRICIA A TRUST	2300 NW GRENFELL LP	MCMINNVILLE OR	97128
112	R4418AD01201	1723 NW 23RD ST	EFRAIMSON DANIEL	EFRAIMSON DANIEL J	3627 NW 24TH CIRCLE	CAMAS WA	98607
113	R4418AD04000	2320 NW VICTORIA CT	WHINERY DELBERT	DELBERT D & MARY J REVOC LIVING TRUST	2320 NW VICTORIA CT	MCMINNVILLE OR	97128
114	R4418AD10800		MCMINNVILLE CITY	MCMINNVILLE CITY OF	230 NE 2ND ST	MCMINNVILLE OR	97128
115	R4417BC02604	2205 NW DORAL ST	MAAHS KENNETH	MAAHS KENNETH H & HOLLY JO	2205 DORAL ST	MCMINNVILLE OR	97128
116	R4417BC02507	2200 NW DORAL ST	BERRY ARLYS	BERRY ARLYS FAMILY TRUST	2200 DORAL ST	MCMINNVILLE OR	97128
117	R4418AD02600	2304 NW SHADDEN DR	FARLEY SHANE	FARLEY MELISSA A	2304 NW SHADDEN DR	MCMINNVILLE OR	97128
118	R4418 00202		MCMINNVILLE CITY	MCMINNVILLE CITY OF	230 NE 2ND ST	MCMINNVILLE OR	97128
119	R4418AD10200	1828 NW 23RD ST	CHRISTIE JORDAN	CHRISTIE KATHRYN L	2290 NW FENDLE WY	MCMINNVILLE OR	97128
120	R4417BC02510	2168 NW DORAL ST	KIRKLAND GREG	KIRKLAND LANA L	1212 NW TORRES PINE CT	MCMINNVILLE OR	97128
121	R4418AD06300	2293 NW MCGAREY DR	COLLIER FRANCES	COLLIER FRANCES J REVOCABLE LIVING TRUST	2632 NW PINEHURST DR	MCMINNVILLE OR	97128
122	R4418AD04100	2308 NW VICTORIA CT	REPPETO JOHN	REPPETO MILDRED	2308 NW VICTORIA CT	MCMINNVILLE OR	97128
123	R4417BC02511	2160 NW DORAL ST	SCOWDEN ROLAND	C/O SHANNON ORLANDO	22301 NE FRYER HILL RD	DUNDEE OR	97115
124	R4418B 01500	2120 SW HOMER ROSS LP	KNIGHT BRUCE	KNIGHT BRUCE R	PO BOX 1538	SHERWOOD OR	97140
125	R4418AD10400	2283 NW FENDLE WAY	BELDING SHERRY	BELDING SHERRY A	2283 NW FENDLE WY	MCMINNVILLE OR	97128
126	R4418AD06100	2288 NW MCGAREY DR	COLLIER FRANCES	COLLIER FRANCES J REVOC LIVING TRUST	2632 NW PINEHURST DR	MCMINNVILLE OR	97128
127	R4418AD04800	2287 NW MAHALA WAY	CHAPMAN KIMBRE	CHAPMAN KIMBRE K	1754 NW 23RD ST	MCMINNVILLE OR	97128
128	R4418AD10300	2280 NW FENDLE WAY	CHILDRESS DAVID	CHILDRESS DEBORAH M	2280 NW FENDLE WAY	MCMINNVILLE OR	97128
129	R4417BC02608		STRONG CHARLES	STRONG CHARLES W	2181 DORAL ST	MCMINNVILLE OR	97128
130	R4418AD04801	1754 NW 23RD ST	ROBBINS THERESA	ROBBINS THERESA L	2287 NW MAHALA WAY	MCMINNVILLE OR	97128
131	R4417BC02607	2181 NW DORAL ST	STRONG CHARLES	KERNBERGER KATHERINE	2181 NW DORAL ST	MCMINNVILLE OR	97128
132	R4417BC02606	2189 NW DORAL ST	CLARK CURRY	CLARK CURRY R	2189 NW DORAL ST	MCMINNVILLE OR	97128
133	R4417BC02605	2195 NW DORAL ST	JOHNSTON BOB	JOHNSTON NELLIE M	2195 NW DORAL ST	MCMINNVILLE OR	97128
134	R4418 00204		VJ2 DEVELOPMENT	VJ2 DEVELOPMENT INC	695 COMMERCIAL ST SE STE 006	SALEM OR	97301

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135	R4418AD06200	2285 NW MCGAREY DR	AMH 2014-2	AMH 2014-2 BORROWER LLC	30601 AGOURA RD SUITE 200	AGOURA HILLS CA	91301
136	R4418AD04700	2296 NW MAHALA WAY	YEO RICHARD	YEO RICHARD & CARLA LIVNG TRUST	PO BOX 534	YAMHILL OR	97148
137	R4418AD04600	2285 NW SHADDEN DR	HUDSON STEPHEN	HUDSON KERRIE E	2285 NW SHADDEN DR	MCMINNVILLE OR	97128
138	R4418AD04200	2290 NW VICTORIA DR	SHERMAN MARK	SHERMAN MARK A	PO BOX 483	MCMINNVILLE OR	97128
139	R4418AD04500	1676 NW 23RD ST	HARRIS WAYNE	HARRIS LINDA A	1676 NW 23RD ST	MCMINNVILLE OR	97128
141	R4418AD04701	2278 NW MAHALA WAY	YEO RICHARD	YEO RICHARD & CARLA LIVNG TRUST	PO BOX 534	YAMHILL OR	97148
142	R4418AD04400	1652 NW 23RD ST	HOMERES DANIEL	HOMERES CONNIE L	1652 NW 23RD ST	MCMINNVILLE OR	97128
143	R4418B 03200	2175 SW HOMER ROSS LP	SEMPH JAMES	SEMPH JEAN L	2175 SW HOMER ROSS LP	MCMINNVILLE OR	97128
144	R4418AD04300	2278 NW VICTORIA DR	SCHROY AUDREY	C/O SANDRA FERGUSON	1713 EVERGREEN CT	DAVIS CA	95618
45	R4418B 01600	2150 SW HOMER ROSS LP	ABRAMS MARALYNN	ABRAMS MARALYNN	12477 BAKER CREEK RD	MCMINNVILLE OR	97128
146	R4417BC02700	2136 NW DORAL ST	MOORE ROSEMARY	MOORE ROSEMARY REVOCABLE LIVING TRUST	2136 NW DORAL ST	MCMINNVILLE OR	97128
147	R4417BC03000	1451 NW SPYGLASS CT	MILLER JAMES	MILLER SUSAN K	1451 NW SPYGLASS CT	MCMINNVILLE OR	97128
148	R4417BC02900	2110 NW DORAL ST	RUSSELL MARYALICE	RUSSELL JAMES	2110 NW DORAL ST	MCMINNVILLE OR	97128
149	R4418 01001		BROSIUS SCOTT	BROSIUS JENNIFER A FAMILY TRUST 1/2	1780 NW TROON CT	MCMINNVILLE OR	97128
150	R4417BC03400	2070 NW DORAL ST	JENSEN ANNA	FIDEL NORMA A	2070 NW DORAL ST	MCMINNVILLE OR	97128
151	R4418B 01700	2180 SW HOMER ROSS LP	RODEWALD SUSAN	BOUTWELL KAY	2180 SW HOMER ROSS LP	MCMINNVILLE OR	97128
152	R4417BC03700	2089 NW DORAL ST	ANDERSON DAVID	ANDERSON FULVIA D	2089 NW DORAL ST	MCMINNVILLE OR	97128
153	R4417BC03800	2075 NW DORAL ST	LUNT ROBERT	LUNT FAMILY TRUST	2075 NW DORAL ST	MCMINNVILLE OR	97128
154	R4418 00300		MCMINNVILLE SCHOOL	MCMINNVILLE SCHOOL DISTRICT NO 40	1500 NE BAKER ST	MCMINNVILLE OR	97128
155	R4417BC03900	2059 NW DORAL ST	SCHULMAN ROBERT	SCHULMAN ROBERT M	2059 NW DORAL ST	MCMINNVILLE OR	97128
156	R4418DB12124	2098 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
157	R4418DB12000		THE PUBLIC	THE PUBLIC	1341 NW GREEN VIEW CT	MCMINNVILLE OR	97128
158	R4418DB11900	2071 NW MEADOWS DR	ARNETT CHRISROPHER	ARNETT TRACEY A	1050 33RD PL	FOREST GROVE OR	97116
159	R4418DB07200	2076 NW MEADOWS DR	KAUSCH JENNIFER	KAUSCH JENNIFER M	2076 NW MEADOWS DR	MCMINNVILLE OR	97128
160	R4418DB06400	2068 NW MEADOWS DR	SCARLA NICHOLAS	TURNIDGE TARA J WROS	2068 NW MEADOWS DR	MCMINNVILLE OR	97128
161	R4418DB12125	2080 NW YOHN RANCH DR	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
162	R4418DB12123	2088 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
163	R4417BC04000	1451 NW FIRESTONE CT	KERN JOHN	ATTN KERN JEANETTE E	1451 NW FIRESTONE CT	MCMINNVILLE OR	97128
164	R4418DB12122	2068 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
165	R4418DB12126	2066 NW YOHN RANCH DR	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
166	R4417BC04100	1463 NW FIRESTONE CT	CRENSHAW SHIRLEY	CRENSHAW SHIRLEY J REVOC LIVING TRUST	1463 NW FIRESTONE CT	MCMINNVILLE OR	97128
167	R4418DB11800	2059 NW MEADOWS DR	WALES DANIEL	WALES JAMNIAN P	2059 NW MEADOWS DR	MCMINNVILLE OR	97128
168	R4418DB12121	2062 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128

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169	R4418DB07100	2044 NW MEADOWS DR	PROBASCO PRESTON	PROBASCO CYNTHIA C	2044 NW MEADOWS DR	MCMINNVILLE OR	97128
170	R4418DB12127	2058 NW YOHN RANCH DR	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
171	R4418DB12120	2054 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
172	R4418DB12128	2050 NW YOHN RANCH DR	MURRELL BRENT	MURRELL BRENT	2050 NW YOHN RANCH RD	MCMINNVILLE OR	97128
173	R4417BC04200	1473 NW FIRESTONE CT	ELLIOTT JAMES	ELLIOTT JAMES M	1473 NW FIRESTONE CT	MCMINNVILLE OR	97128
174	R4418DB06500	2036 NW MEADOWS DR	SMITH GREGORY	SMITH GREGORY A	2036 NW MEADOWS DR	MCMINNVILLE OR	97128
175	R4418DB12119	2046 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
176	R4418DB11700	2037 NW MEADOWS DR	HAMILTON ROBERT	HAMILTON ROBERT D	2037 NW MEADOWS DR	MCMINNVILLE OR	97128
177	R4418DB12129	2036 NW YOHN RANCH DR	COTTONWOOD 1	COTTONWOOD 1 LLC	PO BOX 570	MCMINNVILLE OR	97128
78	R4418DB12118	2034 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
179	R4418DB12130	2030 NW YOHN RANCH DR	MCLAUGHLIN KIMBERLY	MCLAUGHLIN KIMBERLY	2030 NW YOHN RANCH DR	MCMINNVILLE OR	97128
180	R4418DB07000	2022 NW MEADOWS DR	SEEHAWER LYLE	SEEHAWER FAMILY TRUST	2022 NW MEADOWS DR	MCMINNVILLE OR	97128
181	R4418DB12117	2022 NW KALE WAY	STAEBLER TODD	STAEBLER MELANIE A	2022 NW KALE WAY	MCMINNVILLE OR	97128
182	R4418DB06600	2024 NW MEADOWS DR	BROWN NANCY	BROWN NANCY E	2024 NW MEADOWS DR	MCMINNVILLE OR	97128
183	R4418DB12131	2014 NE YOHN RANCH DR	COTTONWOOD SECOND	HOMEOWNERS ASSOCIATION	PO BOX 570	MCMINNVILLE OR	97128
184	R4418DB11600	2015 NW MEADOWS DR	BERGUM BRENT	BERGUM ANNA E	2015 NW MEADOWS DR	MCMINNVILLE OR	97128
185	R4417BC04300	1484 NW FIRESTONE CT	NELLIS NORMA	NELLIS NORMA E TRUST	1484 NW FIRESTONE CT	MCMINNVILLE OR	97128
186	R4418DB12116	2006 NW KALE WAY	PULLEN CONSTANCE	PULLEN WILLIAM K	1631 NW ELM ST	MCMINNVILLE OR	97128
187	R4418DB12132	2000 NW YOHN RANCH DR	MITCHELL GREGORY	MITCHELL STEPHANIE M	PO BOX 1127	MCMINNVILLE OR	97128
188	R4418DB06900	1841 NW SNOWBERRY ST	WILSON CHARLES	WILSON CHARLES R JR	1841 NW SNOWBERRY ST	MCMINNVILLE OR	97128
189	R4418DB06800	1833 NW SNOWBERRY ST	DEWITT JOANNE	DEWITT JOANNE G	1833 NW SNOWBERRY ST	MCMINNVILLE OR	97128
190	R4418DB12115	1998 NW KALE WAY	RUDEN ALAN	RUDEN JUDY A	PO BOX 570	MCMINNVILLE OR	97128
191	R4418DB06700	1825 NW SNOWBERRY ST	DURAND LORI	DURAND LORI M	1825 NW SNOWBERRY ST	MCMINNVILLE OR	97128
192	R4418DB12133	1994 NW YOHN RANCH DR	COTTONWOOD I	COTTONWOOD I LLC	PO BOX 570	MCMINNVILLE OR	97128
193	R4418DB11500	1973 NW MEADOWS DR	SPIDAL TIMOTHY	SPIDAL NATALIE C	1973 NW MEADOWS DR	MCMINNVILLE OR	97128
194	R4418DB12114	1988 NW KALE WAY	ARZNER RYAN	ARZNER RYAN	450 SW FLEISHAUER LN	MCMINNVILLE OR	97128
195	R4418DB12134	1970 NW YOHN RANCH DR	HABERLY SALLY	HABERLY SALLY	1970 YOHN RANCH DR	MCMINNVILLE OR	97128
196	R4418DB12113	1966 NW KALE WAY	RUDEN ALAN	RUDEN JUDY A	PO BOX 570	MCMINNVILLE OR	97128
197	R4418DB12135	1952 NW YOHN RANCH DR	CALLIGAN RANDY	CALLIGAN RANDY M	1952 NW YOHN RANCH DR	MCMINNVILLE OR	97128
198	R4418DB12112	1942 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
199	R4418DB11400	1951 NW MEADOWS DR	TERRAMARK PROPERTIES	TERRAMARK PROPERTIES LLC	PO BOX 694	MCMINNVILLE OR	97128
200	R4418DB12136	1936 NW YOHN RANCH DR	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
201	R4418DB12110	1916 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128

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202	R4418DB07500	1840 NW SNOWBERRY ST	NEWHOUSE LLOYD	NEWHOUSE REBECCA N	1840 NW SNOWBERRY ST	MCMINNVILLE OR	97128
203	R4418DB07400	1832 NW SNOWBERRY ST	WILSON TIMOTHY	WILSON DENISE C	1832 NW SNOWBERRY ST	MCMINNVILLE OR	97128
204	R4418DB07300	1824 NW SNOWBERRY ST	SMITH KATHERINE	SMITH KATHERINE J	1824 NW SNOWBERRY ST	MCMINNVILLE OR	97128
205	R4418DB11300	1939 NW MEADOWS DR	BRADY NEIL	BRADY-MCCOLLUM FAMILY TRUST	1939 NW MEADOWS DR	MCMINNVILLE OR	97128
206	R4418DB12109	1912 NW KALE WAY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
207	R4418DB12108	1904 NW KALE WAY	ROBINS KELLY	ROBINS KELLY L	1904 NW KALE WAY	MCMINNVILLE OR	97128
208	R4418DB12107	1894 NW YOHN RANCH DR	GODEL MARC	ROCHA ARTURO (WROS)	1894 NW YOHN RANCH DR	MCMINNVILLE OR	97128
209	R4418DB07800	1827 NW MCKENNA CT	SCHICK MICHAEL	SCHICK MICHAEL O & NANCY K REVOC TRUST	1827 NW MCKENNA CT	MCMINNVILLE OR	97128
210	R4418DB12105	1864 NW YOHN RANCH DR	GREEN SCOTT	GREEN MISTY	1864 NW YOHN RANCH DR	MCMINNVILLE OR	97128
11	R4418DA00300	1799 NW MCKENNA CT	SAPUNAR JAY	SAPUNAR MYRNA J	1799 NW MCKENNA CT	MCMINNVILLE OR	97128
212	R4418DA00200	1787 NW MCKENNA CT	FOSTER JUNE	FOSTER FAMILY TRUST OF 1991	1787 NW MCKENNA CT	MCMINNVILLE OR	97128
213	R4418DA00100	1775 NW MCKENNA CT	ALBING SANDRA	ALBING BERTIL	1775 NW MCKENNA CT	MCMINNVILLE OR	97128
214	R4418DA05400		MICHELBOOK MEADOWS	MICHELBOOK MEADOWS HOMEOWNERS ASSOC	1947 NW WOODLAND DR	MCMINNVILLE OR	97128
215	R4418DA05300	1699 NW MEDINA DR	DOHREN DAVID	DOHREN JUDITH L	1699 NW MEDINA DR	MCMINNVILLE OR	97128
216	R4418DA05200	1689 NW MEDINAH DR	DRICKEY RONALD	DRICKEY NANCY A REVOCABLE TRUST 50%	1689 NW MEDINAH DR	MCMINNVILLE OR	97128
217	R4418DA05100	1683 NW MEDINA DR	BISHOP ALEXIS	STERN ZACHARY J	1683 NW MEDINAH DR	MCMINNVILLE OR	97128
218	R4418DA05000	1679 NW MEDINA DR	FREEMAN MICHAEL	FREEMAN GRETCHEN L	1679 NW MEDINA DR	MCMINNVILLE OR	97128
219	R4418DA04900	1675 NW MEDINA DR	AYALA RUBEN	AYALA JEANNE	1675 NW MEDINAH DR	MCMINNVILLE OR	97128
220	R4418DA04800	1669 NW MEDINA DR	GISS STEVEN	GISS ROBYN R	1669 NW MEDINAH DR	MCMINNVILLE OR	97128
221	R4418DA04700	1667 NW MEDINA DR	RYAN MATSON	RYAN MATSON INC	PO BOX 514	MCMINNVILLE OR	97128
222	R4418DB11100	1875 NW MEADOWS DR	YODER LARRY	YODER YVONNE K	1875 NW MEADOWS DR	MCMINNVILLE OR	97128
223	R4418DB12104	1852 NW YOHN RANCH DR	NEWTON THOMAS	NEWTON TEAUNA B	1852 NW YOHN RANCH DR	MCMINNVILLE OR	97128
224	R4418DB11000	1843 NW MEADOWS DR	TERRAMARK PROPERTIES	TERRAMARK PROPERTIES LLC	PO BOX 694	MCMINNVILLE OR	97128
225	R4418DB12101	1909 NW COTTONWOOD DR	WILLIS DANIEL	WILLIS ELISE	1909 NW COTTONWOOD DR	MCMINNVILLE OR	97128
226	R4418DB12100	1901 NW COTTONWOOD DR	FRAZEE LARRY	KUEHN-FRAZEE LORETTA F	1901 NW COTTONWOOD DR	MCMINNVILLE OR	97128
227	R4418DA04600	1663 NW MEDINA DR	GIGENA MANUEL	GIGENA FAMILY REVOCABLE LIVING TRUST THE	7629 OLYMPIC PKWY	SYLVANIA OH	43560
228	R4418DA00600	1772 NW MCKENNA CT	CRAIN MICHAEL	CRAIN REVOCABLE TRUST NO 1 12/20/2005	1772 NW MCKENNA CT	MCMINNVILLE OR	97128
229	R4418DB08100	1842 NW MCKENNA CT	DOWNEY JAMES	DOWNEY JAMES W	1842 NW MCKENNA CT	MCMINNVILLE OR	97128
230	R4418DB08000	1834 NW MCKENNA CT	LONG VONNIE	LONG BRENT M	1834 NW MCKENNA CT	MCMINNVILLE OR	97128
231	R4418DB07900	1826 NW MCKENNA CT	LARSON GARY	LARSON TERRI	1826 NW MCKENNA CT	MCMINNVILLE OR	97128
232	R4418DA00400	1792 NW MCKENNA CT	DAVIS CAROL	DAVIS CAROL L	1792 NW MCKENNA CT	MCMINNVILLE OR	97128
233	R4418DA00500	1780 NW MCKENNA CT	HINOJOSA DE	HINOJOSA DE LA GARZA SALVADOR G	1780 NW MCKENNA CT	MCMINNVILLE OR	97128
234	R4418DA03800	1694 NW MEDINA DR	BELL RICHARD	BELL JANIE R	1694 NW MEDINA DR	MCMINNVILLE OR	97128

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235	R4418DA03900	1686 NW MEDINA DR	KAMPH JOHN	KAMPH VIVIAN M	1311 NW GREENBRIAR PL	MCMINNVILLE OR	97128
236	R4418DA04000	1680 NW MEDINA DR	ROBERTS DAVID	ROBERTS DAVID L & WANDA L REV LIV TRUST	1680 NW MEDINA DR	MCMINNVILLE OR	97128
237	R4418DB10900	1821 NW MEADOWS DR	RUDEN BRIAN	RUDEN AMY	1688 NW EMERSON CT	MCMINNVILLE OR	97128
238	R4418DA04100	1670 NW MEDINA DR	PONS FRANK	PONS CAROLYNE E	1670 NW MEDINA DR	MCMINNVILLE OR	97128
239	R4418DA03700		MICHELBOOK MEADOWS	MICHELBOOK MEADOWS HOMEOWNERS ASSOC	1947 NW WOODLAND DR	MCMINNVILLE OR	97128
240	R4418DA04200	1666 NW MEDINA DR	SORENSEN RICHARD	SORENSEN RICHARD & PATRICIA TRUST	1666 NW MEDINA DR	MCMINNVILLE OR	97128
241	R4418DA04500	1661 NW MEDINA DR	GRIFFIN BRETT	GRIFFIN KATHRYN T	1661 NW MEDINAH DR	MCMINNVILLE OR	97128
242	R4418DB08200	1841 NW COTTONWOOD DR	KELLY DIMITRI	TERRA SANDRA E L	1841 NW COTTONWOOD DR	MCMINNVILLE OR	97128
243	R4418DB08300	1833 NW COTTONWOOD DR	KIRBY TIMOTHY	GORREMANS ANNIE (WROS)	1833 NW COTTONWOOD DR	MCMINNVILLE OR	97128
44	R4418DB08400	1825 NW COTTONWOOD DR	VERA OLIVER	VERA YANIRA E	1825 NW COTTONWOOD DR	MCMINNVILLE OR	97128
245	R4418DB08500	1797 NW COTTONWOOD DR	MABEN CHARLES	MABEN CHRISTIE L	1797 NW COTTONWOOD DR	MCMINNVILLE OR	97128
246	R4418DB12200		THE PUBLIC	THE PUBLIC	1341 NW GREEN VIEW CT	MCMINNVILLE OR	97128
247	R4418DA04300	1658 NW MEDINA DR	SORENSEN RICHARD	SORENSEN RICHARD & PATRICIA LIVING TRUST	1666 NW MEDINAH DR	MCMINNVILLE OR	97128
248	R4418DA03600		MICHELBOOK MEADOWS	MICHELBOOK MEADOWS HOMEOWNERS ASSOC	1947 NW WOODLAND DR	MCMINNVILLE OR	97128
249	R4418DB10800	1872 NW COTTONWOOD DR	JONES GREGORY	JONES GREGORY R	1872 NW COTTONWOOD DR	MCMINNVILLE OR	97128
250	R4418DA03200	1710 NW COTTONWOOD DR	MCIRVIN RYAN	MCIRVIN COLLEEN H	1710 NW COTTONWOOD DR	MCMINNVILLE OR	97128
251	R4418DA04400	1654 NW MEDINA DR	EMRANI SHAHAB	EMRANI SHAHAB & CATHERINE 2006 TRUST	1654 NW MEDINA DR	MCMINNVILLE OR	97128
252	R4418DB09700	1760 NW MEADOWS DR	COSTE SEAN	COSTE SARAH C	1760 NW MEADOWS DR	MCMINNVILLE OR	97128
253	R4418DA03100	1760 NW FRANCIS DR	GOWEN ROBERT	GOWEN FAMILY TRUST	1760 NW FRANCIS DR	MCMINNVILLE OR	97128
254	R4418DB09600	1769 NW JACIE WY	FIRTH TAMERA	COSGROVE DEBORAH K (WROS)	1769 NW JACIE WY	MCMINNVILLE OR	97128
255	R4418DB08700	1762 NW JACIE WAY	LIU YI	SUN SHAOYU	6850 SNOWDEN CT	FREDERICK MD	21703
256	R4418DA05700	1766 NW COTTONWOOD DR	OMELIA BARBARA	STALRIT JAY S	1766 NW COTTONWOOD DR	MCMINNVILLE OR	97128
257	R4418DA03300	1750 NW FRANCIS DR	FRISON MATTHEW	LOOP-FRISON AMIE M	1750 NW FRANCIS DR	MCMINNVILLE OR	97128
258	R4418DA02200	1677 NW EMERSON CT	WARK AMY	WARK WILLIAM L JR	1685 NW EMERSON CT	MCMINNVILLE OR	97128
259	R4418DB09500	1757 NW JACIE WAY	NELSON TARA	NELSON TARA M	1757 NW JACIE WY	MCMINNVILLE OR	97128
260	R4418DB08800	1758 NW JACIE WAY	LUO XIAOYUE	LUO XIAOYUE	1758 NW JACIE WY	MCMINNVILLE OR	97128
261	R4418DA03000	1754 NW FRANCIS DR	FRITZ GREG	FRITZ GREG	1759 NW FRANCIS DR	MCMINNVILLE OR	97128
262	R4418DA02100	1674 NW EMERSON CT	RUDEN ALAN	RUDEN JUDY A	PO BOX 570	MCMINNVILLE OR	97128
Owner	R4418 00205		BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034
Owner	R4418 00200		BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034
Owner	R4418 00203		BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034

Date Sent 3/28/17
 Sent By SP
 306

NOTICE

Planning Commission

NOTICE IS HEREBY GIVEN that the McMinnville City Council will hold a public hearing on the 25th day of April, 2017, at the hour of 7:00 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

APPEAL OF PLANNING COMMISSION DECISION – BAKER CREEK DEVELOPMENT LLC

DOCKET NUMBER: AP 1-17

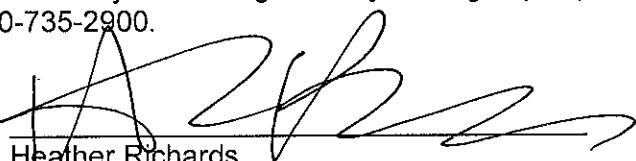
Baker Creek Development, LLC, is appealing the February 16, 2017, decision of the McMinnville Planning Commission denying Baker Creek Development, LLC's requested zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet, or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. In addition, Baker Creek Development, LLC is appealing the Planning Commission's de-facto denial of a tentative phased subdivision plan on approximately 40 acres of land for development of 213 single-family homes and one multiple-family development due to the denial of the two zone changes. The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville City Council hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE Fifth Street, McMinnville, Oregon, during working hours, and on the City of McMinnville website at www.mcminnvilleoregon.gov.

For additional information please contact Ron Pomeroy, Principal Planner, at the above address, or by phone at (503) 434-7330.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.



Heather Richards
Planning Director

Publish in the Tuesday, April 18, 2017, *News Register*



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: April 18, 2017
TO: City Council
FROM: Planning Department
SUBJECT: AP 1-17 – Public Testimony

Prior to the City Council Public Hearing (AP 1-17)

Notice of this request was mailed to property owners located within 500 feet of the subject site on March 28, 2017 prior to the City Council public hearing. As of the date this report was written one (1) letter and one (1) email have been received:

- Letter – David & Carol StLouis, dated April 14, 2017, and received by the Planning Department on April 17, 2017.
- Email – Larry Yoder, dated April 17, 2017, and received by the Planning Department on April 18, 2017.

April 14, 2017

Heather Richards
Planning Director
City of McMinnville Planning Department
231 NE Fifth Street
McMinnville, OR 97128



RE: Baker Creek Development Appeal
Docket AP 1-17

Dear Ms. Richards:

We are providing the following comments relative to the applicant's appeal of the Planning Commission's February 16, 2017 decision. Our comments are specific to Baker Creek West (BCW):

1. The applicant has emphasized parking available in the planned double garages. We all know that many of these garages, particularly at smaller, more affordable homes, will not be used for parking, but for additional living space, kid's play areas, storage and other uses.
2. The planned fifteen-foot driveways are too short to accommodate many vehicles, including pickup trucks, without the vehicle hanging over the sidewalk.
3. Under the Westside Development Policies of the Comprehensive Plan, Section 71.09 reads "**The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use**".

The proposed BCW development is clearly an **urban** development in the midst of existing **suburban** development and is distant from the city center and existing urban services.

4. Section 71.10, Subsection 4 requires considering planned or existing public transit. There is no existing public transit to this area and Yamhill County Transit Authority has no plans to expand bus service along Hill and Baker Creek Roads.
5. Section 71.10, Subsection 5 requires considering the **distance to neighborhood or general commercial centers**. There are no existing or proposed neighborhood or general commercial centers in this area. The applicant has emphasized the commercially-zoned parcel, that at best, may have a filling

station and convenience market and possibly a small office complex. **There are no walkable shopping areas within miles.**

At the February 16, 2017 Planning Commission Meeting, Chair Roger Hall mentioned that millennials prefer smaller homes and properties. **Millennials also demand the ability to walk to services--including groceries, postal, food, drink and entertainment. None of these will exist in this area.**

In closing, this is the wrong development for this area of McMinnville and the decision and direction to the applicant by the Planning Commission should be upheld by the Council.

Sincerely,



David StLouis



Carol StLouis

From: yoderville@juno.com
To: [Melissa Grace](#)
Subject: public hearing 4/25/17
Date: Monday, April 17, 2017 8:30:17 PM

Melissa,

I wanted to be at the council meeting next Tuesday but am called out of town so would like to submit a written testimony for the record.

April 17, 2017

To the City Council:

I am responding to the public hearing on the Baker Creek Development topic scheduled for the meeting on 4/25/17. I wish to support the decision of the planning commission opposing this application.

I am fully aware that this land will be developed and I am not speaking in opposition to the topic of whether the land should be developed or not. I am totally opposed to the use of such small lots and the greatly reduced setbacks. As has been stated at the Planning Commission meeting, the smaller lots generate many problems that very few of us would want to live with. First of all is the parking problem. With smaller houses comes more need for the garages to be used as a storage unit. This means cars must be parked in driveways and on the streets. With smaller lots there is less street frontage for cars to be parked on the street which leads to an increase of poor visibility and child safety becomes an issue. This also means more children playing in the street because there is no yard to play in. The reduced setbacks reduces landscaping options which is a major contributor to the livability of McMinnville. The reduced setbacks makes the side of the lots less usable and lends to the increased storage of collections that will lead to code enforcement violations.

None of us want to see our City become a bedroom community and the use of such small lots only contributes to residents caring less about their investment in their residence because they have less to care for.

I recently moved to this area of town and in visiting with my neighbors I have yet to find one who is in favor of the smaller lots and setbacks. They all feel that this will have a negative impact on the area. I believe there is a much better way of establishing affordable housing in town than just reducing lot size and cramming more people into a small area. This only benefits the developer and not the community. Please keep the lot sizes larger and the setbacks more reasonable.

Thank you

Larry Yoder
1875 NW Meadows Dr.
McMinnville, Or.



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Ron Pomeroy, Principal Planner
SUBJECT: **Ordinance No. 5021 – AP 1-17** (Appeal of Planning Commission denial of ZC 1-16, ZC 2-16 and S 3-16, Baker Creek Development Zone Change, Planned Development Amendment and Tentative Subdivision Plan)

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is the consideration of Ordinance No. 5021 (Attachment A to this Staff Report), an ordinance approving a zone change, planned development amendment and tentative subdivision plan for Baker Creek Development, as an appeal of the Planning Commission's denial of these land-use applications.

On February 16, 2017, the McMinnville Planning Commission voted to recommend to the McMinnville City Council that the Baker Creek Development LLC application for a zone change (ZC 1-16), planned development amendment (ZC 2-16) and tentative subdivision plan (S 3-16) be denied. Which, per the McMinnville Zoning Ordinance, Section 17.72.130(5)(b) halts any further proceedings on the application unless the applicant chooses to appeal the Planning Commission decision to the City Council. On March 13, 2017, the applicant filed an appeal of the Planning Commission decision.

Per the McMinnville Zoning Ordinance, Section 17.72.180, if an appeal is filed, the City Council shall hold a public hearing on the appeal. The public hearing is considered a "de novo" hearing and affords the applicant the right to submit new evidence and argument and to raise new issues to the City Council for consideration.

However, Baker Creek Development, LLC chose to keep their proposal essentially the same making a few adjustments to address the concerns that they heard from the Planning Commission and the public who opposed the proposal during the Planning Commission public hearing.

This staff report will outline those concerns, the basis for the Planning Commission vote to recommend denial, and the changes that Baker Creek Development, LLC made to address those concerns.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C – February 16, 2017 Planning Commission Minutes

Planning staff recommended approval of the applications to the Planning Commission based upon the fact that, with the proposed Conditions of Approval, the applications met the goals and policies of the McMinnville Comprehensive Plan and the code criteria of the McMinnville Zoning Ordinance. (Please see Attachment B to this staff report for the February 16, 2017 Planning Commission staff report). Planning staff still recommends approval of the applications and subsequently the appeal for the same reasons. Staff's evaluation and "The Findings of Fact, Conclusionary Findings and Conditions of Approval are all outlined in Exhibit A of Ordinance No. 5021 as the draft Decision Document for the City Council to consider. The Applicant's application, supplemental materials and the public testimony received are also outlined in Exhibit A of Ordinance 5021 as attachments to the Decision Document.

Background:

Summary of Process: Baker Creek Development, LLC, submitted an application on August 29, 2016, requesting approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet, or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. Concurrently, the applicant also requested approval of a tentative phased subdivision plan on approximately 40 acres of land that, if approved, would provide for the construction of 213 single-family homes and one multiple-family development. The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

These applications were submitted as one overall package and were deemed complete by the Planning Department on September 29, 2016.

Since this was a significant new development in McMinnville, property owner notices were sent to property owners within a 1000' radius of the proposed site.

The first public hearing before the McMinnville Planning Commission was held on November 17, 2016. As new substantive information had been submitted to the Planning Department by the applicant prior to the November 17th public meeting, the hearing was opened and immediately continued to the December 15, 2016 Planning Commission meeting to afford sufficient time for staff and the public to review the material prior to the issuance of a staff report and findings document and prior to the receipt of oral testimony. Unfortunately, due to inclement weather, the Commission's December 15th public meeting was cancelled and rescheduled for January 19, 2017. At the January 19th meeting, the Commission conducted a public hearing on this proposal and elected to close the public hearing but keep the written record open until 5:00 p.m. February 2, 2017 for receipt of additional written testimony. The applicant provided their written rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. At their meeting on February 16, 2017, the Planning Commission deliberated and voted unanimously to recommend denial of the applicant's proposal. Specifically, the Planning Commission voted to deny ZC 1-16 and ZC 2-16 including the proposed amendment of Planned Development Ordinance No. 4626. This action by the Planning Commission was also a de-facto denial of the tentative phased subdivision plan S 3-16. Following this denial decision, an appeal period was provided until 5:00 p.m., March 13, 2017. The applicant filed an appeal of the Planning Commission's denial on March 13, 2017.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

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Summary of Testimony and Commission Action - The land use proposal submitted by Baker Creek Development, LLC, that was publicly reviewed and denied by the McMinnville Planning Commission on February 16, 2017 was, essentially, for the purpose of developing 44.36 acres of vacant land with 213 single-family detached residences and 65 apartment units. This development was proposed to occur within an existing 26.8 acre Planned Development boundary that was requested to be expanded by an additional 30.83 acres to accommodate the proposed development.

Much of the public testimony received concerned the adequacy of public facilities to serve the new development – ie storm drainage and future potential transportation impacts on the surrounding street network. Per Oregon state law, all cities must plan for the infrastructure needed to support full development of all land within the urban growth boundary, so transportation, wastewater and water infrastructure had all been adequately planned in advance to support the proposed development, including the appropriate mechanisms to pay for the increased capacity needed. For those infrastructure needs that were not already addressed in the City's twenty-year public facility plans, conditions of approval were drafted and included in the Decision Document to address those specific concerns.

There were additional common themes evident in testimony that related to questions of density of housing, size of lots, housing types proposed, and adequate provision of pedestrian connections, parks and open space. Recommended conditions of approval in the Decision Document reflected some of those concerns by requiring the provision of an additional private mini-park to be located in the more dense western portion of the proposed development, and by requiring a variety of housing design such that no same home design could be built adjacent to another, including both sides of the street. An additional recommended condition also required the creation of a Pattern Book for residential design addressing the quality and type of exterior materials, front porches and entry areas for each residence, as well as sample exterior colors, and design details for roof materials and exterior doors and windows to help ensure the quality of neighborhood development that McMinnville enjoys.

There was also significant testimony relative to social justice issues, such as assumed income levels that the development would attract, home ownership versus rental properties, and police capacity to respond to potential issues associated with the development. These are social issues and not typically codified by land –use regulations.

Following the receipt of all testimony, the Planning Commission's comments prior to their denial of the proposal noted that the application requested several variances on standard zoning requirements relative to lot size and yard setbacks as part of the planned development amendment, and that, on balance, failed to warrant the requested departure from these standard zoning requirements with additional value-added amenities in the neighborhood and community. Although Planning Commissioners did not cite specific code criteria for their denial they did indicate their concerns with the lot sizes, off-street and on-street parking, open space, and pedestrian connectivity. (Please see the minutes from the February 16, 2017, Planning Commission meeting as Attachment C to this staff report.) Comments shared by the Commission were reflected in the February 24, 2017, Planning Commission decision letter informing the applicant of the Commission's denial of their application stating:

“The Planning Commission determined that your application failed to meet the purpose of a Planned Development as described in Section 17.51.010 of the McMinnville Zoning Ordinance. Specifically, the Commission found that the proposal failed to facilitate a

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C –February 16, 2017 Planning Commission Minutes

desirable aesthetic and efficient use of open space, to create sufficient private common open spaces, to use a creative approach in land development, and to demonstrate special objectives which the proposal would satisfy. Therefore, the Commission determined that the proposal did not meet the necessary criteria in Section 17.51.030(C) and did not warrant a departure from the standard regulation requirements."

However, significantly, Section 17.51.010 of the McMinnville Zoning Ordinance is a purpose statement and not specific code criteria used to evaluate proposals. It is reflective of the intent of the code and should be used for context in which to apply code criteria. But when the proposal is evaluated against the code criteria of the McMinnville Zoning Ordinance and the goals and policies of the McMinnville Comprehensive Plan it is compliant with the specific criteria of a zone change, and planned development amendment. (Please see the Decision Document Conclusionary Findings, Exhibit A of Ordinance No. 5021 – Attachment A to this staff report).

Discussion:

As this appeal action establishes a de novo hearing before the Council, the applicant has utilized the opportunity to modify the proposal to respond to the Planning Commission concerns and the public testimony in opposition to the project. This staff report and the Decision Document presented as Exhibit A of Ordinance No. 5021 address the modified proposal provided as part of the appeal application.

Hearing the overall prevailing concern about the need for more open space, the applicant added two new mini-parks to the western portion of the development. They have also illustrated how off-street parking is accommodated and meets the criteria of off-street parking in the McMinnville Zoning Ordinance in the same manner as every other residential development in McMinnville. Additionally, the applicant has provided more information about the targeted demographics that the project will serve, as well as several representative housing products to alleviate concerns of quality product.

This appeal by Baker Creek Development, LLC, of the Planning Commission's denial referenced above seeks approval of a zone change from EF-80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.61 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. A table provided below summarizes the requested setback adjustments. Concurrently, the applicant is requesting approval of a modified tentative four-phase residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 208 single-family homes and the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units on a total of 44.36 acres of land.

This staff report will provide a high-level synopsis of the application and more detailed information can be found in the Decision Document.

The graphics provided below illustrate the existing zoning designations of the subject site and surrounding area and the resulting zoning pattern should the Council uphold the applicant's appeal and approved the requested zone changes.

Attachments:

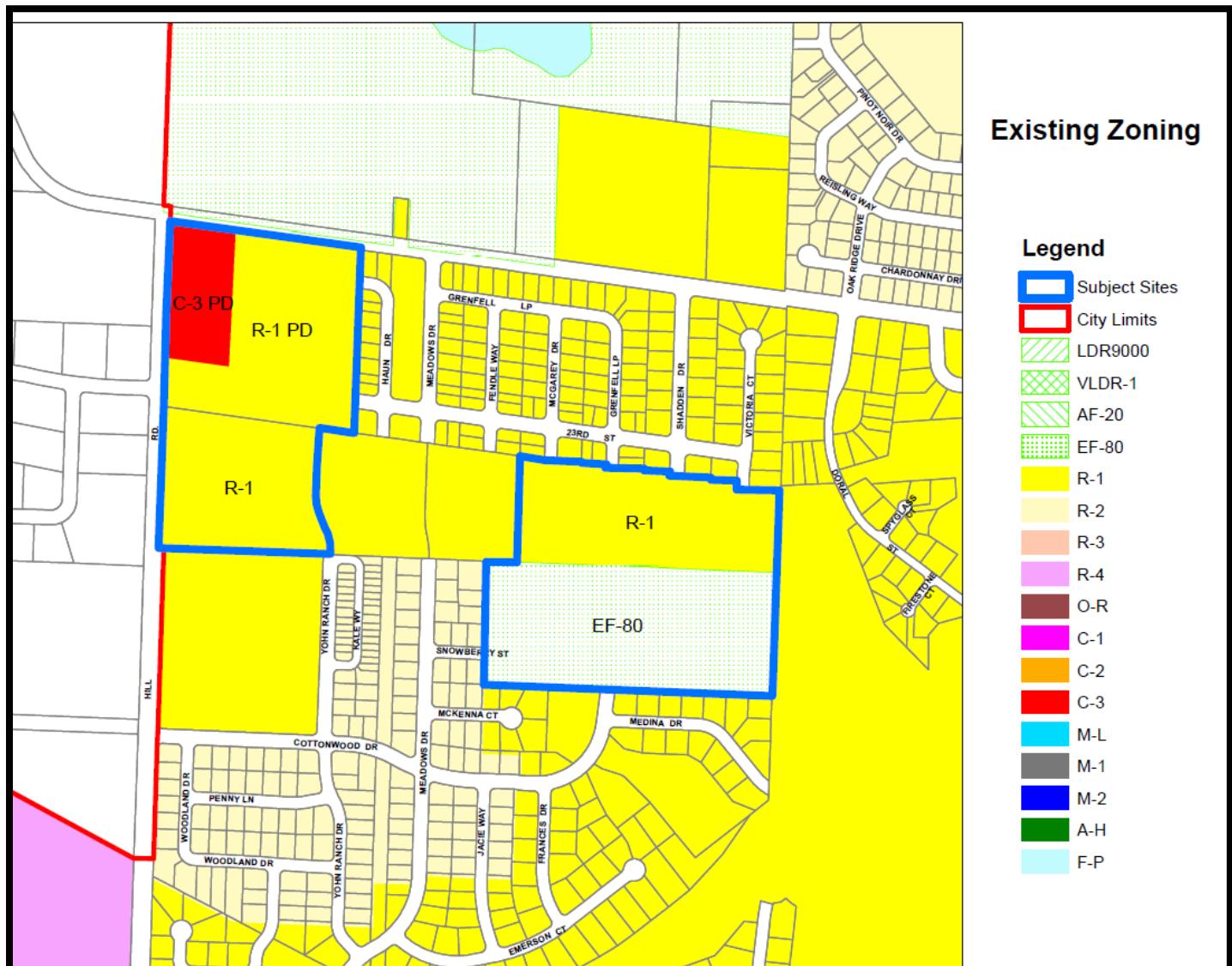
Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C –February 16, 2017 Planning Commission Minutes

Current Zoning


Attachments:

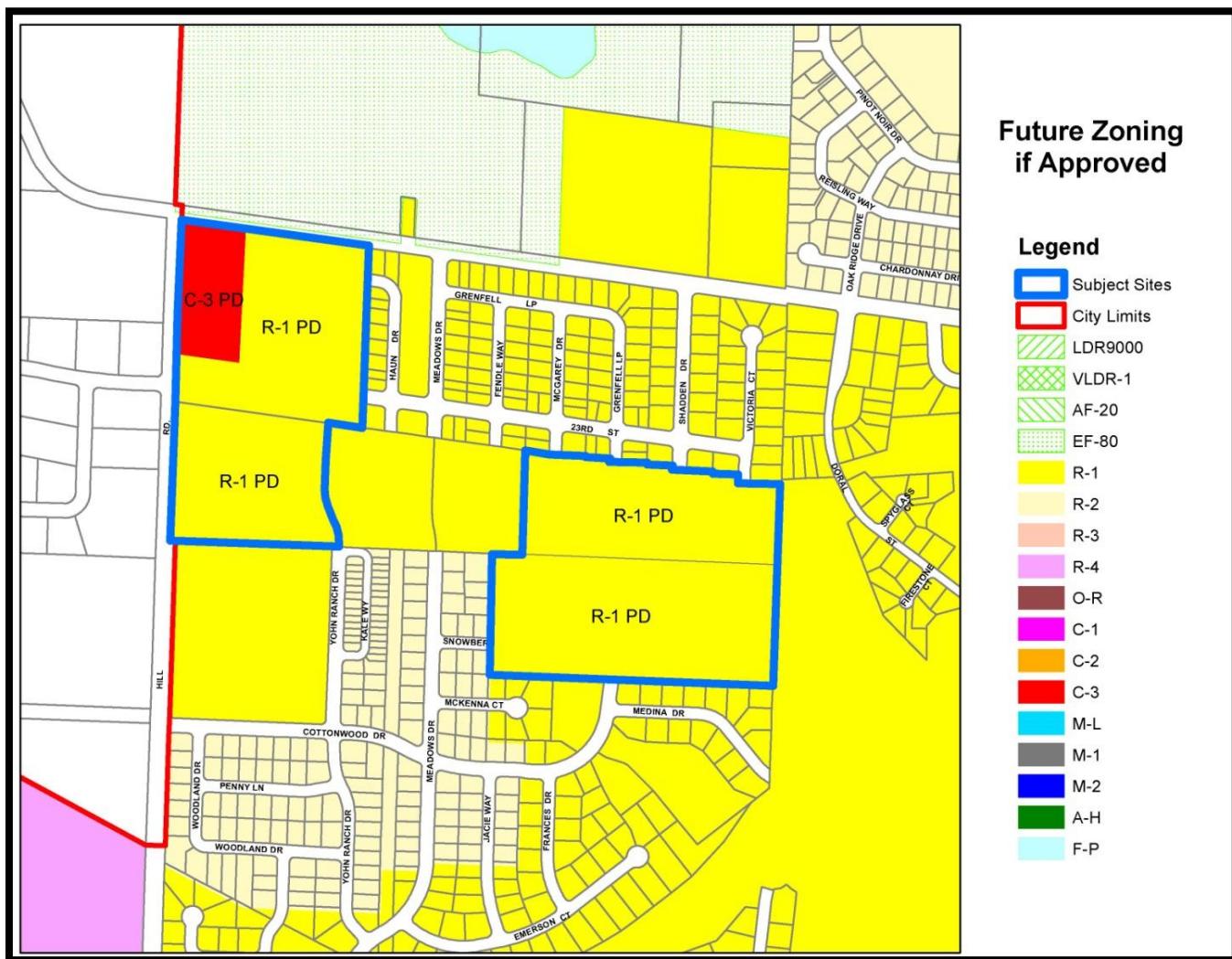
Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C –February 16, 2017 Planning Commission Minutes

Future Zoning if Approved



The applicant is also proposing to amend the existing planned development ordinance (Ordinance 4626) that currently governs a portion of the area proposed for residential development in a number of ways including an expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above. The two areas to be added to the existing planned development overlay are shown in the graphic below and identified as 7.82 acres in size and 23.01 acres in size (totaling 30.83 acres); this graphic is also identified as Exhibit F in the applicant's submittal.

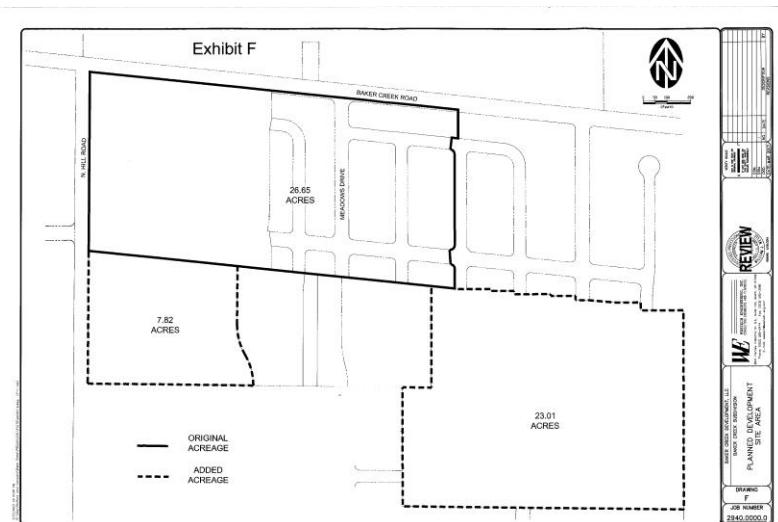
Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

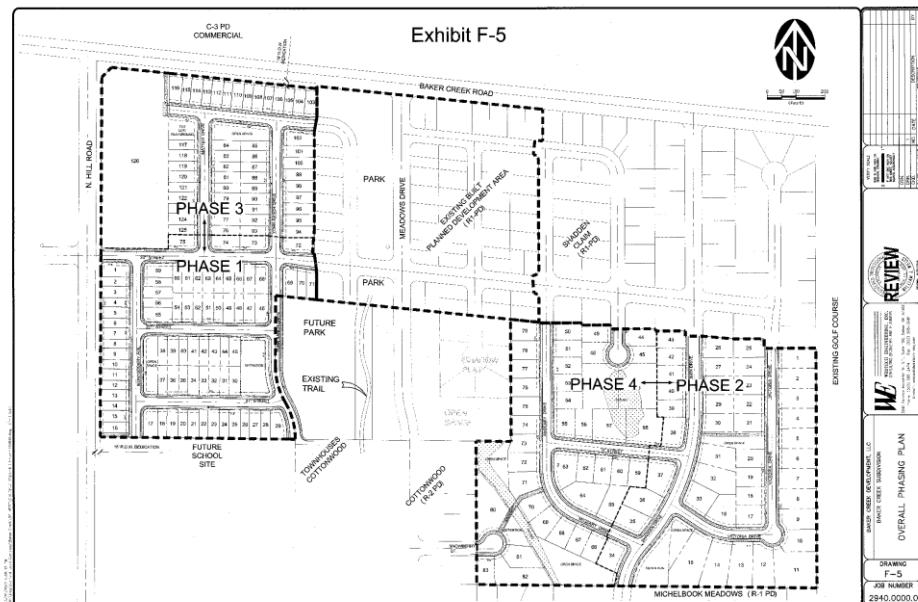
Attachment B – Planning Commission Staff Report, February 16, 2017

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Approval of the requested modifications to Ordinance 4626 would also provide for lot size averaging over the proposed expanded planned development area and a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.

The applicant is proposing a four phased subdivision plan on approximately 44.36 acres of land that, if approved, would provide for the construction of 208 single-family homes the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units. This residential development plan is proposed to occur in four-phases as demonstrated in Exhibit F-5 of the applicant's submittal, a copy of which is provided below for your reference.



Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

**Attachment B – Planning Commission Staff Report, February 16,
Attachment C –February 16, 2017 Planning Commission Minutes**

The applicant has devised unique labels for each of five types of proposed single-family lots that correspond to the minimum widths of the lots. The table below provides a summary of those lot types and their respective characteristics.

Lot Types - Proposed Setback and Lot Size Adjustments

Lot Type	Setbacks	Minimum Lot Size	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
SFD-70 (Meets all R-1 standards)	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	9,000 sq. ft.	50 feet	19	16.8%
SFD-65	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	6,463 sq. ft.	50 feet	29	13.9%
SFD-60	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	5,683 sq. ft.	50 feet	35	9.1%
SFD-40	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	4,000 sq. ft.	30 feet	69	33.2%
SFD-32	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	3,200 sq. ft.	26 feet	56	26.9%

A copy of the proposed tentative subdivision plan showing the locations of the various proposed lot types is included in the applicant's submittal as Exhibit F-1 and is provided below for your reference.

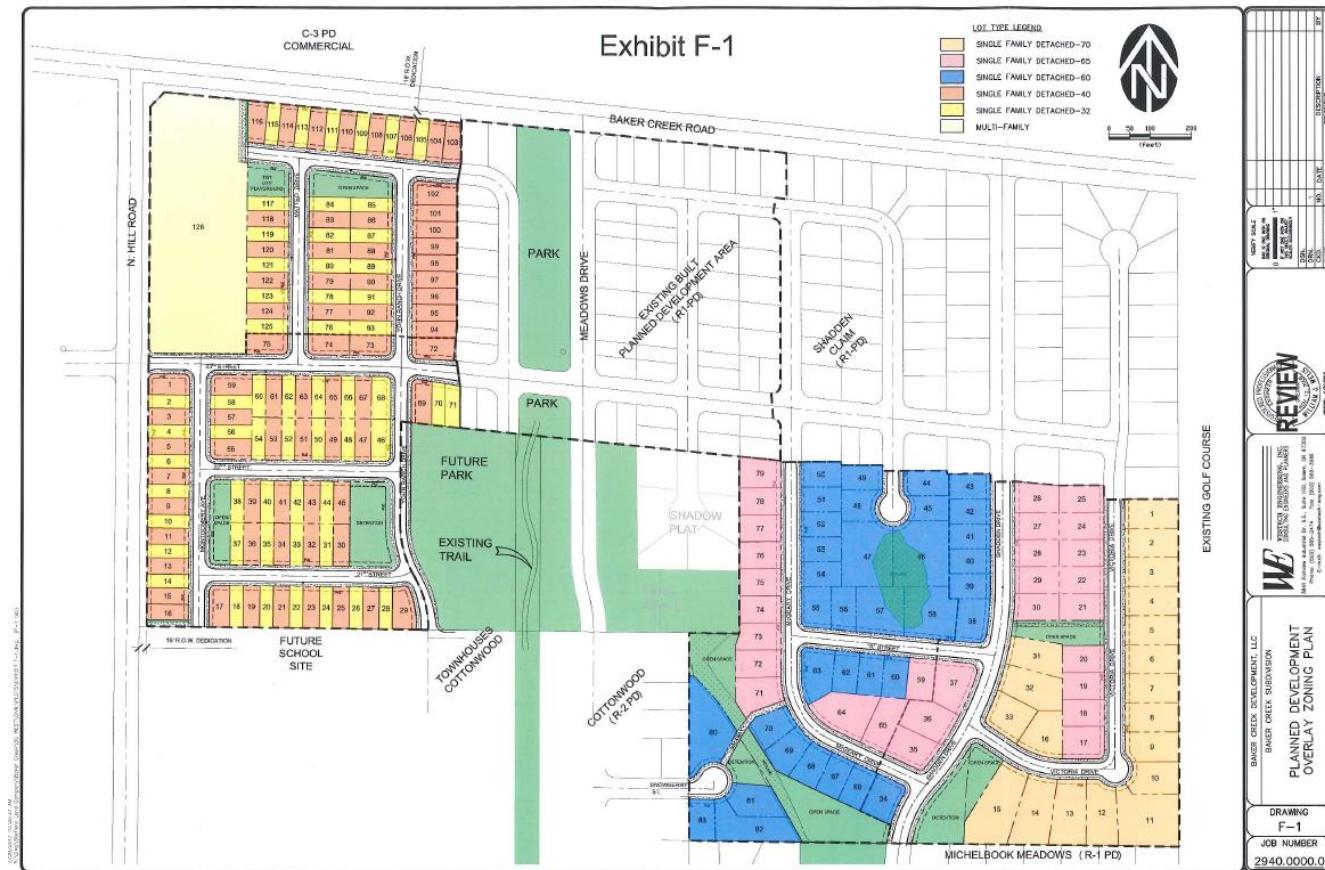
Attachments:

Attachment A – Ordinance No. 5021

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The applicant has provided a detailed narrative and numerous exhibits to support their appeal request of the previously denied land use requests. To aid the Council in review of this material, it is beneficial to initially consider the Baker Creek East (BCE) and Baker Creek West (BCW) portions of this proposal separately. This will allow staff to discuss the design of these two distinct portions of the proposal independently in order to provide additional clarity to the various elements of the proposal. Following this, the discussion of the residential density and Planned Development aspects of the proposal will address the project in total.

It is also instructive to note that, while this appeal is a *de novo* hearing of a modified proposal by the applicant, there remain occasional phrasing references in the applicant's submittal that are remnants of the prior proposal that was denied by the Commission. An example of this occasional circumstance is the reference on page 15 of the applicant's Exhibit C referring to R-3 and R-4 Modified lots; terminology that is not relevant in this current application or review.

Baker Creek East (BCE)

Phases 2 and 4 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek East (BCE). The applicant proposes the platting of 83 single-family residential lots ranging from 5,683 square feet to 21,050 square feet in size on 23.01-acres of land yielding an average lot size of approximately 8,598 square feet.

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

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Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCE) the phasing in this graphic is incorrect. According to the phasing plan proposed throughout the balance of the application, Phase 1 below accurately corresponds to Phase 2 of the correct phasing plan, and Phase 2 as shown below accurately corresponds to Phase 4 of the correct phasing plan. Staff understands this matter to be only a text error on this graphic.

This matter regarding different phasing numbers from that represented on the applicant's Phasing Plan (Exhibit F-5), is also present in the discussion of BCW below. These seemingly alternate phase numbers were communicated to the applicant as was a request for clarity. Their response is found in the application supplemental materials, Attachment 2 of this Decision Document, a letter from Gordon Root, dated April 17, 2017, with the relevant portion indicating that providing different phase numbers was intentional on the part of the applicant the purpose described below:

"The purpose of Exhibit F-5 is to show how the overall phasing of the project will go. It is correct in that we'll move forward with BCW's southern phase first. We'll likely move forward with BCE's eastern phase second, and/or concurrently. BCW's northerly phase will follow in third place, with the westerly phase of BCE fourth, as shown on the graphic."

The preliminary plats Exhibits G and H (Sheets PL-1 through PL-4) and Exhibits G-1a and H-1a (Sheets SP-A and SP-B) reflect how they will be recorded with the County Surveyor. We anticipate BCW will record as Baker Creek West Phase 1 and Baker Creek West Phase 2, while BCE will record as Baker Creek East Phase 1 and Baker Creek East Phase 2.

The above wording on how we think they will record is reflected in the plats and site plans, where Exhibit F-5 is intended to demonstrate to the City how the phases will be programmed."



The 83 single-family lots are proposed to be one of three styles and are referenced by the applicant as SFD-70 (Single Family Development-70), SFD-65 (Single Family Development-65) and SFD-60 (Single Family Development-60). As noted above and on the applicant's Exhibit F-3, Table 5, the

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SFD-70 lots would meet all minimum requirements of the R-1 zone including 10-foot side yard setbacks. SFD-70 lots will also have a minimum lot width of 70 feet. Of the 83 proposed single-family lots in BCE, 19 are identified by the applicant as SFD-70 (11% of the proposed lots in BCE). The applicant states that the proposed SFD-70 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-70 lots is approximately 10,951 square feet in size. For comparison, this average lot size exceeds the minimum 9,000 square foot lot size required in the R-1 (Single-Family Residential) zone.

The applicant's submittal also provides that the SFD-65 lots are those lots proposed to be at least 6,463 square feet in size with 7.5-foot side yard setbacks and a minimum lot width of 65 feet. Of the 83 proposed single-family lots in BCE, 29 are identified by the applicant as SFD-65 (35% of the proposed lots in BCE). The applicant states that the proposed SFD-65 lots would provide a minimum building envelope width of 50 feet and that the average lot size of the SFD-65 lots is will be 7,432 square feet. For comparison, this average lot size more closely compares to, and is some 432 square feet larger than, the 7,000 square foot minimum lot size required in the R-2 (Single-Family Residential) zone.

Exhibit F-3, Table 5 also shows that SFD-60 lots are those lots proposed to be at least 5,683 square feet in size. SFD-60 lots are proposed to provide 5-foot side yard setbacks and a minimum lot width of 60 feet. Staff notes that four of the proposed SFD-60 lots are very large in comparison due to the location of probable wetlands being located on those lots (Lots 46, 47, 57 and 58) in addition to the uniquely configured lots 80 and 82; this is clearly depicted on drawing PL-3 of the applicant's Exhibit H. Of the 83 proposed single-family lots in BCE, 35 are identified by the applicant as SFD-60 (42% of the proposed lots in BCE). The applicant's narrative also states that the proposed SFD-60 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-60 lots is stated to be 8,287 square feet. Without inclusion of the uniquely configured lots noted above, the average size of the SFD-60 Lots would be comparable to the 6,000 square foot minimum lot size requirement for a residential lot in the R-3 (Two-Family Residential) zone.

The average lot size of all residential lots in BCE, combined, is 8,598 square feet in size; about 402 square feet smaller than a minimum sized standard R-1 zoned lot. Due to open space, on-site storm water detention tracts and identified wetland areas, the average residential density of the BCE portion of the proposal is 3.61 dwelling units per net acre which is less than the 4.8 dwelling units per net acre that is the maximum residential dwelling unit density for R-1 zoned land; a net acre of land consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets.

Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGeary Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGeary Drive to Shadden Drive identified as "A" Street in the applicant's submittal. Mahala Way and Snowberry Street are proposed to terminate with cul-de-sacs within this portion of the development. All streets would be public streets within BCE and are proposed to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips) with the exception of Shadden Drive which will be developed with a 36-foot wide paved section within a 60-foot right-of-way. In addition, the applicant also proposes three open space tracts and two on-site storm water detention areas. A pedestrian walkway is proposed to cross near the midsection of the area identified by the applicant on drawing

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PL-3 as Tract A Detention and as Tract A Open Space providing a pedestrian connection between the Snowberry Court cul-de-sac and McGeary Drive; there also appears to be a linear wetland area separating the Tract A Detention from Tract A Open space areas. Similarly, an additional similar pedestrian pathway is provided mid-block connecting NW Shadden Drive with NW Victoria Drive. This pathway is identified on the applicant's Attachment H-1, drawing SP-4 in an area simply identified as Open Space. This "open space" area is separately identified as Tract C Open Space on the applicant's Exhibit H, drawing PL-4.

Table 1.0 of the applicant's Exhibit F-3 provides an open space summary for both BCE and BCW. A review of this Table shows a total of 49,198 square feet (1.13 acres) of open space for BCW and 95,920 square feet (2.20 acres) of open space for BCE. These total acreage figures include storm water detention ponds, public walkways, a Mini Park/Playground and what is identified by the applicant as Passive Open Space and Active Open Space. It is instructive to note that the proposed storm water detention ponds are included as part of the open space calculations as are wetland area(s) which are however not uniquely identified as an open space type. Had additional clarity been provided by the applicant a clear picture of specific open space types and acreages could have been provided to the Council for review.

Baker Creek West (BCW)

Phases 1 and 3 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek West (BCW). The applicant proposes the platting of 125 single-family residential lots ranging from 3,200 square feet to 5,769 square feet in size with an average lot size of 3,847 square feet; about 1,153 square feet (or 23%) smaller than a minimum sized R-4 single family lot which is 5,000 square feet. Also proposed is a future multiple-family development on a 3.8-acre lot (Lot number 126).

Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCW) the phasing in this graphic as explained by the applicant, above, is intended to show the subdivision phase names that would be assigned when the subdivision phases record, not the order in which the phases will record. For purposes of understand the order of how the subdivision phases will be constructed, the phasing plan identified as Exhibit F-5 remains accurate. According to the phasing plan proposed throughout the balance of the application, Phase 1 below accurately aligns with the actual Phase 1 of the phasing plan, while Phase 2 as shown below accurately corresponds to Phase 3 of the correct phasing plan. Staff understands this matter to be only a text error on this graphic.

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The 125 single-family lots are proposed to be one of two lot types identified by the applicant as SFD-40 (Single Family Development-40) and SFD-32 (Single Family Development-32). As noted above and on page 15 of Exhibit C and Table 5 of Exhibit F-3 of the applicant's submitted materials, the SFD-40 lots are those lots proposed to be at least 4,000 square feet in size with 5-foot side yard setbacks and a minimum lot width of 40-feet. Of the 125 proposed single-family lots in BCW, 56 are identified by the applicant as SFD-40 lots (45% of the proposed lots in BCW). The applicant states that the proposed SFD-40 lots would provide a minimum building envelope width of 30 feet. The average lot size of the SFD-40 lots is 4,262 square feet. For comparison, this average lot size is about 1,738 square feet smaller than the 6,000 square foot minimum lot size for a standard single-family lot in the R-3 (medium density) zone and 738 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone.

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Table 5 of the applicant's Exhibit F-3 states that the SFD-32 lots are those lots proposed to be at least 3,200 square feet in size with 3-foot side yard setbacks and having a minimum lot width of 32 feet. Of the 125 proposed single-family lots in BCW, 69 are identified by the applicant as SFD-32 lots (55% of the proposed lots in BCW). The applicant's narrative also states that the proposed SFD-32 lots would provide a minimum building envelope width of 26 feet. The average lot size of the SFD-32 lots is 3,333 square feet. For comparison, this average lot size is about 1,667 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone; or approximately 67% of the size of a 5,000 square foot lot.

Access to BCW would be provided by the westerly extensions of NW Haun Drive and NW 23rd Street and the northerly extension NW Yohn Ranch Drive. New north-south oriented local streets identified by the applicant as Matteo Drive and Montgomery Avenue as well as the creation of new east-west oriented local streets identified by the applicant as NW 21st and NW 22nd Streets are also proposed. NW Haun Drive is proposed to provide direct vehicular access to the multiple-family site (proposed lot 126) located in the northwestern corner of Phase 3 of the proposed development. NW Montgomery Drive is proposed to provide a street stub to the northern edge of adjacent property to the south currently owned by McMinnville School District 40 to provide future public street access to that site. All streets within BCW are proposed to be public streets to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips). The applicant also proposes one on-site storm water detention area to be located west of NW Yohn Ranch Drive. Please refer to the applicant's Exhibit F-1 and Exhibit G, drawing PL-2 for additional detail.

The previously mentioned multiple-family site (proposed lot 126) is 3.8-acres in size and more clearly depicted on Exhibit G, drawing PL-1. This site is zoned C-3 PD (General Commercial, Planned Development) and identified to allow for multiple-family development by Ord. No. 4626. It is instructive to note that a companion subdivision tentative plan was also approved by the Planning Commission in 1996 as part of the land use proposal that resulted in the adoption of Ord. No. 4626. That subdivision approval (S 2-96) limited the multiple-family site to a maximum residential density of 20 units per acre. A portion of this subdivision plan was constructed as Shadden Claim 1st and 2nd Additions, but the undeveloped balance of the tentative plan approval has long since expired. This is relevant context in that the condition of approval of S 2-96 (Subdivision proposal for VJ2 Development approved by the Planning Commission on May 9, 1996) wherein condition of approval number 19 limiting density on the multiple-family site to a maximum density of 20-units per acre has also expired. Although, while that previous condition would have limited construction to no more than 76 multiple-family residential units on that site, the applicant proposes construction of only 70 multiple-family units in this current proposal; for context, this is a reduction of 6 proposed units from that previous, yet no longer valid, approval limit.

General Discussion of Overall Development Proposal

Essentially, the applicant is requesting approval to modify a twenty-year old partially developed Planned Development tentative subdivision plan with a new tentative subdivision plan on a larger geographic footprint. The following observations are grouped into distinct topics to aid the Council in its review.

PRELIMINARY NOTES

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- Section 17.53.105(A) of the McMinnville Zoning Ordinance states that “the depth of lot shall not ordinarily exceed two times the average width.” Of the 125 proposed lots in BCW, all except for perhaps 12 of the lots exceed this standard. While the operative phrase in this standard is “shall not *ordinarily* exceed,” 113 of the lots (90% of BCW and 54% of the total development site; BCW and BCE combined) exceed this standard. However, with the applicant’s proposal to expand and modify the existing Planned Development it is possible for the City to support accommodation of this lot design should the overall development concept successfully meet or exceed the applicable land use policies and approval criteria of a planned development.

It was previously noted that wetlands are shown on lots 46, 47, 57 and 58 of BCE and potentially identified within the Tract C area shown on Exhibit H, drawing PL-3 of the applicant’s submittal. Prior to platting, a wetland quality assessment will be required to determine if preservation of either or both of these areas are necessary. If protection is necessary, a wetland delineation will be required prior to platting to ensure protection and that a usable building footprint remains on each of the affected residential lots as addressed in recommended condition of approval number 27.

RESIDENTIAL DENSITY

Due to concerns related to sanitary sewer drainage basin flow capacities, the City Council acted in 1979 to limit the average residential density of McMinnville’s west side (west of Hwy 99W, Adams Street, and South Baker Street) to a maximum of six dwelling units per net acre. This residential density limitation remains in force. Residential densities exceeding the six dwelling units per acre maximum were typically reviewed and approved as part of larger development proposals with overall densities averaging six dwelling units or less over the project site. This west side density limitation is also memorialized in Comprehensive Plan Policy 71.01.

The applicant is proposing the platting of 208 single-family residential lots and one 3.8-acre multiple-family residential lot to contain 70 multiple-family dwelling units on a combined area total of approximately 44.35 acres of land. This would be achieved, in part, by approval of a modification of Ordinance 4626 to increase the size of the existing planned development area from 26.65 acres to 57.48 acres in size by adding 30.83 contiguous acres to the original size. Page 15 of Exhibit C of the applicant’s submittal states that, if approved, this development proposal would result in a total of 335 dwelling units located within the expanded planned development area. This total is comprised of 70 proposed multiple-family units, 208 proposed single-family detached units, 31 existing single-family detached units, and 26 existing attached duplex townhouses. The applicant also provides additional information relative to residential density in Table 3.0 of Exhibit F-3 Table of applicant’s submittal. Staff has summarized this data in the table below:

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Residential Dwelling Units and Average Density	
Subdivision Name	Number of Residences
Shadden Claim First Addition	11
Shadden Claim Second Addition	46
Proposed BCE Lots	83
Proposed BCW Lots	125
Proposed Multiple-Family Units	70
Total Number of Dwelling Units	335
Total Number of Acres for Expanded PD	57.48
Average Residential Density per Acre	5.8

While there are two “halves” of the development proposal (BCE and BCW) for discussion sake, the proposed residential density needs to be evaluated and considered as it pertains to the entire planned development site rather than distinct sub-areas within the overlay. With that in mind, the proposed overall residential density of 5.8 dwelling units per acre for the expanded planned development area is slightly less than the maximum allowable residential density of 6 dwelling units per acre for McMinnville’s west side. While this calculation is part of the required density analysis, it is not the whole story. The other important and necessary question regarding density is how the proposed residential density complies with the density allowance of the underlying zones of the proposal (R-1 and C-3).

The underlying zone of this development area is R-1 (Single-Family Residential) which, through a minimum lot size requirement of 9,000 square feet, allows a maximum residential density of 4.84 dwelling units per acre. At a proposed average residential density of 5.8 residential units per acre, this density maximum would clearly be exceeded. However, it is important to note that McMinnville Comprehensive Plan Policy 79.00 states, in part, “The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. [...] *Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.*” [Emphasis added]

OPEN SPACE

As part of the proposal, the applicant provides an open space summary table listed as Table 1.0 of Exhibit F-3 in the applicant’s submittal. This table states that there are 86,070 square feet (1.98 acres) of existing open space within the combined area of the Shadden Claim 1st and 2nd Addition subdivisions. While the applicant includes this open space as part of the overall open space calculation for the expanded planned development area, it is instructive to note that the 1.98 acres of open space provided as part of the Shadden Claim 2nd Addition subdivision was dedicated to the City in lieu of park System Development Charges (SDCs) and today exists under public ownership as part of the Westside Bicycle and Pedestrian Linear Path.

In Table 1.0, the applicant also includes as open space the areas to be designated as on-site storm water detention ponds as part of the open space calculation. This is evident in the figures provided in Table 1.0 and in comparing Table 1.0 to the various Tracts identified on Drawings PL-3 and PL-4 of the applicant’s Exhibit H where the active open space and storm water areas have been combined together

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in the calculations provided. The land area identified for use as on-site storm water detention and filtration use in Table 1.0 totals 43,251 square feet which is an area just under one acre in size. While the applicant includes this in the open space calculation for the proposal, the City does not include storm water detention facilities as open space as they are specifically designed to serve as components of the City's storm water management system in lieu of construction of alternative storm water catchment and conveyance systems. These facilities are not a valid part of open space calculations (either passive or active) to serve the recreation needs of a neighborhood or community.

The graphic exhibits submitted by the applicant provide combined land area calculations of open spaces and adjacent storm water detention areas in BCE. Table 1.0 is the one location that provides separate calculations of these areas. For BCE, Table 1.0 identifies Active Open Space Area B as 8,280 square feet in size. This open space is located adjacent to storm water detention Tract B located at the proposed intersection of Victoria Court and Shadden Drive. Table 1.0 also identifies Passive Open Space C (North and South) as being 49,538 square feet in size. Passive Open Space C (North and South) appears to be some portion of the 58,437 square foot area identified as Tract C of Drawing PL-3 of the applicant's Exhibit H and, from viewing other graphics also provided in the application, seems to include a sizable wetland area and/or a storm water detention area. This area is generally located between Snowberry Court and McGeary Drive. As no other information has been provided addressing this potential wetland area, staff has drafted a condition of approval to require a wetland quality assessment of this location and, if warranted, a wetland delineation survey and suitable protection of this area from the adjacent open spaces, pedestrian pathway and storm water detention pond. Should this identified wetland area require protection through fencing or other barrier technique, one of the effects would be to make the north open space portion of this tract inaccessible to the neighborhood except through backyard access from lots 71, 72 and 73.

Tract A Open Space of BCE is depicted on Drawing PL-4 of Exhibit H and corresponds to the area identified as Public Walkway Area A on Table 1.0 of Exhibit F-3 and is noted to be 11,691 square feet in size. Tract A is proposed to be located between Shadden Drive and Victoria Drive. In sum, it appears that the applicant is actually proposing to provide around 69,509 square feet (about 1.6 acres) of open space with the 23.01 acre area of BCE (some 6.9 percent of BCE). Table 1.0 provided by the applicant provides an open space percentage of 9.57 percent of the site however staff does not support that calculation.

The open space areas are easier to define in BCW as none of them are proposed to be located adjacent to storm water detention facilities. There are three open spaces proposed as part of BCW. Tract D Open Space as identified on Drawing PL-1 of the applicant's Exhibit G corresponds to the Tot Lot/Playground listed in Table 1.0. This area is identified by the applicant as an active play area 7,516 square feet in size, located at the proposed intersection of Matteo Drive and Haun Drive and is to be improved with permanent play equipment; the applicant provides an example of play equipment that could be realized for this Tot Lot in Exhibit P-1 of their submittal.

Open Space Tract C as also identified on Drawing PL-1 is to be located as the northern "end cap" of the block bordered by Matteo Drive to the west, Yohn Ranch Drive to the east and Haun Drive to the north. This Tract is shown to be 11,393 square feet in size and corresponds to Active Open Space B on Table 1.0 of Exhibit F-3. The third open space is of similar "end cap" location, is proposed to be 10,097 square feet in size and bordered to the south by 21st Street, to the north by 22nd Street and Montgomery Drive to the west. Tract B Open Space corresponds to Active Open Space A on Table 1.0. The applicant's Table 1.0 provides a figure of 49,198 square feet of open space for BCW. However, when the 20,192 square foot storm water detention facility is removed from the calculation, a

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total of 29,006 square feet (0.67 acres) remain in actual open space available for active use of nearby residents.

Staff calculates the total amount of open space (non-detention area) for the proposed four phase residential development to be 98,515 square feet (about 2.3 acres); the future disposition of the unresolved potential wetland area notwithstanding. As the open space provided in the Shadden Claim 1st and 2nd Addition residential subdivisions is publically owned and maintained, this open space figure of 2.3 acres remains constant for the entire 57.63 area of the proposed expanded Planned Development boundary. It is understood that the applicant has provided a different approach to considering and calculating open space. However staff has unpacked this information into its various elements as far as possible given the level of detail provided and is confident that the total amount of private usable open space for this 57.63 acre area remains at approximately 2.3 acres (about 4 percent of the proposed Planned Development area).

While still addressing the topic of open space, it is also interesting to note that overall representation of "open" spaces for the planned development and surrounding area that is depicted in green on the full-color Exhibit F-1 and could have the effect of being unintentionally misleading. The same green color is applied to the applicant's proposed open spaces, storm water detention ponds and public pedestrian pathway connections and wetlands, as well as the linear Westside Bicycle and Pedestrian park system, and the future public barrier free park to be constructed in the near future, as well as to land not owned by the applicant but yet identified as open space due to the applicant's shadow plat design shown adjacent to the west edge of BCE. Staff suggests that this graphic, either intentionally or unintentionally, may seem to imply more land being represented as "open" space that would actually exist. However, technically, while most of these green colored spaces are labeled as noted above, the color green is not found in the legend of this graphic.

STORM WATER DETENTION AREAS

In comments provided in the Decision Document (Exhibit A of Ordinance No. 5021) by the McMinnville Engineering Department, the proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. Of particular note, it appears that the detention and wetland areas identified in BCE would likely follow the area topography and drain toward the wetland area identified as Tract "A" of the Michelbook Meadows subdivision adjacent to and south of BCE. In this instance, additional flow would be directed through that system. The proposed storm water facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat. Conditions of approval are provided by the Engineering department relative to storm water systems and requirements to ensure adequate flow conveyance through the subject site and into surrounding systems.

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PEDESTRIAN CONNECTIONS

Pedestrian connections in the form of public sidewalks are required as part of public street design standards adopted in the McMinnville Transportation System Plan (TSP, 2010). As noted below, public sidewalks will be required along both sides of all public streets should the proposed tentative subdivision plan be approved by the Council upholding the applicant's appeal. This is an appropriate requirement for much of the development that occurs locally. However when a planned development is proposed an additional level of importance is placed on pedestrian connections.

Comprehensive Plan Policy 77.00 states "the internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways." The pedestrian pathways mentioned here are in addition to the required public sidewalks referenced above. The applicant provides graphic representation of additional pedestrian pathway connections. These proposed pathway connections are all represented on Exhibit F-5, Drawing PL-1. The pedestrian pathway connections can be seen located within the northeastern corner of lot 126, and also along the south side of lot 16 of BCE, and also between Snowberry Street and McGeary Drive and between Shadden Drive and Victoria Drive of BCE. However, the only reference to the proposed widths of these pathways is the notation of a 20-foot wide easement to be located within lot 126 connecting Haun Drive to Baker Creek Road. With no other information being provided relative to easement width, or pathway surface material or width, these elements will be addressed through recommended conditions of approval provided in the Decision Document attached to this staff report.

STREETSCAPE

Architectural Street Appeal

The applicant has provided some examples of proposed types of residential front facades. These residential examples can be seen most readily on Exhibit F-2 of the applicant's submittal. This graphic provides examples of general building envelopes and garage orientation for each of the five Lot Types devised by the applicant. These are examples only and as part of one of the Conditions of Approval, the applicant will need to provide an Architectural Pattern Book that will need to be approved by the Planning Director. The Architectural Pattern Book will need to show how the applicant is using design, materials and architectural elements to create a pedestrian scale neighborhood.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
- b) Quality and Type of Exterior Materials
- c) Front Porches / Entry Areas
- d) Roof Design and Materials
- e) Exterior Doors and Windows
- f) Garage Door Types
- g) Exterior Lighting
- h) Sample Exterior Colors

In addition, there is a proposed condition of approval to mitigate similar style homes in the project by stipulating that no building of the same elevation, or reverse elevation, will be built on adjacent lots or the three lots located directly across the street.

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On-Street Parking

Per the McMinnville Zoning Ordinance, every single family dwelling unit must provide a garage and driveway to accommodate two vehicles. This is intended to accommodate off-street parking needs for the individual household. On-street parking is intended for the occasional visitor and guest in the neighborhood and not as proprietary household parking. Therefore, the McMinnville Zoning Ordinance only addresses off-street parking requirements. Every single family dwelling unit must comply with the code's parking requirements. The applicant's proposal meets this code criteria. However, since many households have more than two cars, the applicant has proposed to "pair" driveways where feasible in order to maximize on street parking opportunities, especially in those areas with narrow lots. By alternating the garage placement (left or right side) on every other home, driveways can be "paired" close to each other resulting in longer continuous on-street parking opportunities.

In addition, each single-family detached residence in BCW will be provided with a two-car garage and a two-car driveway. This will provide four on-site parking spaces for each residence where only two on-site parking spaces are required per single-family residence by the McMinnville Zoning Ordinance. This design approach actually provides double the minimum parking spaces required for each single-family residence. While lots in the BCE portion of the development will all be wider than those in BCW, the applicant proposes to provide all residences with either four or six on-site parking spaces (some residences designed for lots identified as SFD-70 will achieve on-site parking by providing three car garages with triple-wide driveways).

Street Trees

The McMinnville Zoning Ordinance requires that a street tree planting plan be submitted to and reviewed by the Landscape Review Committee as a condition of approval for residential subdivision development. The standards require street tree spacing of between 20 (twenty) and 40 (forty) feet apart dependent on the mature branching width of the approved tree(s). Given the limited street tree planting opportunities provided by the lotting pattern proposed in BCW, the opportunity to achieve the desired tree cover and tree-lined streets will be less than optimal. It is not uncommon for street tree placement to be a bit more challenging in higher density residential neighborhoods. However, the lot widths proposed in BCW make it especially difficult to achieve the required street tree spacing standards.

The pairing of driveways would provide some opportunity for better placement of street trees, but some planting strip areas will not be large enough to allow for the planting of street trees while meeting the necessary street tree planting standards. For example, in areas between the lots identified as SFD-40 and SFD-32, there will be only eight (8) feet between driveways, as shown in Exhibit G-1 on Drawings SP-1 and SP-2. The McMinnville Zoning Ordinance normally requires street trees to be planted at least five (5) feet from the edge of a driveway, which could not be achieved in these narrower areas between driveways in BCW. The McMinnville Zoning Ordinance does allow for that five (5) foot distance to be reduced. In order to allow a reduction and achieve the tree-lined street effect, the street tree species selected for these areas must be a species with a deeper root system and additional planting standards may be required, as determined by the Landscape Review Committee. In addition to driveways, there will be required setbacks for street trees from street lights, fire hydrants, and other public and private utilities, which will further limit the ability to achieve tree-lined streets in BCW. A condition of approval has been recommended by staff to address this.

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Housing Affordability, Diversity and Variety

Exhibit C of the applicant's submittal includes a section beginning on page 9 that provides data and information relative to the Greater Portland Metropolitan Statistical Area (MSA) which includes Columbia, Washington, Multnomah, Clackamas and Yamhill Counties. Also provided is information relative to home sale prices and wages for Yamhill County and the individual cities within the county including McMinnville. While this information is informative, interesting and perhaps accurate, it does not speak specifically to land use criteria the Council must use to render a decision in the case of this appeal with the exception of Comprehensive Plan Goal V 1, and Policies 58.00 and 59.00 which shall be addressed in Exhibit A attached to this staff report.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Council Options:

1. **REMAND** the appeal application to the Planning Commission to a specific date and time for receipt of additional public testimony, deliberation and recommendation.
2. **CLOSE THE PUBLIC HEARING** and **APPROVE** the application, per the decision document provided which include the findings of fact, conclusionary findings, and conditions of approval, by **ADOPTING ORDINANCE NO. 5021** effecting the proposed zone change, planned development amendment and tentative subdivision plan.
3. **CONTINUE THE PUBLIC HEARING** on the appeal application to a specific date and time.
4. **CLOSE THE PUBLIC HEARING** on the appeal application, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
5. **CLOSE THE PUBLIC HEARING, DENY** the applications, providing findings of fact based upon specific code criteria for the denial in the motion to deny.

Recommendation/Suggested Motion:

Based on the findings described above, and the more detailed findings of fact and conclusionary findings provided in the decision documents for each land use application, the Planning Commission recommended approval of the comprehensive plan amendment and zone change requests to the City Council.

Staff recommends that the Council adopt Ordinance No. 5021 finding in favor of the applicant's appeal (AP 1-17), which would approve the application for a zone change, planned development amendment and tentative subdivision plan as the proposal meets the policies of the McMinnville Comprehensive Plan and the criteria of the McMinnville Zoning Ordinance.

"THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5021."

RP:sjs

Attachments:

Attachment A – Ordinance No. 5021

Exhibit A – AP 1-17 Decision Document

Attachment B – Planning Commission Staff Report, February 16, 2017

Attachment C –February 16, 2017 Planning Commission Minutes



231 NE Fifth Street • McMinnville, Oregon 97128 • www.mcminnvilleoregon.gov

February 24, 2017

Morgan Will
Baker Creek Development, LLC
485 South State Street
Lake Oswego, OR 97304

RE: ZC 1-16/ZC 2-19/S 3-16 (Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M., located south of Baker Creek Road and east of Hill Road)

Dear Mr. Will:

This letter is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, February 16, 2017, your applications: ZC 1-16, for approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land; ZC 2-16, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet; and S 3-16, a tentative residential subdivision plan on approximately 40.55 acres of land were considered by the McMinnville Planning Commission.

Based on the material submitted by the applicant, the testimony received, and material provided by the Planning Department, the Planning Commission voted unanimously to recommend **DENIAL** of your requests (ZC 1-16/ZC 2-16/S 3-16) to the McMinnville City Council.

The Planning Commission determined that your application failed to meet the purpose of a Planned Development as described in Section 17.51.010 of the McMinnville Zoning Ordinance. Specifically, the Commission found that the proposal failed to facilitate a desirable aesthetic and efficient use of open space, to create sufficient private common open spaces, to use a creative approach in land development, and to demonstrate special objectives which the proposal would satisfy. Therefore, the Commission determined that the proposal did not meet the necessary criteria in Section 17.51.030 (C)(1) and did not warrant a departure from the standard regulation requirements.

Due to this determination, the Planning Commission found that Section 17.53.040 of the code did not apply to this proposal, which states "that the subdivision of land in accordance with the

planned development section of the City of McMinnville Zoning Ordinance (No. 3380, as revised) may result in the terms and requirements of this chapter (Land Division Standards) being waived, altered, or otherwise changed as determined by action of the Planning Commission and approved by the City Council," and that the subdivision plan needed to comply to the McMinnville Zoning Ordinance, Section 17.12.040, which it does not comply.

Pursuant to the Zoning Ordinance of the City of McMinnville, Section 17.72.130(5)(b), the decision of the Planning Commission to recommend denial of the application is final unless an appeal of the Planning Commission's decision is filed - "if the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.".

Per Section 17.72.180 of the Zoning Ordinance of the City of McMinnville, "an action or ruling of the Planning Commission may be appealed to the City Council within 15 calendar days of the date the written notice is mailed. The appeal shall be filed with the Planning Department and shall identify the decision sought to be reviewed, including the date of the decision and a statement of interest from the person seeking review specifying that they were party to the initial proceedings."

If no appeal is filed with the Planning Department on or before March 13, 2017, the Planning Commission's decision is final.

If you have any questions or comments, you may reach me at (503) 434-7311.

Sincerely,

Heather Richards, PCED
Planning Director

HR:sjs

c: McMinnville Planning Commission
Manuel Abt
Renee Carr
Susan Dirks and Kent Stevens
Peter & Linda Enticknap
Sandra Ferguson
Ray Fields
Ronald & Sally Hyde
Patty O'Leary
Gordon Root, Stafford Land Company
David StLouis
Gene & Deanna White
John Hutt
The Hayes Family

Don Larson

ORDINANCE NO. 416-26

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing commercial designation to a residential designation and rezoning certain property from a C-3 PD (General Commercial Planned Development) zone to an R-1 PD (Single-Family Residential Planned Development) zone on 1.2 acres of land, and a zone change from an R-1 (Single-Family Residential) zone to an R-1 PD (Single-Family Residential Planned Development) zone on approximately 21.8 acres of land located south of Baker Creek Road and east of Hill Road.

RECITALS:

The Planning Commission received an application from Don Jones for a comprehensive plan map amendment and zone change (CPA 1-96/ZC 1-96), dated April 9, 1996, for the property described as a portion of Tax Lot 200, Section 18, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 9, 1996, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on May 4, 1996, 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 requests, found that said changes 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 plan map amendment and the zone change are consistent with the Comprehensive Plan; and

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

The City Council called for a public hearing and set the hour of 7:30 p.m., July 9, 1996, to consider the application, and the matter came on for hearing as scheduled; and

New testimony was received as was the entire record of the previous Planning Commission hearing on the matter, and the Council found that based on the testimony received, the findings of fact, the conclusionary findings for approval, and the previous record received, the Planning Commission had made the correct decision and that that decision should be sustained; now, therefore,

THE CITY OF McMINTNVILLE 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 Don Jones.

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

Section 3. That the property described in Exhibit "B" is hereby rezoned from a C-3 PD (General Commercial Planned Development) zone to an R-1 PD (Single-Family Residential Planned Development) zone and the property described in Exhibit "C" is hereby zoned from an R-1 (Single-Family Residential) zone to an R-1 PD (Single-Family Residential Planned Development) zone, subject to the following conditions:

1. That the conceptual plan for that portion of the subject site not included in the tentative subdivision plan shall not be binding on the City.
2. That site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. The multiple-family project(s) must be nonlinear in design and parking lots must be broken up by landscaping. In addition, useable open space shall be provided within the development, and streetside landscaping shall be emphasized.
3. That the minimum interior side yard setback shall be 7.5 feet.
4. That duplexes shall be allowed on corner lots 134, 136, and 140 with a minimum lot size of 8,000 square feet.
5. That the exterior side yard setback for lots 68, 69, 96, 108, 109, 120, 134, 136, and 140 shall be a minimum of 15 feet.
6. That VJ-2 Company dedicate to the City of McMinnville the parkland as designated on the tentative plan for Shadden Claim, First Addition. VJ-2 Company shall submit to the City for review and approval a detailed design plan for the development of the proposed parkland. At a minimum the park design plan shall include grading, drainage, lighting and irrigation system information, proposed landscaping, and path location and construction details. The improvement and maintenance of the parkland shall be the responsibility of VJ-2 Company and their successors in interest in the Shadden Claim development. VJ-2 Company shall enter into an agreement with the City of McMinnville setting out the terms and provisions of the improvement and maintenance responsibilities for the parkland. Said agreement shall be prepared by the City Attorney. The City shall

also be authorized to improve and maintain the parkland if VJ-2 Company or its successors in interest fail to do so and to levy a lien against each and every lot within this subdivision for said costs and to record these liens in the City's Docket of Liens.

7. That the applicant shall initiate with the City a process which will result in the designation of a minimum of a net 10 acres of land on the north side of Baker Creek Road in close proximity to its intersection with Hill Road for commercial purposes. The process shall include the application of a planned development overlay which restricts the property from use for residential purposes.

Read and passed by the Council this 9th day of July 1996 by the following votes:

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

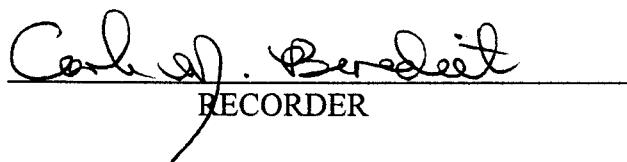
Nays: _____

Approved this 9th day of July 1996.



Edward J. Gormley
MAYOR

Attest:



Carol J. Benedict
RECORDER



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: April 18, 2017
TO: ZC 1-16, ZC 2-16, S 3-16 File
FROM: Planning Department
SUBJECT: Record of Public Testimony

Planning Commission Public Hearing (ZC 1-16, ZC 2-16, S 3-16)

Notice of this request was mailed to property owners located within 1000 feet of the subject site on November 23, 2016 prior to the Planning Commission public hearing. Thirteen (13) letters and six (6) emails were received as outlined below and attached to this memorandum:

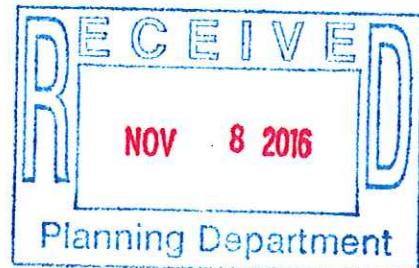
- Letter - Sandra Ferguson, dated November 5, 2016, and received by the Planning Department on November 8, 2016, (Attachment 7).
- Letter – Ronald and Sally Hyde, dated November 8, 2016, and received by the Planning Department on November 10, 2016, (Attachment 8).
- Email – John Hutt, December 7, 2016, (Attachment 9).
- Letter – David StLouis, dated December 8, 2016, and received by the Planning Department on December 8, 2016, (Attachment 10).
- Letter – Gene and Deanna White, dated December 5, 2016, and received by the Planning Department on December 12, 2016, (Attachment 17).
- Letter – Susan Dirks and Kent Stevens, dated December 13, 2016, and received by the Planning Department on December 13, 2016. (Attachment 18).
- Letter – Peter M. and Linda C. Enticknap, dated December 14, 2016, and received by the Planning Department on December 14, 2016, (Attachment 19).
- Email – Gene White, December 14, 2016, (Attachment 20).
- Letter – Patty O’Leary, dated January 2, 2017, and received by the Planning Department on January 3, 2017, (Attachment 22).
- Email – Doug Larson, January 6, 2017, (Attachment 23).

- Email – The Hayes Family, January 16, 2017, (Attachment 24)

The Planning Commission conducted a public hearing on January 19, 2017. At that meeting, the Planning Commission elected to close the public hearing but keep the written record open until 5:00 pm, February 2. As of the date this report was written, six letters and two emails were received as outlined below and attached to this memorandum.

- Email – Susan Dirks, dated January 20, 2017 (Attachment 25).
- Letter – Patty O’Leary, dated January 23, 2017, and received by the Planning Department via email on January 23, 2017 and hand delivered January 27, 2017, (Attachment 26).
- Letter – David and Carol StLouis, dated January 26, 2017, and received by the Planning Department on January 26, 2017, (Attachment 27).
- Letter – Gene and Deanna White, dated January 25, 2017, and received by the Planning Department on January 27, 2017, (Attachment 28).
- Email – Ray Fields, dated January 30, 2017 (Attachment 29).
- Letter – Patty O’Leary, dated January 30, 2017, and received by the Planning Department on January 30, 2017, (Attachment 30).
- Letter – The Hayes Family, dated February 2, 2017, and received by the Planning Department on February 2, 2017, (Attachment 31).
- Letter – Renee Carr, undated, and received by the Planning Department on February 2, 2017, (Attachment 32).

November 5, 2016



City of McMinnville
Planning Commission c/o Planning Department
231 NE 5th Street
McMinnville, OR 97128

Attn: McMinnville Planning Commission

Re: Public Comment In Reference to November 17, 2016 Planning Commission Meeting of Proposed Development by Baker Creek Development

This is in regard to Docket Numbers ZC 1-16/, ZC 2-16/ and S 3-16, and the proposed development by Baker Creek Development of the subject site located south of Baker Creek Road and east of Hill Road.

While I do not live in McMinnville, my mother owns a house immediately adjacent to the proposed development and is not able to write on her own behalf. I know the proposed development area and the City of McMinnville quite well.

As the Planning Commission considers McMinnville's growth and housing needs, it is important, as public servants entrusted to uphold the history, character and values of the community, to carefully consider the long term effects of the proposed type of growth brought to the community and its impact on surrounding property owners.

Of significant concern are the proposed reductions in setback sizes for front and side yards and potential reductions in lot sizes. It does not enhance quality of life to reduce the amount of green space surrounding a residence.

Attached are a few photos of Stafford Land Company's developments of Casey West and Casey Meadows in Forest Grove, which show the potential impact of reduced setback requirements. Stafford Land Company appears to have the same ownership as Baker Creek Development. The pictures speak for themselves. Once a community like this is established, the effect of cars in the street and anything else left outside add to an atmosphere of outdoor clutter.

Rather than just look at the proposed development on paper, I urge the Planning Commission and the public to visit similar already established and lived in developments to determine if this is what the future of McMinnville should be.

Sincerely,

Sandra Ferguson

Attachment



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Google Earth

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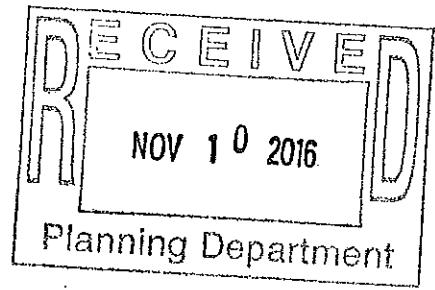
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© 2016 Google

Google Earth

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3



Ronald & Sally Hyde
2388 NW Fendle Way
McMinnville, OR 97128



November 8, 2016

City of McMinnville, Planning Department

231 NE Fifth Street

McMinnville, Or 97128

Re: Baker Creek Development LLC zone change proposal –Baker Creek Rd & Hill Rd

Gentlemen:

As residents of Shadden Claim Neighborhood we are opposed to the degrading zone changes that are being proposed. We feel that the intent of the City Fathers and the Developer, at the time Shadden was approved, was to combine in phases the Shadden concept. Some home purchases of that time were informed by agents of the Developer that vacant parcels would be a continuance of the present neighborhood as to density and construction requirements.

This intent was fortified by the City who permitted the Developer to complete improvements to the South side of Baker Creek Road to include paving, curbs, street planters with trees, sidewalks, fencing and arborvitae to merge from Hill Road along Baker Creek seamlessly with the same improvements that had been done to Shadden Claim.

Low cost housing with multi-story apartments in the middle of more expensive homes without proper infrastructure or commercial support, reduced street sizes, and increased traffic flow would cause economic stress to the present residents. I understood in planning to start with an industrial core, then layer out to commercial, multi-family apartments, hi-density, to urban. The current proposal does not fit a logical growth pattern. Across Hill Road from the proposed development are homes on one acre lots probably in the million dollar range. This could indicate that undeveloped property to the East of Hill Road could support more expensive homes on lower density lots.

We respectfully encourage you to reject the proposed development.

Two handwritten signatures in black ink. The first signature on the left appears to read "Ronald E Hyde". The second signature on the right appears to read "Sally L Hyde".

Ronald E Hyde & Sally L Hyde

Heather Richards

From: Mandjay Hutt <mandjhutt@gmail.com>
Sent: Wednesday, December 7, 2016 5:24 PM
To: Heather Richards
Cc: Kevin Jeffries
Subject: Baker Creek Development comments

My wife and I have lived on SW Peggy Street here in McMinnville since 2007 and we have observed the growth in new home construction recently. I don't know how many new single and multi family units have been built in the past couple of years, but there is certainly a lot of activity in our area.

With all of these new units and those being proposed, some 500 in the development as I understand, there will be a need for city services, particularly law enforcement and fire department and others. I believe there are staffing shortages presently within the departments, and lack of adequate funding may be a contributing factor. We know the costs to recruit and retain additional officers and other necessary employees will increase. We are retired teachers living on fixed incomes, and any increase in taxes to fund additional personnel could lead to financial hardship for us.

As the discussion about planning and development proceeds, I would like to see the developers contribute not only to the short-term development costs, but also the long-term costs which will be necessary to provide services to all of the residents of McMinnville. Although my position will likely be unpopular, I believe that it is fair to demand that those who will make vast sums of money from these developments invest in those services which will continue to make our community a desirable place to reside.

Should you have any questions please contact me.

John Hutt
(h) 503-472-9785

December 8, 2016

RECEIVED

DEC 08 2016

COMMUNITY DEVELOPMENT
CENTER

McMinnville Planning Commission
231 NE 5th Street
McMinnville, OR

RE: Baker Creek Development
Docket ZC 1-16/ZC 2-16/S 3-16

Dear Commissioners:

In response to the notice of Public Hearing on December 15, 2016, I am providing the following comments regarding Baker Creek Development's application:

1. The proposed reductions in setbacks for certain lots from 10 feet to either 5 feet or 3 feet are extreme compared to the requirement of Zoning Ordinance Chapter 17.12.040 and are in stark contrast to existing developments. And it appears that the reductions in setback, if approved, would apply to numerous lots and not just "certain lots" as stated by the developer.
2. Although the Westside Density Policies may allow an applicant to seek a higher density development by applying an "offset" from a lower density (i.e., below six units per acre), provided the developments are in the same sewer service area and would not result in sewer capacity issues, these issues come to mind:
 - a. Has the applicant appropriately applied this policy by combining acreage from a larger (23 acre) parcel at low density with a smaller (17.29 acre) parcel at much higher density to arrive at their 4.75 Dwelling Units/Acre?
 - b. Standing alone, the Baker Creek West parcel would appear to have a density of 6.1 Dwelling Units/Acre (106 units/17.29 acres), in excess of the 6.0 allowed under the Westside Policy.
 - c. What documentation has been provided that the existing sewer service can accommodate such a high-density development?
 - d. Would there be sufficient capacity for additional future development, including the proposed commercial parcel and the elementary school?

3. The lot sizes (as small as 3,200 square feet) proposed for many of the lots are far below the minimum lots sizes of Zoning Ordinance Chapter 17.12.020
4. Is such a large high-density development justified and in the best interest of the community? Is the proposed facility what was in mind for high-density developments dispersed throughout McMinnville?

Perhaps the developer should consider town homes, particularly on the outside perimeter of the development, instead of tiny lots with minimal setbacks resulting in a development that does not blend well with existing developments.

It appears the developer is simply going for the greatest number of dwelling units to maximize profits, with no regard as to how the city is developed or for the impacts on nearby homeowners.

Thank you for the chance to comment.

Sincerely,



David StLouis
P.E. Retired
2215 SW Homer Ross Loop
McMinnville, OR 97128

cc: Ron Pomeroy

McMinnville Planning Commission
231 NE 5th Street
McMinnville, OR 97128

December 5, 2016

RE: Baker Creek Development
Docket ZC 1-16/ZC 2-16/S 3-16

Dear Commissioners:

In response to the notice of Public Hearing on December 15, 2016, I am providing the following comments and suggestions in regards to the Baker Creek Development's application.

McMinnville Planning Commission needs to thoroughly and cautiously evaluate this application and its underlying effects. It would appear the Baker Creek Development has purposely submitted a plan that does not meet city codes in a number of areas. Do they suppose the city is so eager for development they will sign off any plan without intense scrutiny and due diligence? The planning department works for the city and its citizens and are there to protect our environment from unsuitable proposals from developers with a different agenda. Our deep concerns and suggestions are:

1. The proposed reductions in setbacks for a high number of zoned lots are extreme and in stark contrast to existing zoned development in the area. We don't want our town to start looking like Beaverton where newer homes have similar reduced setbacks. The number of homes with reduced setbacks should be restricted to lots where the topography dictates it and nothing more. This is why we don't live in Beaverton.
2. Would not this reduction in setbacks change the charming nature of McMinnville's outer residential areas? Would not Duplex Townhouses make a more suitable solution, while still retaining standard setbacks?
3. Is such a large scale and high-density development justified and in the best interest of the community? Is there a demonstrated public need?

It appears the developer is aiming for the biggest bang for the buck and not necessarily what would be best for McMinnville residential areas. Thank you for the chance to comment and we oppose this reduction in setbacks.

Sincerely,

Gene and Deanna White

Gene and Deanna White
2200 SW Homer Ross Loop
McMinnville, OR 97128

RECEIVED

DEC 12 2016

COMMUNITY DEVELOPMENT
CENTER

RECEIVED

TO: McMinnville Planning Commission
Heather Richards, Planning Director
Ron Pomeroy, Principal Planner

DEC 13 2016

COMMUNITY DEVELOPMENT
CENTER

FROM: Susan Dirks and Kent Stevens
1880 NW Doral St., McMinnville

SUBJECT: Comments on Baker Creek Development, ZC 1-16/ZC 2-16/S 3-16

Date: December 13, 2016

We have two major areas of concern about this proposed development.

First, Baker Creek Development, LLC has not submitted a proposal for a true planned community that will serve its residents for years to come with dedicated parkland, open spaces, and walkways. Instead, the developer asks the City to approve zoning changes that will significantly increase density (and its own profit margin) without the necessary compensatory public spaces and amenities. The Staff Report delineates a number of concerns about the developer's proposed plan, but then recommends approval without requiring sufficient remedies for those problems.

Density: In general, we support the concept of multi-family and higher density single family dwellings in the Baker Creek West (BCW) area. However, we believe that the developer's requested overall density for the site of 7.39 units per acre, a full 1.39 units over the McMinnville Comprehensive Plan's limit of 6 units per acre, is too high. As the Staff Report points out, BCW will have lot sizes 21% smaller than the minimum R4 single lot size and only 14 of the 130 lots will meet the standard of the depth of the lot size not exceeding two times the average width. This level of density might be acceptable if the developer had made appropriate accommodations for open space, parkland, and pedestrian walkways, but it has not.

Open Space and Parkland: In the development as a whole, only between 0.28 and 1.7 acres are designated as open space, depending on the amount that is dedicated to wetlands or storm water detention areas. In BCW, there is no designated open space area at all, only a storm water detention area. The Staff Report recommends "one private mini-park/playlot" of a minimum of 6,000 feet be provided. This is less than the size of two average BCW lots – intended to serve 195 families (130 single family lots and 65 multiple family units)! This is simply not enough. In a high density community, the developer must dedicate much more land than this to common use.

Pedestrian Connections: Well-planned developments of this type include walkways that encourage pedestrian access and activity throughout the neighborhood. The Staff Report points out that "had active useable neighborhood amenities been provided as part of this proposal (i.e., tot lots, covered picnic spaces, etc.), these [pedestrian] connections would provide meaningful walkable access to more than just the next street over." However, the staff does not recommend any changes in the pedestrian connections aspect of the application. We believe this issue should be remedied prior to approval.

Our second concern is infrastructure costs, both long- and short-term, which will be higher than normal due to the density of this development. It seems unlikely that there will be no fiscal impact to the City,

as the Staff Report concludes, based on the factors listed below. It is essential that the developer, who will profit handsomely from this project, pay the absolute maximum fees to cover these costs.

Roads: The Staff Report indicates that Baker Creek will not need any improvements and the improvements already slated for Hill Road will be sufficient. Obviously, the addition of at least 278 new cars using both of these roads daily will eventually mandate some improvements: at least a light at the intersection of Hill and Baker Creek, and additional traffic controls further east on Baker Creek. In addition, Hill Road will no longer be a "minor arterial street," but instead will become a major street along one boundary of the development and will certainly require additional work.

Sewer and Storm Drainage: Is paving this entire area, which is now essentially a large wetland / drainage area, with impervious cover likely to increase its drainage problems? The intersection of Hill and Baker Creek is already susceptible to flooding in heavy rains (as occurred only a few weeks ago). We believe that the Engineering Department needs to carefully review the requirements and costs of providing this infrastructure and charge the developer accordingly for the full cost.

City services: To provide only one example, the Police Department is currently significantly understaffed and underfunded. City property taxes are clearly not covering these costs now. Will the tax revenue from 278 new households be sufficient to provide for the necessary increased services?

Schools: Is the McMinnville School District prepared to serve these additional students?

Thank you for the opportunity to comment on this project.

Peter M. & Linda C. Enticknap

2019 NW Doral Street
McMinnville, Oregon 97128
lindaypeter@gmail.com
(971) 901-2614

December 14, 2016

Ms. Heather Richards, Planning Director,
City of McMinnville, OR 97128

RE: Staff Report: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16 (12/15/2016)

Thank you for the opportunity to comment on this proposal.

It is my understanding from the Staff Report that 'No Fiscal Impact' to the City will result from this development. [1] I encourage the City to insist on a comprehensive Fiscal Impact study before approving this project. The project would create 213 single family and 65 multifamily units totaling 278 additional dwelling units for an added population of about 773 residents. [2] Is there an analysis of necessary street improvements as a result of increased vehicular traffic generated by this development? What is the impact to schools, police, fire and other city services from an additional 773 residents?

It is well known among economists that the Cost of Community Services (COCS) resulting from increased demand by residential development exceeds total revenue. A review of about 90 COCS studies from across the Nation found that for every dollar generated from residential development, local governments spend from \$1.02 to \$2.11 more in services. (Dorfman, 2006)

"In not a single instance did residential development generate sufficient revenue to cover its associated expenditures." [3] [4]

The project violates minimum lots sizes, minimum set back requirements and maximum total density as defined by the McMinnville Comprehensive Plan, regulations and zoning. Project density is excessive at 7.39 units per acre, or 1.39 units (>23%) more than the McMinnville Comprehensive Plan's maximum of 6 units per acre. Lot sizes are 21% smaller than the minimum R4 single lot size. Only 14 of the 130 lots meet the standard lot depth not to exceed two times the average width. One of the wonderful things about living in McMinnville is the open space, parks and green belts. This project does not provide sufficient open space or pedestrian access for such a high density project. The only beneficiary is the developer's profits.

There is repeated flooding in the vicinity of Michelbook Country Club. In December of 2015 the storm drainage system failed flooding streets and private property. Relying on private parties to correct this reoccurring problem has not been a successful strategy. It was recently discovered that this extensive 'private' storm drainage system has not been maintained for decades. [5] City Engineering Department records do not accurately reflect the system as it is currently installed. This proposed development will only exacerbate an already serious flooding risk in this community. We are required to annually provide proof of an independent irrigation backflow

valve inspection. It would be in everyone's interest to have a similar requirement of storm drains as this is clearly a PUBLIC SAFETY issue.

Kindly distribute my comments to the Planning Commission.

Thank you,

Peter M. Enticknap

References:

- [1] Staff Report: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16, Page 27
- [2] Average number of persons per household in Yamhill Co.: 2.78 (2011-2015)
<http://www.census.gov/quickfacts/table/PST045215/41071,00>
- [3] The Fiscal Impacts of Land Uses on Local Government, by Jeffrey H. Dorfman, Land Use Studies Initiative and Department of Agricultural & Applied Economics, April 2006 (PDF)
- [4] The Fiscal Impact Handbook: Estimating Local Costs and Revenues of Land Development, by Robert W. Burchell, David Listokin, CUPR/Transaction Publishers, Aug 31, 2012 (Book)
- [5] Personal conversation Michelbook 4th Addition management and Michelbook maintenance. Staff.



Doral Street, 12/2015, P. Enticknap

Ron Pomeroy

From: Gene White [Gene.White@frontier.com]
Sent: December 14, 2016 4:06 PM
To: Ron Pomeroy
Subject: Baker Creek Development

Thanks for meeting with me yesterday, Ron. I wanted to pass along one more detail related to the application by Baker Creek Development. When you informed me that the development required the creation of a HOA I felt a little better, until I returned home. Here is what happens in practice when a party buys a house in a development and then rents it out. When the property comes in conflict with the CC&R specs the HOA has no recourse if the landlord refuses to comply except take them to court. Which they don't because the HOA doesn't have the money and the landlord knows that. Bottom line nothing gets done to bring the property in compliance and the neighborhood will start to reflect that. This is the actual condition in the development where our son lives in Hillsboro, which is similar to Cottonwood.

The only remedy I can think of is that the HOA states that when the property owner refuses to comply after X number of warnings they will be sued and the property owner will pay all court costs. I think this development will really need something like this as I would anticipate an unusually high number of rental units.

Sincerely, Gene

January 2, 2017

RECEIVED

City of McMinnville Planning Department
Attn: Ron Pomeroy, Principal Planner
231 NE Fifth Street
McMinnville, Oregon 97128

JAN 03 2017

COMMUNITY DEVELOPMENT
CENTER

RE: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16

Dear Mr. Pomeroy,

I have read the Staff Report, dated December 15, 2016, regarding the Baker Creek Development LLC's application located south of Baker Creek Road and east of Hill Road. I have some concern about the proposed density being based on a "build it and they will come" philosophy.

While I agree that the property is within the UGB and is eligible for development, I believe the area is suburban to the core of McMinnville. My concern is overlaying urban planning standards on an established suburban area. Specific reference (Staff Report, page 11) to Ordinances 4506 (1991) and 4626 (1996) is used to justify changing the C-3 original 5-acre parcel to a C-3 PD 3.8-acre parcel for multi-family development. Chapter 17.33.020 Section F Point 5 specifies: "That the provision [overlaying multi-family onto a C-3 zone] of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street and Johnson Street."

In addition, the Staff Report acknowledges that the applicant's basis is "a 20-year-old partially developed tentative plan." The Staff Report also acknowledges that the S 2-96 approval expired in 1997. I do not believe that a partially developed, expired tentative plan is an adequate basis to approve a development density that will comprise 4.62 percent of all dwellings forecast needed in an entire 20-year period.

The City of McMinnville Economic Opportunities Analysis, dated November 2013 and prepared by E.D. Hovee & Company LLC, projected that 6,014 new dwelling units would be needed 2003-2023. Part of that demand was based on the continued expansion of Evergreen Museum Campus as a basis for increased employment opportunities. It should also be noted that top five employer Cascade Steel has cut approximately 70 positions since the study was completed. The remaining top five employers in McMinnville – McMinnville School District 40 (about 712 employees), Willamette Medical Center (489), Yamhill County government (425) and Linfield College (431) – are largely population based, with Linfield College acknowledging a 5 percent drop in enrollment this year.

The same study projected a McMinnville population of 34,757 in 2015. A recent check of the local population signs indicated McMinnville 2016 population at 33,405, down

3.9%, or 1,352, from the Hovee 2015 projection. Assuming Hovee's household (HH) size of 2.6, the total housing demand for the period should be about 520 dwellings less or 5,494. These figures **push the Baker Creek Development up past 5% for the entire 20-year demand**. An additional consideration is that more than 5% of the entire 20-year market will be going to a non-local developer.

Another way of considering the scale of the Baker Creek Development is to refer to the December 27, 2016 front page of the News-Register newspaper that showed that Yamhill County issued 109 permits for the entire year. This **one development will be 150% of the entire annual county demand**. Another article in the December 23, 2016 paper stated that McMinnville issued about 112 building permits in 2014-2015 and 2015-2016. Mike Bisset said 99 of those permits were issued in the previous 12 months (2016 only). Heather Richards is quoted, "We're still not at the same level we were before the [2008] economic recession began." So, eight years later, building permit demand is still down despite projections, and yet a development with densities of 6.39 and 7.39 units per acre is proposed in an area zoned for 6 units per acre.

McMinnville School District Enrollment Forecasts 2015-16 to 2024-25 states that MSD had a net growth of 723 students from 2004-5 to 2009-10, but **only added 46 students from 2009-10 to 2014-15**. The study cites long term trends of lower fertility rates, an aging population, job losses due to the recent recession and the slow recovery that have resulted in much smaller in-migration levels (Enrollment Trends, page 11). The Enrollment Forecasts project a **total growth of 325 students K-12 from actual 2014-15 enrollment to projected 2024-25 enrollment**. Given that increase is across all grades, and based on costs to build Sue Buell Elementary of about \$20.4 million in 2009 to accommodate 600 students, I question relying on the proximity of a projected elementary-only school construction project as an indicator of immediate housing density requirements.

Affordable Housing

One of the key points used in support of the Baker Creek Development is the need for affordable housing. I believe that the development will attract investors, particularly in the R-4 Modified section, which would be counterproductive. My point is that a mortgage payment for a \$220,000 house is about \$850 a month. As of December 31, 2016, the lowest McMinnville rent listed on Zillow was \$800 a month for a one bed/one bath 350-square foot house. Based on the current market, I would project rental rates for R-4 Modified units to be in the range of \$1,200 to \$1,300 a month conservatively. That makes those units in particular very attractive to investors, which would not address the affordable housing issue McMinnville faces. Since the developer specifically calls out the high density units as owner-occupied, it is fair to ask what steps will be taken to insure that the units will not be used as rental units.

Rental potential also exposes to neighboring areas to absentee owner neglect. Adjoining HOAs to the proposed Baker Creek site have had to bring lawsuits against member owners who did not ensure their renters abided HOA regulations.

A tertiary issue of the R-4 Modified lots is the limited side lot of 3 feet between units. Has any consideration been given to limiting fences and landscaping in those tight areas to facilitate maintenance and rear yard access? Does a 3-foot width even provide enough space for the correct ladder angle for second-story access in case of fire?

Traffic

Another issue facing adjoining HOAs relates to traffic. The Staff Report refers to the Cypress Townhouses as an example of high density units being able to manage street parking because they face housing that front side streets. There are only 14 houses across from the Cypress Townhouses and those houses are located on two cul-de-sacs. It is not, in fact, a comparable situation to the R-4 Modified density or projected street parking availability based on number of intersections and curb cuts for driveways.

There is also a proposed neighborhood park planned for the area. As a designated neighborhood park rather than a community park, it is assumed that most people will walk to the park and so significant parking is not a requirement in the park design itself. However, since the new park is planned to be the only barrier-free park in McMinnville, I believe that cars and vans will, in fact, be needed to provide access for park attendees that require barrier-free attractions. With minimal parking included in the park itself, street parking will be required.

Trees and Green Space

McMinnville has been a Tree City for about 20 years and actively promotes that status. Every developer has had to follow the requirements of appropriate landscaping, including commercial parking lots to the extent that parking spaces are lost. The parking lot remodel at the northeast corner of 99W and Evans in front of the Grocery Outlet is a recent example. If a commercial parking lot along a highway is required to have green space, it is reasonable to expect an outside developer to adhere to the same requirements in a residential location.

Recommendation

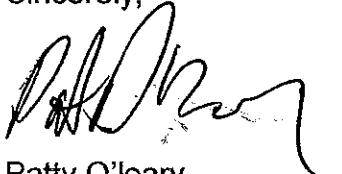
The Staff Report recommendation addresses many of the concerns I have. I am particularly impressed with the restrictions recommended concerning a mini-park and landscaped green space as well as street appeal. The primary issue I am not clear on, however, is whether the recommendation is to approve the lot size variations or whether the approval is for the number of lots.

Since a PD status is to be issued only once an approved design is submitted, I hope that any commission approval is delayed until the Baker Creek Development group provides a new layout plan reflecting the Staff Report's recommendations

of landscaped green space, pedestrian paths and right of way setbacks. I cannot see how the Staff Report recommendations can be implemented without significant increases in the proposed unit densities per acre since applicable acreage will be removed from the amount used to compute density rates. Additionally, if the proposed roundabout goes in at the intersection of Hill and Baker Creek Roads, Lot 131 (the corner lot) will lose additional acreage to the larger intersection right-of-way requirements. The Staff Report already clarified the applicant's proposed density rate by removing the established Shadden Claim acreage which is not part of the applicant's proposed development. This correction resulted in actual proposed densities of 6.39 and 7.39 dwelling units per acre rather than the applicant's 5.85 dwelling units per acre.

I appreciate your thoughtful consideration of all the implications of a development that has the potential to forever change the character of McMinnville by establishing standards with which we will all have to live. Changes of this scale should not be taken lightly.

Sincerely,



Patty O'leary
2325 Homer Ross Loop
McMinnville, OR 97128

RECEIVED

JAN 06 2017

COMMUNITY DEVELOPMENT
CENTER

From: dcc.larson3 [mailto:dcc.larson3@frontier.com]
Sent: Friday, January 6, 2017 2:46 PM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: Public hearing notice on the baker Creek development

My name is Doug Larson and we are currently building a home in Westwind Estates Lot 4. We drove down from Marysville Washington December 15th 2016 to attend the public hearing at the Planning Commission meeting at McMinnville Civic Hall but it was cancelled that evening because of bad weather. We purchase the lot at Westwind about 4 years ago understanding that east of us across hill road some single-family homes would eventually be built there. We could have never imagined an apartment complex going in on the corner of Baker Creek Road and East of Hill Road. I understand that some single family residence can be placed on that property and be done in a manner that is appealing and representative of that area. I do not believe that the setbacks should be reduced for the side yard and the front and back yards they should remain the same as is in other nearby developments. The Proposal from Baker Creek development has very very small lots. I think the lots should be no less than 8,000 square feet minimum and keep the setbacks at 20 feet in the front and back and 10 feet on the sides no exceptions. We do not want the community to look like row housing you would find in some big city.

There definitely should be no multifamily apartments in that area it would drastically bring down the property values of that area. It is a very nice area now in McMinnville and that is why we chose to build there. Please don't approved Baker Creek development zone changes to the detriment of that beautiful rual area of Northwest McMinnville.

Sent via my Samsung Galaxy, an AT&T 4G LTE smartphone

January 16, 2017

City of McMinnville Planning Department
Attn: Ron Pomeroy
231 NE Fifth Street
McMinnville, OR 97128

RE: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16

Dear Mr. Pomeroy,

After spending considerable time reviewing all of the materials and correspondence related to this proposed development, we would like to add our concerns to those who have written and to emphasize a few of the points.

To begin with, we support and agree with the letter of January 2, 2017 from Patty O'Leary. We, too, have many questions and concerns about the plans for this development and for the staff recommendations, as well as their responses to questions raised by Ms. O'Leary and others.

1) The staff report refers repeatedly to various changes, additions, modifications and amendments to, and expansions of Planned Development ORD. 2646. It also includes a request to 'repeal it in its entirety' (page 31, item 8). This is confusing, as it cannot be both ways. If it is repealed, where does that leave properties which have already had to follow that ordinance?

2) In regard to the population density and the proposed number of dwellings, throughout the proposal and the staff report, the arithmetic is inconsistent and misleading, yet the staff report states that it recommends approval. We would like to see a revised proposal with corrected figures. As it stands, we do not feel that this development is even ready for approval.

The proposed smaller lots and inadequate parking are a genuine concern for safety and for surrounding property values. That this section of the development is a candidate for slum hood is a very real concern. Letting the police 'handle it' seems dismissive and irresponsible of any developer. 'Absolute maximum density' of an area should not be the primary consideration.

3) The required Home Owners' Association(s) and CC&Rs are another area of concern. First, the proposed development is not part of Shadden Claim I and II. If, by law, it must be in place before city approval, how can the staff report recommend approval without one? Secondly, it seems like a huge conflict of interest for the city to be a party to this or any other HOA. What is this recommendation based on? And, third, how does the city and/or developer propose to compel the VJ2 company to do any of the things required by these Staff Reports?

It seems to us that too many liberties have been taken with facts, figures and laws in both the proposal and the Staff Reports. We would like to see a revised proposal with corrected information.

As it stands, we do not feel that this development is even ready for approval. We will be bringing up these and other points at the meeting this Thursday evening.

Thank you.

Sincerely,

The Hayes Family

Email
RECEIVED

JAN 23 2017

COMMUNITY DEVELOPMENT
CENTER

TO: McMinnville Planning Commission
Heather Richards, Planning Director
Ron Pomeroy, Principal Planner

FROM: Susan Dirks
1880 NW Doral St., McMinnville

SUBJECT: Additional Comments on Baker Creek Development, ZC 1-16/ZC 2-16/S 3-16
following January 19, 2017 Planning Commission Public Hearing

Date: January 20, 2017

First, I would like to thank the Commissioners and the staff for their patience and perseverance throughout this process and during the long meeting last night. I appreciate the opportunity to add a few additional comments.

Concern that houses would become rental property: Since it is now proposed that the City be a party to the CC&Rs of the Homeowners Association, would it be legal for the City to require a covenant specifying that all property within this development be owner-occupied?

Density: During the hearing, so many calculations and maps were discussed that I think that it is important to focus on the reality as it will be experienced by the people actually living in and near this new neighborhood.

I understand that the approval process and the rules governing changes to the Comprehensive Plan permit the applicant to calculate the average density per acre for two separate tracts and to apply that average to the entire project. But the result is mathematical sleight-of-hand and does not reflect reality. Once constructed, the houses and apartments in the Baker Creek West (BCW) tract will still have a density higher than 7 units per acre. When the entire project is complete, on paper the average density may indeed be less than 6 units per acre, but on the ground, in the actual BCW neighborhood, mere mathematics will not move those dwellings further apart, thus making the neighborhood more livable.

Green space, parkland, and walkways that are located *inside* the neighborhood and encourage activity *within* the neighborhood, not just on the periphery, are intended to compensate for the higher densities of developments like this one. If the applicant were required to dedicate modest amounts of land within BCW for these amenities, it would simultaneously bring BCW closer to the Comprehensive Plan's goal of 6 units per acre *and* vastly improve the neighborhood.

Finally, as Mr. Pomeroy indicated at the meeting, it is incumbent on the applicant to provide a compelling reason for his requested variances to the Comprehensive Plan. Has he done this?

Emailed
RECEIVED

January 23, 2017

JAN 23 2017

COMMUNITY DEVELOPMENT
CENTER

City of McMinnville Planning Department
Attn: Ron Pomeroy, Principal Planner
231 NE Fifth Street
McMinnville, Oregon 97128

RE: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16

Dear Mr. Pomeroy,

I found the January 19, 2017 City Planning Commission Session quite informative, albeit somewhat confusing regarding what can actually be done with the property in question. While I acknowledge that I am not a professional planner with access to the full resources of the City Planning Department, the following paper trail appears clear to me.

Ordinance 4506

Ordinance 4506 was recorded December 10, 1991. According to the first paragraph, it was filed to approve "certain changes to the McMinnville Comprehensive Plan Map, 1980; setting certain conditions of development; amending Ordinance Nos. 4082, 4214, and 4410; and repealing Ordinance Nos. 4381, 4441, 4453, and 4466 in their entirety." While Ordinance 4506 included multiple parcels of land, for simplification I am only going to include the section covered by the application and referred to as Parcel 3 (the southeast corner of land bounded by Hill Road and Baker Creek Road), in Exhibit A of Ord. 4506.

I have included a copy of Exhibit A to clarify the location of the Parcel 3 under discussion. I have marked Tax Lot 0200 in red. Please note that was a clearly identified Tax Lot in December, 1991. At this time, Parcel A is 5 acres and the rest of the corner at Hill and Baker Creek is 13.49 acres. I do not call that out as Tax Lot 0203 since it is not absolutely clear from Exhibit A that it is defined as a separate Tax Lot at that time, only that **it is not part of Tax Lot 0200**.

Section 1. (a) amended Parcel 3 (as well as Parcels 1 and 2 located at the intersection of Hill Road and Second Street and not relevant to this application) from a residential designation to a commercial designation. Section 2 reiterated that Parcel 3 was rezoned from R-1 (Single-Family Residential) to C-3 PD (General Commercial Planned Development), subject to specific conditions, which included that a minimum of 14 percent of the site must be landscaped; detailed plans must be submitted and approved

before actual development may take place; and further conditions regarding hours of operation, lighting and the like.

The specific conditions applied to Parcel 3 that are relative to the Baker Creek Development application are Section 2. (b) "The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to **place conditions on any development** and to determine whether or not the specific uses are permissible." Section 2 (d) "**No building shall exceed the height of 35 feet.**" And finally, Section 2 (h) "That Section 3 of Ordinance 4082 is hereby amended by substituting the words 'C-3 PD (General Commercial Planned Development)' for the words 'AH PD (Agricultural Holding Planned Development)'. All other applicable provisions of Ordinance 4082 remain in full force and effect."

So Ordinance 4506 seems pretty direct to me. I have included the pages of Ordinance 4506 that pertain to Parcel 3 for clarification.

Ordinance 4626

Ordinance 4626 was recorded on July 9, 1996. **It only refers to Tax Lot 200**, which is the tax lot south of the section of land referred to above as Parcel 3 (primarily Tax Lot 203). Once again, this ordinance amends "the City of McMinnville Comprehensive Plan Map from an existing commercial designation and rezoning certain property from a C-3 PD (General Commercial Planned Development) zone to an R-1 PD (Single-Family Residential Planned Development) zone on 1.2 acres of land [a portion of Parcel 3 from Ordinance 4506], and a zone change from an R-1 (Single-Family Residential) zone to an R-1 PD (Single-Family Residential Planned Development) zone on approximately 21.8 acres of land located south of Baker Creek and east of Hill Road." Unfortunately, I do not have the two exhibits specified in Section 2 and Section 3 of the ordinance to be more specific about the larger section of Tax Lot 200, but I believe everyone following this application has an understanding of the general location.

Section 3. 2. states that "the multiple-family project(s) must be nonlinear in design and Parking lots must be broken up by landscaping. In addition, **useable open space shall be provided within the development**, and streetside landscaping shall be emphasized."

Section 3. 3 states "that the minimum interior side yard setback shall be 7.5 feet."

Other lots are called out to have minimum lot sizes as well as minimum exterior side yard setbacks, but since I do not have access to the exhibits, I have not included those lots, but have only listed the qualifications that apply to the entire parcel.

Section 3. 7. specifies that "the applicant shall initiate with the City a process which will result in the designation of a minimum net 10 acres of land on the north side of Baker Creek Road in close proximity to its intersection of Hill Road for commercial purposes.

The process shall include the application of a planned development overlay **which restricts the property from use for residential purposes.**" I only mention that fact because of the applicant's comment at the January 19, 2017 hearing that they plan to put a senior residential structure on that site. Additionally, I'm sure you know that McMinnville is already short approximately 106 acres of commercially-designated land per state requirements. And finally, if that designation was not completed, I believe Ordinance 4626 is invalid since that designation was a condition of approval.

I have included a copy of Ordinance 4626, less the two exhibits mentioned that I do not have access to, for clarification

Again, the intent of Ordinance 4626 is pretty straight forward. And unlike Ordinance 4506, **it does not list any other ordinances it is changing or amending.** I would also like to point out that **Ordinance 4626 does not refer to Tax Lot 203 at all.** Therefore, I am unsure of the source of the Staff Report statement: "Also included in the BCW portion of the site is a 3.8-acre lot identified by the applicant as Phase II of this proposal and shown on Attachment 3(g). This site is zoned C-3 PD (General Commercial. Planned Development) and **currently designated for multiple-family development by ORD. No. 4626.**"

If the leap from C-3 PD is being made based not on ORD. No. 4626 as stated, but rather on 17.33.020 Conditional Uses in a C-3 zone, I repeat the same statement I made in my January 2, 2017 letter and at the January 19, 2017 City Planning Council Session, Section F. 5. does not allow it. Specifically, "F. A multiple-family dwelling constructed to a **higher density than normally allowed** in the R-4 multiple-family zone provided the following conditions are met. It is the applicant's burden to show that the conditions have been met: ...5. **That the provisions of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street and Johnson Street.**" It should be noted that the same qualification is listed in the R-4 zoning section as well.

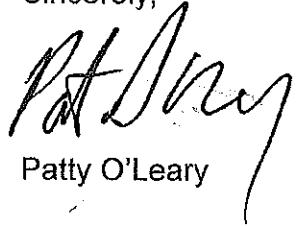
An additional assumption appears to have been made regarding building height requirements. 17.33.040 Building Height stipulates "in a C-3 zone, buildings shall not exceed a height of **eighty feet.**" I am unsure of where the 60- to 65-foot height limitation came from that was mentioned at the City Planning session, but it is irrelevant anyway. The 80-foot limitation is based on Ordinances 4128 (1981) and 3380 (1968), both of which are superseded by **Ordinance 4506 (1991)** which made a building height limit of 35-feet a condition of C-3 zoning for the section of Tax Lot 203 described as Parcel 3.

In case there is any confusion as to what restrictions apply, section 17.03.040 states "**Interpretation – More restrictive provisions govern.** Where the conditions imposed by any provision of this title are less restrictive than the comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, **the provisions which are more restrictive shall govern.**"

Part of the Staff Report Recommendation is to repeal Ordinance 4626 entirely. If that is done, will a house already built in one of the existing Shadden Claim HOAs be able to be torn down and rebuilt to the applicant's specifications? Or will the lot revert back to Ordinance 3380 specifications? It seems to me that a "cleaner" solution is simply to amend Ordinance 4626 by removing the applicant's Tax Lots. The parcel has already been divided into multiple tax lots and so there is, in actuality, no need to include or modify tax lots not owned or controlled in any manner by the applicant in the application.

The City of McMinnville Economic Opportunities Analysis, dated November 2013 and prepared by E.D. Hovee & Company LLC states that the "challenge for the future will be to maintain the community's small-town character" and I believe that most McMinnville residents would agree with that statement. The Mission Statement adopted by the City Council in 1993 opens with, "The City of McMinnville is primarily responsible for maintaining a safe and livable environment within the community." It would be a shame if we end up with a residential equivalent of the dump through inaccurate planning interpretations.

Sincerely,

A handwritten signature in black ink, appearing to read "Patty O'Leary".

Patty O'Leary

4 pages for letter and 8 pages of attachments for 12 pages total

Dec. 10, 1991

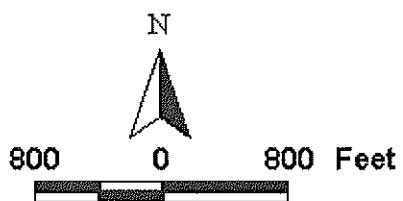
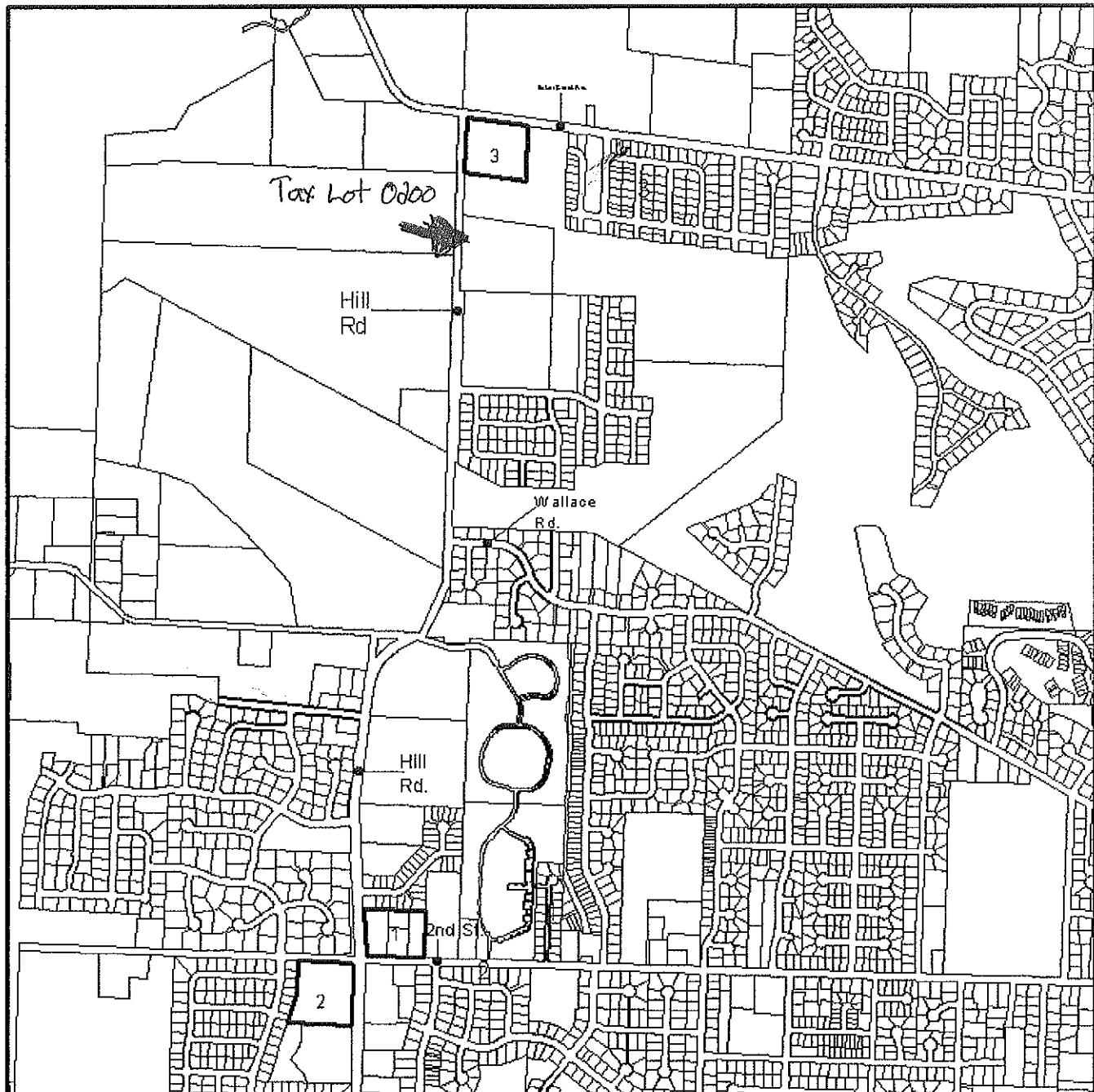


EXHIBIT A
Planned Development Overlay
Ordinance No. 4506

ORDINANCE NO. 4506

An Ordinance adopting and approving certain changes to the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map, 1980; setting certain conditions of development; amending Ordinance Nos. 4082, 4214, and 4410; and repealing Ordinance Nos. 4381, 4441, 4453, and 4466 in their entirety.

RECITALS:

The City's periodic review notice from the Land Conservation and Development Commission requires that the City review its Comprehensive Plan for compliance with new or amended goals or rules. To comply with the commercial and economic development rule (OAR 660-09), the City completed an economic resources inventory and a land needs projection. It was concluded that an additional 98 acres of commercially designated land would be needed to accommodate the City's commercial land needs to year 2010.

The Citizens Advisory Committee worked on the topic to determine those areas where commercial expansion would be most logical over time. The product of their work was a recommendation to the Planning Commission that some 146 parcels located in several areas of town and totalling 98 acres be redesignated and rezoned to commercial.

The Planning Commission then held a public hearing and a special work session on the Citizen Advisory Committee's recommendation and ended up removing some of the recommended parcels while adding some others. The Planning Commission then forwarded their recommendation to the City Council.

The City Council reviewed the Planning Commission recommendation at an August 26, 1991 work session. A public hearing on the recommendation was held by the Council on October 8, 1991 and a public hearing on this Ordinance which implements the Council's decision on the matter was held on November 12, 1991.

It is the desire of the City Council to adopt the changes to the Comprehensive Plan Map within the City's urban growth boundary and to adopt the changes to the zoning map within the corporate limits of the City at this time in order to bring the City into compliance with the statewide planning statutes found in ORS Chapters 197 and 227, and specifically with the City's periodic review notice from the Land Conservation and Development Commission; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the City's Comprehensive Plan Map shall be amended as follows:

- (a) That parcels 1, 2, and 3 as shown on Exhibit "A," which is attached hereto and incorporated herein by this reference, be amended from a

~~residential designation to a commercial designation; and that parcels 1, 2, 3, 4, 5, 6, 7, 21, 22, 23, 24 and 25, as shown on Exhibit "B," which is attached hereto and incorporated herein by this reference, likewise be amended from a residential designation to a commercial designation.~~

- (b) That parcels 1 through 22, inclusive; 24 through 32, inclusive; 35 through 48, inclusive; and 50 through 56, inclusive, as shown on Exhibit "C," which is attached hereto and incorporated herein by this reference, be amended from an industrial designation to a commercial designation; and that parcel 23 shown on Exhibit "C" be amended from a residential designation to a commercial designation.
- (c) That parcels 57, 60, 61, and 62 as shown on Exhibit "D," which is attached hereto and incorporated herein by this reference, be amended from an industrial designation to a commercial designation.
- (d) That parcels 1, 2, and 3 as shown on Exhibit "E," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation; and that parcel 4 as shown on Exhibit "E" be amended from an industrial designation to a commercial designation.
- (e) That parcel 5 as shown on Exhibit "F," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation.
- (f) That parcels 1, 2, 3, 4, and 6 as shown on Exhibit "G," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation.
- (g) That parcels 1, 2, 3, 4, 5, and 6 as shown on Exhibit "H," which is attached hereto and incorporated herein by this reference, are hereby redesignated from the mixture of industrial and residential designations which encumber the property to a commercial designation and that Ordinance No. 4214, Section 2, be amended by striking all reference to the above described property and by amending the map adopted by said Ordinance to exclude the above described properties (CPA 1-82).

Section 2. That parcels 1, 2, and 3 as shown on Exhibit "A" are hereby rezoned from AH PD (Agricultural Holding Planned Development) to C-3 PD (General Commercial Planned Development), from R-1 PD (Single-family Residential Planned Development) to C-3 PD (General Commercial Planned Development), and from R-1 (Single-family Residential) to C-3 PD (General Commercial Planned Development), respectively, subject to the following conditions:

- (a) That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street

frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines where adjacent to residentially zoned lands.

- (b) Detailed plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible.
- (c) No use of any retail commercial use shall normally occur between the hours of 12:30 a.m. and 6:00 a.m.
- (d) No building shall exceed the height of 35 feet.
- (e) That if outside lighting is to be provided, it must be directed away from residential areas and public streets.
- (f) That signs located within the planned development site be subject to the following limitations:
 1. All signs must be flush against the building and not protrude more than 12 inches from the building face, except that up to two free standing monument-type signs not more than six feet in height and which meet the requirements of (2) and (3) below are allowed;
 2. All signs, if illuminated, must be indirectly illuminated and nonflashing;
 3. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
- (g) All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 1. Off-street parking and loading.
 2. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.
- (h) That Section 3 of Ordinance No. 4082 is hereby amended by substituting the words "C-3 PD (General Commercial Planned Development)" for the words "AH PD (Agricultural Holding Planned Development)". All other applicable provisions of Ordinance 4082 remain in full force and effect.

- End of applicable section*
-
- (i) That Ordinance No. 4410, Section 2, be amended by removing the above described parcel 2 as shown on Exhibit "A" from the adopted description and map of those properties effected by Ordinance No. 4410.

Section 3. That the properties described as parcels 1, 2, 3, 4, 5, 6, 7, 21, 22, 23, 24, and 25 on Exhibit "B" of this Ordinance are hereby rezoned from an R-4 (Multiple-family Residential) zone to an O-R (Office/Residential) zone.

Section 4. That the properties described as parcels 1 through 22, inclusive; and 41 through 48, inclusive; as shown on Exhibit "C" of this Ordinance are hereby rezoned from an M-1 (Light Industrial) zone to a C-3 (General Commercial) zone. That the properties described as parcels 50 through 56, inclusive, as shown on Exhibit "C" of this Ordinance are hereby rezoned from an M-1 PD (Light Industrial Planned Development) zone to a C-3 (General Commercial) zone. That the properties described as parcels 25 through 32, inclusive; and 35 through 40, inclusive; as shown on Exhibit "C" of this Ordinance are hereby rezoned from an M-2 (General Industrial) zone to a C-3 (General Commercial) zone; and that the property described as parcel 23 on Exhibit "C" of this Ordinance is hereby rezoned from an R-4 (Multiple-family Residential) zone to a C-3 (General Commercial) zone.

Section 5. That the properties described as parcels 57, 60, 61, and 62 on Exhibit "D" of this Ordinance are hereby rezoned from an M-2 (General Industrial) zone, an M-1 (Light Industrial) zone, an M-2 zone, and an M-1 zone, respectively, to a C-3 PD (General Commercial Planned Development) zone subject to the following condition:

- (a) All uses permitted in Chapter 17.33 of the McMinnville Zoning Ordinance (Ordinance No. 3380) are allowed subject to the provisions of that Chapter except for the following uses, which are not allowed:
1. Boarding house, lodging house, rooming house;
 2. Public or private school;
 3. Hotel or motel;
 4. Single-family or multiple-family dwelling.

Section 6. That the properties described as parcels 1 and 2 on Exhibit "E" of this Ordinance are hereby rezoned from an R-2 (Single-family Residential) zone to a C-3 (General Commercial) zone. That the property described as parcel 3 on Exhibit "E" of this Ordinance is hereby rezoned from an R-4 (Multiple-family Residential) zone to a C-3 (General Commercial) zone. That the property described as parcel 4 on Exhibit "E" of this Ordinance is hereby rezoned from an M-1 (Light Industrial) zone to a C-3 (General Commercial) zone.

ORDINANCE NO. 11-26

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing commercial designation to a residential designation and rezoning certain property from a C-3 PD (General Commercial Planned Development) zone to an R-1 PD (Single-Family Residential Planned Development) zone on 1.2 acres of land, and a zone change from an R-1 (Single-Family Residential) zone to an R-1 PD (Single-Family Residential Planned Development) zone on approximately 21.8 acres of land located south of Baker Creek Road and east of Hill Road.

RECITALS:

The Planning Commission received an application from Don Jones for a comprehensive plan map amendment and zone change (CPA 1-96/ZC 1-96), dated April 9, 1996, for the property described as a portion of Tax Lot 200, Section 18, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 9, 1996, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on May 4, 1996, 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 requests, found that said changes 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 plan map amendment and the zone change are consistent with the Comprehensive Plan; and

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

The City Council called for a public hearing and set the hour of 7:30 p.m., July 9, 1996, to consider the application, and the matter came on for hearing as scheduled; and

New testimony was received as was the entire record of the previous Planning Commission hearing on the matter, and the Council found that based on the testimony received, the findings of fact, the conclusionary findings for approval, and the previous record received, the Planning Commission had made the correct decision and that that decision should be sustained; now, therefore,

THE CITY OF McMINTNVILLE 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 Don Jones.

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

Section 3. That the property described in Exhibit "B" is hereby rezoned from a C-3 PD (General Commercial Planned Development) zone to an R-1 PD (Single-Family Residential Planned Development) zone and the property described in Exhibit "C" is hereby zoned from an R-1 (Single-Family Residential) zone to an R-1 PD (Single-Family Residential Planned Development) zone, subject to the following conditions:

1. That the conceptual plan for that portion of the subject site not included in the tentative subdivision plan shall not be binding on the City.
2. That site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. The multiple-family project(s) must be nonlinear in design and parking lots must be broken up by landscaping. In addition, useable open space shall be provided within the development, and streetside landscaping shall be emphasized.
3. That the minimum interior side yard setback shall be 7.5 feet.
4. That duplexes shall be allowed on corner lots 134, 136, and 140 with a minimum lot size of 8,000 square feet.
5. That the exterior side yard setback for lots 68, 69, 96, 108, 109, 120, 134, 136, and 140 shall be a minimum of 15 feet.
6. That VJ-2 Company dedicate to the City of McMinnville the parkland as designated on the tentative plan for Shadden Claim, First Addition. VJ-2 Company shall submit to the City for review and approval a detailed design plan for the development of the proposed parkland. At a minimum the park design plan shall include grading, drainage, lighting and irrigation system information, proposed landscaping, and path location and construction details. The improvement and maintenance of the parkland shall be the responsibility of VJ-2 Company and their successors in interest in the Shadden Claim development. VJ-2 Company shall enter into an agreement with the City of McMinnville setting out the terms and provisions of the improvement and maintenance responsibilities for the parkland. Said agreement shall be prepared by the City Attorney. The City shall

also be authorized to improve and maintain the parkland if VJ-2 Company or its successors in interest fail to do so and to levy a lien against each and every lot within this subdivision for said costs and to record these liens in the City's Docket of Liens.

7. That the applicant shall initiate with the City a process which will result in the designation of a minimum of a net 10 acres of land on the north side of Baker Creek Road in close proximity to its intersection with Hill Road for commercial purposes. The process shall include the application of a planned development overlay which restricts the property from use for residential purposes.

Read and passed by the Council this 9th day of July 1996 by the following votes:

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

Nays: _____

Approved this 9th day of July 1996.

Edward J. Gormley
MAYOR

Attest:

Carolyn Benedict
RECODER

RECEIVED
JAN 26 2017
COMMUNITY DEVELOPMENT
CENTER

January 26, 2017

Hand Delivered

McMinnville Planning Department
Mr. Ron Pomeroy, Principal Planner
231 NE 5th Street
McMinnville, OR 97128

RE: Baker Creek Development
Docket ZC 1-16/ZC 2-16/S 3-16

Dear Mr. Pomeroy:

These comments on the proposed Baker Creek West development application are in addition to the comments in my letter of December 8, 2016. The comments are focused on the requested density for the Baker Creek West (BCW) single-family development.

Although this application process has been characterized as one of the more complex due to the varied history of the area and the specific development proposed, it is also one that could create an unwelcome development and establish an unwanted precedent.

We believe the BCW single-family proposal as submitted by the applicant, and moved ahead by the Planning Department in the staff reports, is inconsistent with how residential development should occur on these specific lots. Further, changes should and could be required and be consistent with the comprehensive plan and ordinances.

McMinnville has a long history of being a beautiful city. The downtown area is the result of hard work and careful planning. Subdivisions were carefully planned and landscaped. Park areas are numerous. We are all fortunate to be living here.

If approved as recommended by the Planning Department, the proposed BCW single-family development will forever change part of McMinnville and establish a precedent for higher-density developments without sufficient open space, inadequate or nonexistent buffers for existing development, minimalist landscaping and no public transportation or urban services (shopping centers, drug stores, etc.) nearby.

Further, we can expect a number of these lower-cost homes to be rentals, managed by absentee landlords many of who will allow their properties to fall into disrepair.

Although a home owner's association would be required, it will likely be ineffective at policing the condition of homes, property and landscaping due to the very nature of large, lower-income housing developments and likely would not have sufficient funds to require corrections through court actions. As we all know, CC&R's themselves have no force of law. And even though the city would be party to the CC&R's, it is unlikely that the city would be willing to make an on-going commitment of resources to assure corrections to properties and nuisance conditions are made.

We don't believe anyone is saying that future development should not occur at a higher density. However the magnitude of the proposed medium density BCW single-family development and its 32-foot lots and six-foot setbacks appears to go far beyond what the city needs in terms of higher density and affordable housing on the west side.

Our specific comments pertaining to the application and findings are as follows:

1. Under the Westside Development Policies of the Comprehensive Plan, Section 71.09 reads "The City of McMinnville shall encourage a compact form of urban development **by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use**".

The proposed BCW development is clearly an **urban** development in the midst of existing **suburban** development and is distant from the city center and existing urban services.

2. Section 4 of 71.09 requires that **existing facilities have the capacity for additional development**.

In regard to sanitary sewer capacity, the staff report contains a statement from the McMinnville Engineering Department that reads "The proposed plans indicate the existing mainlines will be extended throughout the proposed development to all proposed lots. The sanitary sewer mainlines shall be designed to facilitate the expansion of service to adjacent properties within the City's Urban Growth Boundary as appropriate."

Also, under Water and Sewer--Land Development Criteria, Policy 151.00, subsection 2 reads "Sufficient municipal sewerage system facilities, as determined by the City Public Works Department, are available, or can be made available to collect, treat and dispose of maximum flows of effluents."

If the above statement is the extent of information from the Engineering Department regarding basin sanitary sewer capacity, it does not appear to answer the question of whether or not there is existing capacity, nor support the staff report Finding of Fact No. 3, regarding capacity. Is there more documentation elsewhere?

And how much of that existing capacity will be consumed by the entire proposed development? Has there been any expansion in sanitary sewer capacity on the west side?

3. Section 6 of 71.09 requires that the area of development **serve as a buffer from low density residential areas in order to maximize the privacy of established low density residential areas.**

Land uses both east and west of the proposed single-family development are lower density developments. If approved as submitted, **the proposal offers no buffer for these areas, particularly the existing homes and one duplex along the east side, nor for homes on the west side across Hill Road. The proposed improvement of Hill Road will only result in increased traffic and noise and hardly constitutes buffering. And no noise barriers are in the Hill Road proposal.**

4. Section 71.10 provides additional factors that should be used to define appropriate density ranges allowed through zoning in the medium density residential areas.

Subsection 2 of this section requires considering **the topography and natural features of the area and the degree of possible buffering from established low density residential areas.**

The topography and natural features of this area provide no buffering for the existing lower density residential areas.

Subsection 4 requires considering **existing or planned public transit.**

The Yamhill County Transit Authority has advised that they have no plans to expand bus service to provide service along Hill and Baker Creek Roads.

Subsection 5 requires considering **the distance to neighborhood or general commercial centers.**

There are no existing or proposed neighborhood or general commercial centers in this area. Any potential development north of Baker Creek Road is years away. Further, there are no walkable neighborhood shopping areas within one-quarter mile and Michelbook Country Club is not a public golf course.

5. Our final comment pertains to the lack of open space within BCW. The staff report reads "**it is instructive to note that there is no open space proposed in the BCW portion of the proposal.**"

Further, the statement in the staff report regarding the total open space of 3.69 acres for the entire 57.63 acre for BCW and BCE **does not have any bearing on the livability for residents of BCW.**

We urge the Planning Commission to reject the current application for the BCW single-family development. Any re-submitted application should be for a development with medium densities that are more appropriate for the area, taking into account the requirements to be protective of the livability and privacy for existing residential developments, have sufficient open space, and the lack of current and future urban services in this area.

Thank you for the chance to comment and for extending the comment period to February 2, 2017.

Sincerely,



David St Louis

P.E. Retired



Carol St Louis

2215 SW Homer Ross Loop
McMinnville, OR 97128

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JAN 27 2017

McMinnville Planning Commission
231 NE 5th Street
McMinnville, OR 97128

COMMUNITY DEVELOPMENT
CENTER

January 25, 2017

RE: Baker Creek Development
Docket ZC 1-16/ZC 2-16/S 3-16

Dear Commissioners:

In response to the notice of Public Hearing on December 15, 2016, we are providing additional comments and suggestions following our letter of Dec 5, 2016 in regards to the Baker Creek Development's application.

McMinnville Planning Commission needs to thoroughly and cautiously evaluate this application and its underlying effects on our community. From the testimonies provided to date it would appear that this has not been done, resulting in several key points not being addressed in the planning department's assessment. Based on this lack of a thorough review we are asking for a rejection of this application until that applicant has complied with the applicable ordinances. In our view the applicant can read just as well as the citizens and they should not be submitting applications which do not comply with the city's ordinances and creating extra work to prove the application is deficient.

We would not be opposed to the developer getting approval to build out the homes that would be adjacent to Michelbook Meadows subdivision as long as that meets all the applicable ordinances.

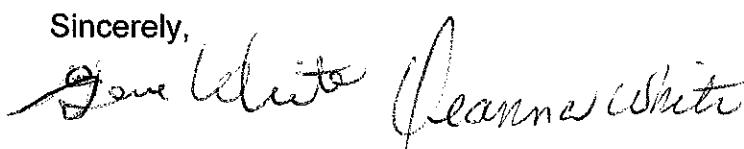
Additionally, the following are deemed relevant:

1. Any residential or multi-family units in the site adjacent to Baker Creek Rd. and Hill Rd. should have noise abatement walls erected on those streets. Why this was not a requirement in the Shadden Claim development (already completed) is a bit of a mystery, as it would have continued the wall structures in place along Baker Creek Rd. With the increased traffic flow the acceleration away from the intersection will be substantial and needs to be abated.
2. Any approval for high density, low-cost homes needs to take into consideration the existing need, the impact potential to draw into the city more low-income residents who may be commuting elsewhere, and the impact on the escalating crime rates in McMinnville. We have visited several websites with crime rate statistics for McMinnville and the trends are certainly going in the wrong direction. Has law enforcement had a look at this application?

3. As noted before and by others, this application totally ignores the impact on the adjacent communities by its sharp contrast in zoning setback reductions and quality of homes. Another example would be to the violation of height restrictions now in place via existing ordinances. A wider review of this application should be made available to NW home owners for their input as well.
4. The road improvements for Hill Rd. will have a traffic circle designed for the intersection of Hill Rd. and Baker Creek Rd. This improvement, plus any widening needs, to be accommodated in the applicant's plan.
5. Landscaping concerns are also in the forefront of this application due the lack of green space and small setbacks between the proposed high density homes. The major vegetation between the homes most likely will be moss!!
6. In the high density areas we would project a large number of rental units and absentee landowners who will not maintain their properties and there is no enforcement mechanism to make them do so.

It appears the developer is out of touch with the city's goals for our community and is interested primarily in building as many homes as possible in the smallest area as possible in the site along Baker Creek and Hill Rds. We can appreciate the need for reasonable starter homes, as that best describes our first home we purchased in 1963. The house was 1800 square feet and the lot had 6 or 7 foot setbacks, with decent front and back yards. Within 20 years that tract of homes had slowly degraded and our first home was approaching slum conditions and is in an unsafe neighborhood. Other tracts in the area that didn't cater to low-income folks are surviving pretty well. The culture of home ownership in the low end market has changed significantly since the 1960's, which we believe accounts for this degradation. We do not want this to happen to McMinnville, as we moved here because of it being a safe town and a charming atmosphere. Don't destroy that, please.

Sincerely,

A handwritten signature in cursive ink, appearing to read "Gene White Deanna White".

Gene and Deanna White
2200 SW Homer Ross Loop
McMinnville, OR 97128

Ron Pomeroy

From: Heather Richards
Sent: January 30, 2017 9:28 AM
To: Ron Pomeroy
Subject: FW: Shadden Claim Development

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED

JAN 27 2017

For the record.

Heather Richards, PCED
Planning Director
City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

COMMUNITY DEVELOPMENT
CENTER

503-474-5107 (work)
541-604-4152 (cell)

www.mcminnvilleoregon.gov

-----Original Message-----

From: Ray Fields [mailto:fields@raf.us]
Sent: Friday, January 27, 2017 9:24 PM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Cc: Scott Hill <Scott.Hill@mcminnvilleoregon.gov>
Subject: Shadden Claim Development

Hello Heather -

I am sorry I have not had a chance to meet you. I have been a resident of the McMinnville area for 54 years as I was the 3rd owner of the local radio station back in the early '60s. While I no longer live within the city limits, (my home is up High Heaven Road) I do want to share with you what I feel is an import perspective relative to the old Shadden Claim development. I hope you will share my perspective with the commission as I will be unable to attend their meetings relative to this as my health will not permit me to be there.

Way back in time when Don Jones tried to annex the entire property into the City and the voters rejected it, I spoke with him and indicated that one way to get the property annexed would be to peal off a few acres and GIVE it to the McMinnville School District. My reasoning then, and it is still today important to consider, is that once all that property is developed - and the way I have read about it in the News Register today, the increase in population in that area (the total Shadden Claim) would require a new elementary school just to serve that population.

I still believe that this is an important consideration and in FAIRNESS to the rest of the McMinnville School District residents, that at the very least either a piece of property of sufficient size located within the development or perhaps a piece of

property across Baker Creek Road to the north be acquired by the developers and DONATED to the school district to provide space for a new elementary school when a new school is required to meet the needs of population within that development. After all, all of the school district residents are going to have to bare the cost of building the school. At the very least they will not be saddled with acquiring the property.

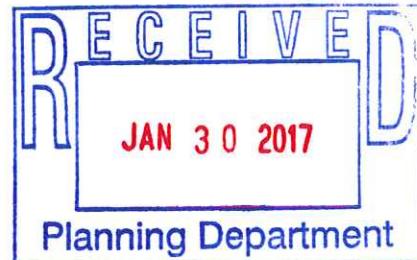
I appreciate that the school district already owns property across Hill Road to the West for future construction of a High school. That piece of property should NOT be used for an elementary school as the City continues to grow it ultimately will need to build a high school on that property.

If you would like to visit with me about this, I would be pleased to talk with you on the phone. You can reach me at 503-472-4590.

Sincerely,

Ray Fields
2650 NW High Heaven Road
PO Box 728
McMinnville, OR 97128-0728

January 30, 2017



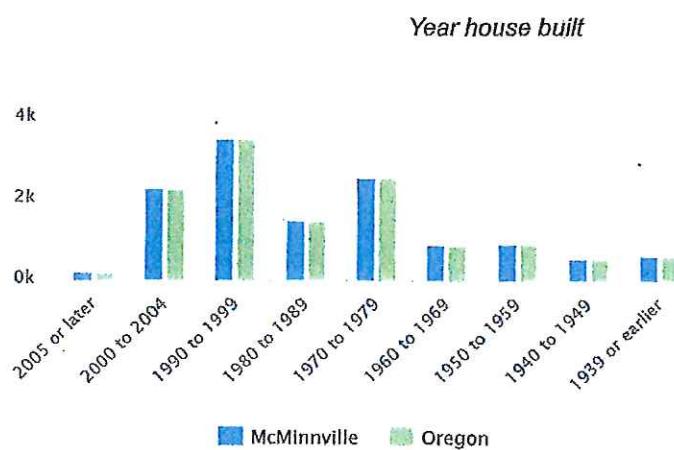
City of McMinnville Planning Department
Attn: Ron Pomeroy, Principal Planner
231 NE Fifth Street
McMinnville, Oregon 97128

RE: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16

Dear Mr. Pomeroy,

According to City-Data.com, McMinnville has had three periods of significant housing growth: 10 years from 1970 to 1979; 10 years from 1990 to 1999; and the five year peak growth from 2000 through 2004. While the last data group covers 2005 or later, it is my understanding that the final figures included were from 2013 at the absolute latest. While I usually prefer to provide more timely information, I believe that most of us agree that little building has occurred in McMinnville after 2008. My letter dated January 2, 2017, has current building permit issued figures that confirm a very sharp drop. Also, it should be noted that although we usually use building permit issued numbers to indicate the strength of the market, just because a permit is issued does not mean a structure was actually built. This graph shows houses actually built, versus permits issued.

McMinnville, OR (Oregon) Houses, Apartments, Rent, Mortgage Statu... <http://www.city-data.com/housing/houses-McMinnville-Oregon.html>



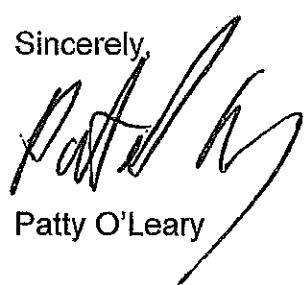
Now, in a market that clearly hasn't recovered in over eight years, there seems to be a race to push through significant variances in historic McMinnville zoning policies for a developer that has only been in business for four years (page A7, January 27, 2017 *News-Register* newspaper). This same developer acknowledged at the January 19, 2017 Planning Commission Session that even just the BCE portion was a large chunk "to swallow" and so the developer planned to stage BCE build out into at least two sections.

McMinnville's need for affordable housing is the excuse given for supporting such significant variances. However, the "affordable housing portion," otherwise referred to as BCW, is the last section of the area scheduled to be built and can be expected to be several years out. And the BCW section of the development is what is creating the most concern with the density concessions that have been requested. Is there really justification for pushing everything through at this time?

Previous total development plans for this same parcel of land were denied in favor of having a section at a time developed. This was during our second strongest growth period, the 1990s. Our current population and economic growth has slowed dramatically. Some are depending on the Dundee Bypass to make McMinnville a viable bedroom community for Portland workers. Even assuming that is a title to which McMinnville aspires, with only the first section underway and no funding in place to complete the second portion, realistically, completion of the Bypass is years out.

Is there an option to move forward with BCE only, which gives everyone a chance to see what demand actually is and how a relatively new development company follows through? We are considering committing 5% of our entire 20-year market to a relatively new developer requesting a density level not usually allowed in a suburban area. Is that the correct decision?

Sincerely,

A handwritten signature in black ink, appearing to read "Patty O'Leary".

Patty O'Leary

February 2, 2017

City of McMinnville Planning Department
Attn: Ron Pomeroy
231 NE Fifth Street
McMinnville, OR 97128

RE: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16

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FEB 02 2017

COMMUNITY DEVELOPMENT
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Dear Mr. Pomeroy,

We have been reviewing the latest documents and letters regarding this proposed development, including the staff responses to our letter of January 16, 2017. We would like to go on record with a correction from that letter. In paragraph 5, we state that "Letting the police 'handle it' seems dismissive and irresponsible of any developer." This comment is rightly attributed to the staff, and not the developer. That said, we feel that, in general, our questions and concerns were not truly addressed by your department's reply.

It seems that both the applicant and the planning department are complicating an issue that doesn't need to be complicated. Why make so many exceptions to the rule and/or change the rules for many of the lots, when there has not been a clear reason to do so?

We suggest that the area of Baker Creek West currently zoned R-1 PD remain as is, with no modifications, as they have already been modified from the original zoning. We suggest that the same applies to parcel Baker Creek West C3 PD, multi-family housing. In addition, Baker Creek West and Baker Creek East plots that are currently R-1, and Baker Creek East parcel currently zoned EF-80 should be allowed to be R-1 PD, but only under the current existing guidelines for ORD 4626.

The applicant has yet to demonstrate any compelling reason for changing the existing zoning guidelines for the development or the need for the smaller lot sizes.

The Affordable Housing aspect of the proposed Baker Creek West and its smaller lot sizes still has not properly addressed. The question is: what makes these homes affordable? There have been no charts or figures from the applicant that demonstrate what is meant by the term 'affordable housing', what the community demographics are, or the price points of those homes in question.

Also, we are still concerned with the plan to have the City be 'made a party to' the Home Owner Association and its CC&Rs. We feel that this needs to be explained further. Does the staff propose that the City be on the Board or are they simply wanting to be notified of any changes to the CC&Rs and any infraction of them? If the staff proposes this, we feel it necessary to remind them and the committee that Home Owner Associations are corporations, and that they have all of the requirements and responsibilities of such. It seems unnecessary to put the City at risk of any litigation that may arise.

Furthermore, the applicant and the staff seem to be overlooking the fact that the CC&Rs must be approved by the state, not just the City - a process which can take up to 90 days. It seems as though the staff is willing to approve the project before the CC&Rs are ready. Staff response to this did not really answer the question from our first letter.

Finally, the staff response regarding the issue of VJ-2 (7E) being required to do certain things for this development has still not been addressed. If, as the reply states, this stipulation doesn't apply, why include it as a condition?

We are not opposed to developing this area; this has been the plan all along. What we object to is the reduced lot sizes and subsequent density increase with the reworking of ORD 4626.

We look forward to the opportunity to attend the next scheduled meeting.

Sincerely,

The Hayes Family

Carr, Renee

To: McMinnville Planning Commission
Cc: ecrc@comcast.net
Subject: Baker Creek Rd 500 House sub-Division

Dear Sirs,

We recently moved to McMinnville in August. We were told if you want to keep up on what is happening in McMinnville, subscribe to the Register-News.

I am including the copy of the article from the Friday, January 27, 2017 article on the impending sub-division on Baker Creek Rd. Our last home was on the top of Scouters Mountain in Happy Valley (HV). A group called AKS developers and the HV city council decided that they would build a 600 home sub-division on the Boy Scouts property and create more high density housing. (17,000 population) Even though AKS said they studied the needs of the traffic flow, schools etc. many people and the HOA's in the surrounding area paid thousands of dollars to no avail to show information to the contrary on the area handling this size sub-division.

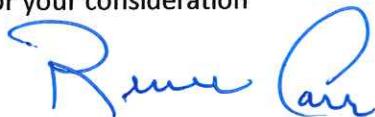
I am concerned when I read that you have two people from outside McMinnville building the subdivision. They have no vested interest in the livability of the area, the traffic flow to neighborhoods, schools, even the land and the environment. Yes they have 30 + years of development but only FOUR years as a company together as Stafford Land Company for establishing the integrity of their business ethic. I know of their projects in Scappoose, Silverton, and Molalla. I had a major school project in Molalla last year and stumbled into their housing project. Parents were upset that their children were going to have to cross a main busy road to get to school!

As I read the article I see the setbacks will go from 20 to 15 feet. Been there done that when the Happy Valley AKS developers wanted to eek every bit of building out of the land! Even the basic infrastructure AKS expected the county to pay for "as a bonus" for them doing Happy Valley the favor of building this great sub-division in Happy Valley! So taxpayers picked up the tab of laying all the core pipe, electrical, curbing, drains etc. before the houses went in! Streets were more narrow. Sidewalks the same. Even less park area for the children to play.

I am asking you to ask yourself hard questions. I know the previous Mayor of McMinnville is now on the county commission. We hear he was a good Mayor. Please make your decision for the long range future of McMinnville and not for what the developer can do for you! Right now you have this precious commodity called land. Ask yourselves how do you want to spend it and with whom do you want to entrust it?

Thank you for your consideration

Renee Carr
Citizen



1182 NW Oakmont Ct
McMinnville, Oregon 97128
Cell: 503-860-6161
Email: ecre@comcast.net

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FEB 02 2017

COMMUNITY DEVELOPMENT
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Input still sought on subdivision

By TOM HENDERSON
Of the News-Register

The McMinnville Planning Commission is continuing to take testimony for and against the rezoning of 13.6 acres of farmland south of Baker Creek Road and east of Hill Road, destined for the first phase in a development eventually expected to encompass 500 lots over a period of years.

The record will remain open until 5 p.m. Thursday, Feb. 2. The commissioners are scheduled to deliberate on their recommendation at a meeting set for 7 p.m. Thursday, Feb. 16.

The zone change covers an undeveloped remnant of the Shadden Claim abutting the intersection of Hill and Baker Creek roads.

The land now lies not only within McMinnville's urban growth boundary, but also its city limits. It has long been earmarked for residential development, but has a history marked with controversy.

It began in 1977, when

the McMinnville City Council voted 3-2 to annex Shadden Claim, but was overturned 985-983 at the polls in response to a citizen petition. Voters went on to reject annexation of variously configured portions of Shadden Claim, all many times larger than the fragment currently under consideration, five times between the mid-1990s and early 2000s.

However, all of the land has since been annexed, and housing has already been developed on several other portions.

The latest proposal is from the Stafford Land Company of Lake Oswego, which has acquired all remaining portions lying within city limits.

It plans to phase in about 500 homes, and perhaps some apartment units, over a period of years. It proposes to develop larger, more expensive homes next to Michelbook Country Club, and build to greater density outward.

Stafford got its start four

years ago. The principals are Gordon Root and Rick Waible, both 30-year veterans of the development business.

The company is divided into development and home-building wings, enabling it to carry a project all the way through. It recently completed major projects in Scappoose and Silverton, and is currently working on one in Molalla.

In addition to rezoning of the 13.6 acres, the company is seeking a variance for 30 adjacent residentially zoned acres to permit a reduction in the side yard setback on some lots from 20 to 15 feet. Between the two sites, it is proposing to eventually construct 213 homes.

Meanwhile, the commission, which serves as an advisory body to the city council, has cleared McMinnville School District plans for construction of a new gym and vocational technical building on the Mac High campus. The issue moves next to the council.



**City of McMinnville
Planning Department**
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STAFF REPORT

DATE: February 16, 2017

TO: McMinnville Planning Commission

FROM: Ron Pomeroy, Principal Planner

SUBJECT: ZC 1-16/ZC 2-16/S 3-16 (Baker Creek Development).
Additional written testimony, rebuttal testimony, and staff comments.

Report in Brief:

This is the consideration of Baker Creek Development, LLC's application requesting approval for a Zone Change (ZC 1-16), Planned Development Amendment (ZC 2-16) and Tentative Subdivision Approval (S 3-16) as part of the existing Shadden Claim residential master plan located south of Baker Creek Road and east of Hill Road.

More specifically, Baker Creek Development, LLC, is requesting approval of a zone change from EF-80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.61 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. A table provided below summarizes the requested setback adjustments. Concurrently, the applicant is requesting approval of a tentative phased residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes and the construction of 65 multiple-family dwellings on one lot.

The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

Exhibit A to this staff report contains the Decision, Conditions of Approval, Findings of Fact, Comments, Attachments, and Conclusionary Findings.

The Planning Commission conducted a public hearing on January 19, 2017. At that meeting, the Planning Commission elected to close the public hearing but keep the written record open until 5:00 pm, February 2, 2017. The applicant provided their rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. This staff report will outline the basic information associated with the land-use applications in the background section (pages 2 - 16) and then provide a synopsis of the testimony and rebuttal received as well as any changes made to the conditions of approval in the discussion section (pages 17 – 28) of this staff report.

Requested Setback Adjustments

Lot Type	Setbacks	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
R-1 Lots	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	50 feet	19	8.2%
R-2 Adjusted	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	50 feet	29	13.6%
R-3 Adjusted	Front - 20 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	50 feet	35	16.4%
R-3 Modified	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	30 feet	75	35.2%
R-4 Modified	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	26 feet	55	25.8%

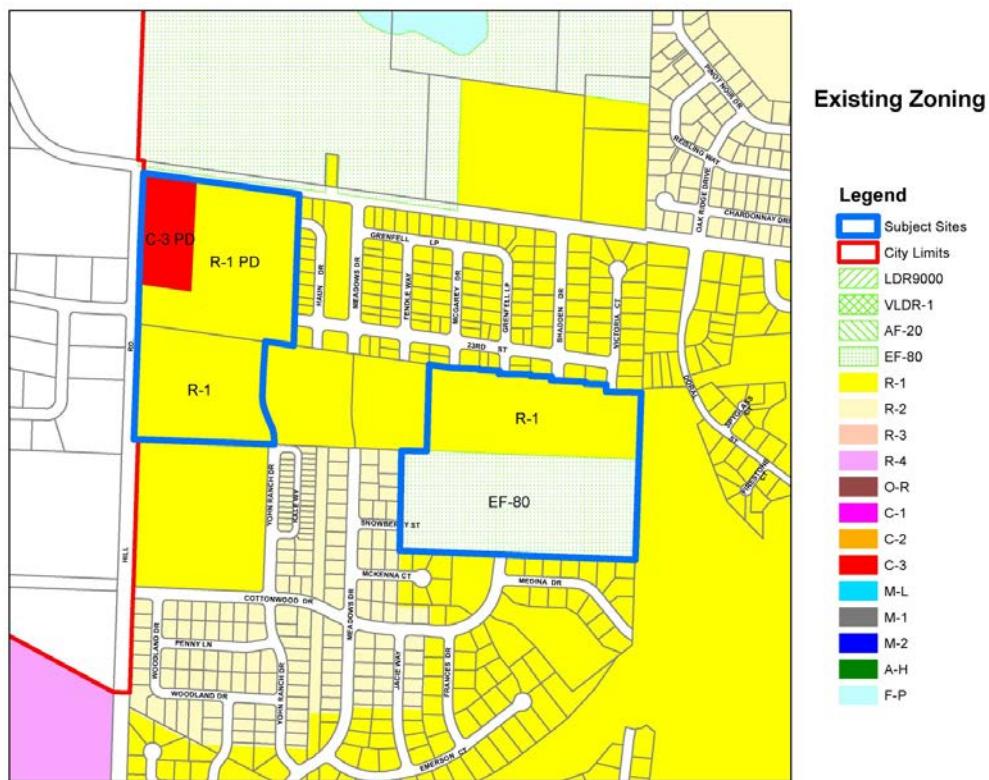
Background:**Description of Request:**

- The applicant has submitted a proposal comprised of three land use requests: a zone change request, a planned development amendment request, and a tentative residential subdivision plan. A brief description of each request follows:
 - Zone Change** - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):

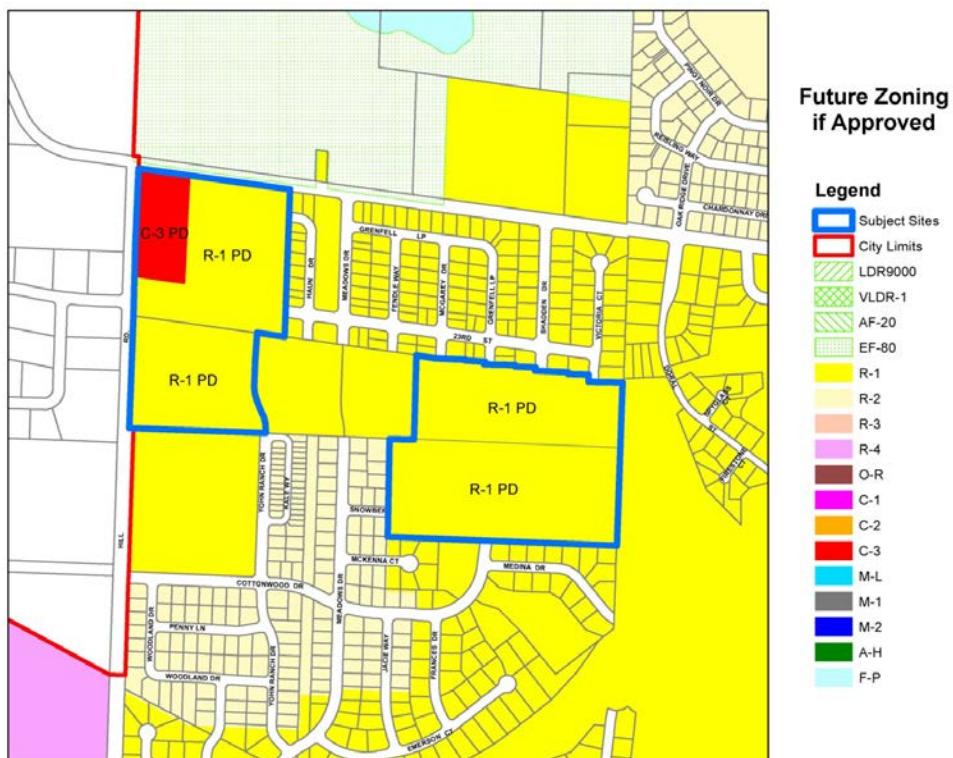
The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.6 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD. These zone changes are proposed, essentially, to apply a common zone to the area proposed for single-family residential development.

Attachments:

Current Zoning



Future Zoning if approved



Attachments:

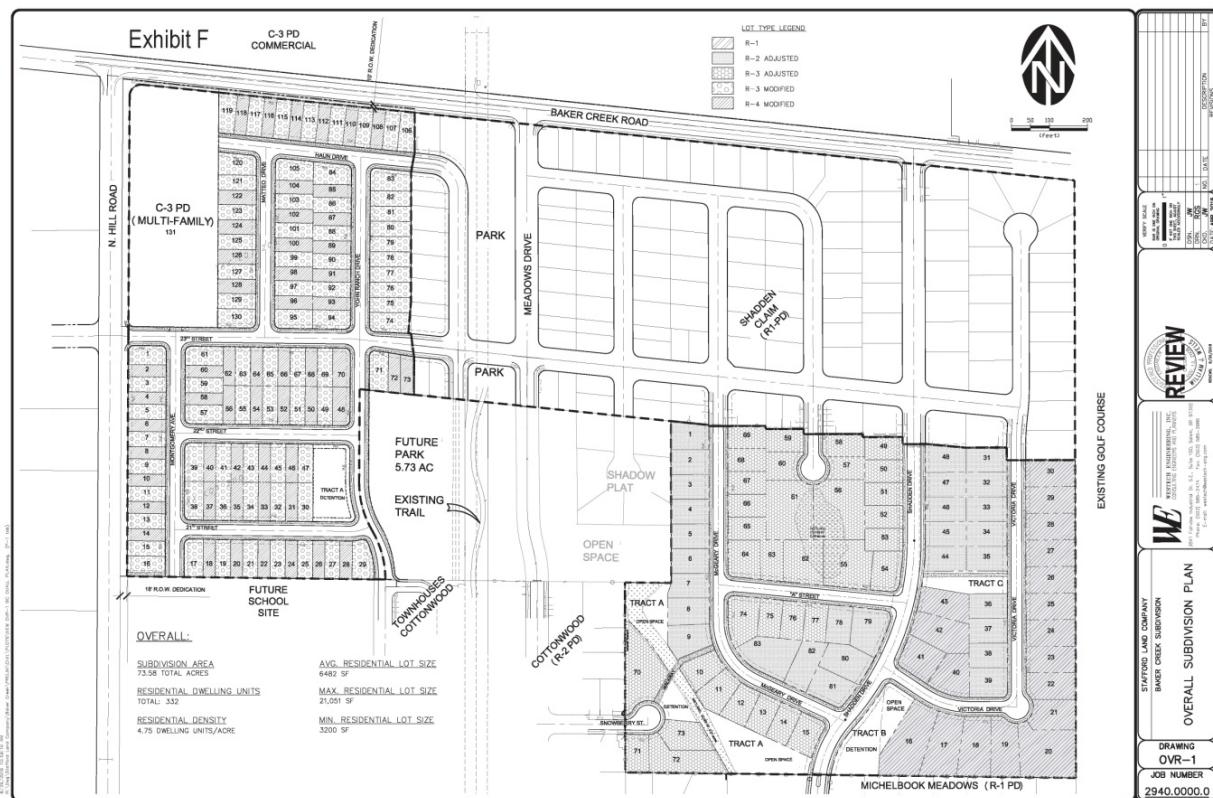
ZC 1-16/ZC 2-16/S 3-16 Decision, Conditions of Approval, Findings of Fact, Conclusionary Findings

2. Planned Development Amendment – Amendment of Ord. No. 4626 (ZC 2-16):

The applicant is proposing to amend the existing planned development ordinance that currently governs a portion of the area proposed for residential development in a number of ways including: 1) Expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above; 2) lot size averaging over the area proposed to be governed by Ord. No. 4626; 3) a reduction in the front yard setback for certain lots from 20 to 15 feet; 4) a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, 5) a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.

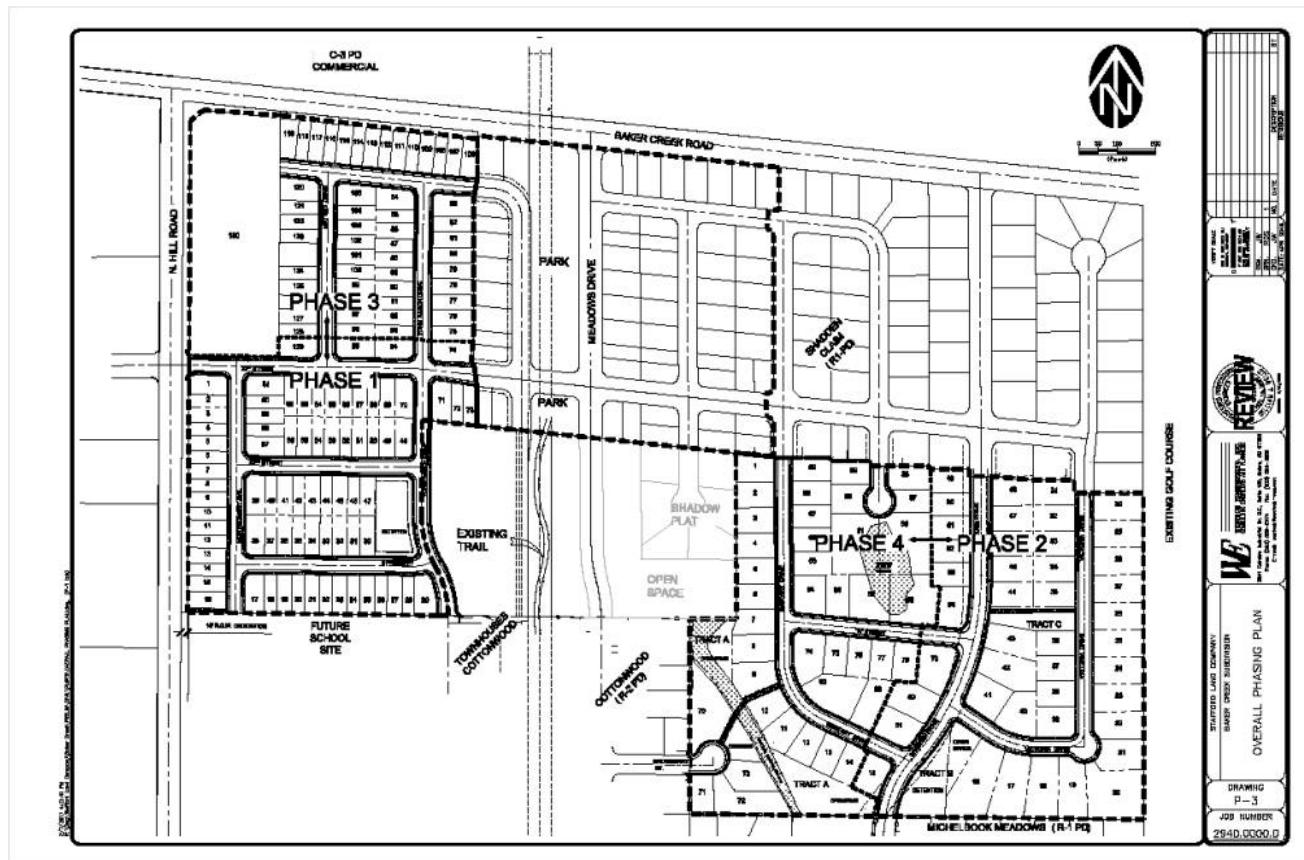
3. Tentative Subdivision (S 3-16):

The applicant is requesting approval of a tentative phased subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes on lots ranging in size from 3,200 to 21,051 square feet in size and one multiple-family lot approximately 3.8 acres in size to accommodate 65 multiple-family dwellings. In addition, four open space tracts are proposed as well as three storm water detention sites.



Per attachments 34, 35 and 36, the project will be developed in four phases. The development plan for phase one would include all land south of and including the northern row of lots adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW). Phase two is proposed to include all land east of and including the western row of lots located along the west edge of Shadden Drive of Baker Creek East (BCE). Phase 3 is proposed to include the northern balance of BCW inclusive of the C-3 PD zoned land. Phase 4 is proposed to include the western balance of BCE. In testimony provided by the applicant on February 6, 2017, (Attachment 34) states "So in four years from land use approval we would likely be done with all phases of site construction of public improvements and platting." A graphic depicting the proposed four-phase development plan is provided below.

Attachments:



- While rationale was not provided, the applicant's narrative puts forward a number of new terms not commonly found in McMinnville's land use parlance. For the Commission's benefit, those terms most frequently referenced by the applicant relate to types of proposed lots and their practical definitions are provided below:
 - Adjusted Lots – Lots with reduced side yard setbacks; either 3-feet or 5-feet in width
 - Modified Lots – Lots proposed to be either 32-feet wide or 40-feet wide

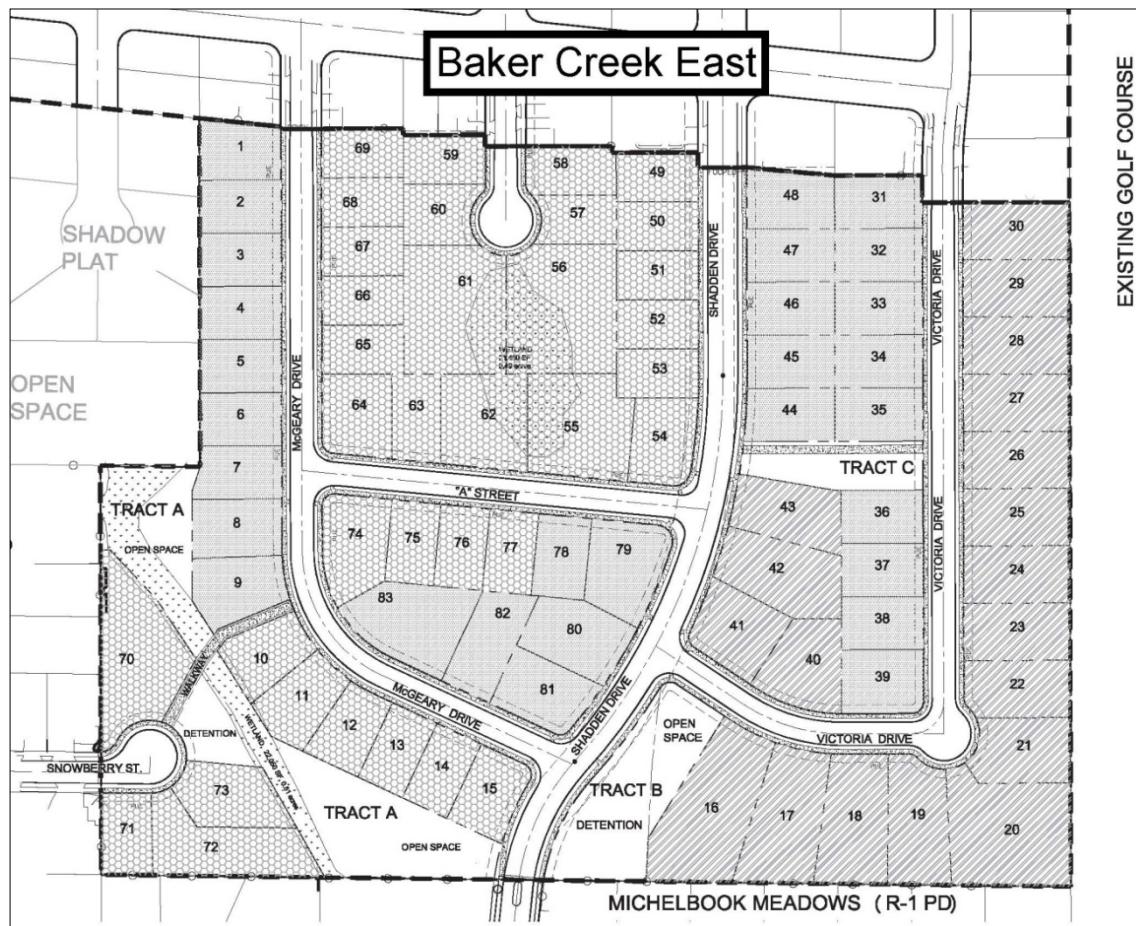
Observations:

The applicant has provided a detailed narrative and numerous exhibits to support the submitted land use requests. To aid the Commission in review of this material, it is beneficial to initially consider the Baker Creek East (BCE) and Baker Creek West (BCW) portions of this proposal separately. This will allow staff to discuss the design of these two distinct portions of the proposal independently in order to provide additional clarity to the various elements of the proposal. Following this, the discussion of the residential density and Planned Development aspects of the proposal will address the project in total.

Baker Creek East (BCE)

- The applicant proposes the platting of 83 single-family residential lots ranging from 5,536 square feet to 21,051 square feet in size on 23-acres of land yielding an average lot size of approximately 8,567 square feet.

Attachments:



- The 83 single-family lots are proposed to be one of three styles and are referenced by the applicant as R-1, R-2 Adjusted, and R-3 Adjusted. As noted above and on page 28 of Attachment 3(c), the R-1 lots would meet all minimum requirements of the R-1 zone. Of the 83 proposed single-family lots in BCE, 19 are identified by the applicant as R-1 (23% of the proposed lots in BCE). The applicant states that the proposed R-1 lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-1 lots is approximately 10,927 square feet in size. For comparison, this average lot size exceeds the minimum 9,000 square foot lot size required in the R-1 (Single-Family Residential) zone.

The applicant's submittal also provides that the R-2 Adjusted lots are those lots proposed to be at least 6,463 square feet in size with 7.5-foot side yard setbacks and a minimum lot width of 65 feet. Of the 83 proposed single-family lots in BCE, 29 are identified by the applicant as R-2 Adjusted (35% of the proposed lots in BCE). The applicant states that the proposed R-2 Adjusted lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-2 Adjusted lots is approximately 7,445 square feet in size. For comparison, this average lot size more closely compares to, and is some 445 square feet larger than, the 7,000 square foot minimum lot size required in the R-2 (Single-Family Residential) zone.

On page 28 of Attachment 3(c) the applicant also states that the R-3 Adjusted lots are those lots proposed to be at least 5,536 square feet in size with 5-foot side yard setbacks and having a minimum lot width of 60 feet. Staff notes that the R-3 Adjusted lots having a larger average lot size than that of the R-2 Adjusted lots is mostly due to four of the R-3 Adjusted lots containing a sizable amount of undevelopable wetland area within their boundaries; see lots 55, 56, 61 and 62 on

Attachment 3(g) in addition to the uniquely configured lots 70 and 72. Of the 83 proposed single-family lots in BCE, 35 are identified by the applicant as R-3 Adjusted (42% of the proposed lots in BCE). The applicant's narrative also states that the proposed R-3 Adjusted lots would provide a minimum building envelope width of 50 feet. The average lot size of the R-3 Adjusted lots is approximately 8,215 square feet in size. For comparison, this average lot size is between the minimum required lot sizes of standard R-1 and R-2 zoned lots.

The average lot size of all residential lots in BCE, combined, is approximately 8,567 square feet in size; about 785 square feet smaller than a minimum sized standard R-1 zoned lot. Due to open space, on-site storm water detention tracts and identified wetland areas, the average residential density 3.61 dwelling units per net acre which is less than the 4.8 dwelling units per net acre that is the maximum residential dwelling unit density for R-1 zoned land; a net acre of land consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets.

Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGeary Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGeary Drive to Shadden Drive and is identified as "A" Street in the applicant's submittal. Mahala Way and Snowberry Street are proposed to terminate with cul-de-sacs within this portion of the development. All streets would be public streets within BCE and are proposed to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips) with the exception of Shadden Drive which will be developed with a 36-foot wide paved section within a 60-foot right-of-way. In addition, the applicant also proposes three open space tracts and two on-site storm water detention areas. A 15-foot wide pedestrian walkway is proposed to cross near the midsection of the Tract "A" open space area providing a pedestrian connection between the Snowberry Court cul-de-sac and McGeary Drive; Tract "A" also includes a linear wetland area along its western edge. Similarly, Tract "C" also provides a 15-foot wide pedestrian path along its northern edge to connect NW Shadden Drive with NW Victoria Drive. Please refer to Attachments 3(q)-(t) for additional detail.

Baker Creek West (BCW)

- The applicant proposes the platting of 130 single-family residential lots ranging from 3,200 square feet to 6,009 square feet in size with an average lot size of approximately 3,952 square feet; about 1,048 square feet (or 21%) smaller than a minimum sized R-4 single family lot which is 5,000 square feet. Also proposed is a future multiple-family development on a 3.8-acre lot (Lot number 131).



The 130 single-family lots are proposed to be one of two styles referenced by the applicant as R-3 Modified and R-4 Modified. As noted above and on page 29 of Attachment 3(c), the R-3 Modified lots are those lots proposed to be at least 4,000 square feet in size with 5-foot side yard setbacks and a minimum lot width of 40-feet. Of the 130 proposed single-family lots in BCW, 75 are identified by the applicant as R-3 Modified (58% of the proposed lots in BCW). The applicant states that the proposed R-3 Modified lots would provide a minimum building envelope width of 30 feet. The average lot size of the R-3 Modified lots is approximately 4,358 square feet in size. For comparison, this average lot size is about 1,642 square feet smaller than the 6,000 square foot minimum lot size for a standard single-family lot in the R-3 (medium density) zone and 624 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone.

On page 29 of Attachment 3(c) the applicant also states that the R-4 Modified lots are those lots proposed to be at least 3,200 square feet in size with 3-foot side yard setbacks and having a minimum lot width of 32-feet. Of the 130 proposed single-family lots in BCW, 55 are identified by the applicant as R-4 Modified (42% of the proposed lots in BCW). The applicant's narrative also states that the proposed R-4 Modified lots would provide a minimum building envelope width of 26 feet. The average lot size of the R-4 Modified lots is approximately 3,398 square feet in size. For comparison, this average lot size is about 1,602 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone; or approximately 68% of the size of a 5,000 square foot lot.

Access to BCW would be provided by the westerly extensions of NW Haun Drive and NW 23 Street and the northerly extension NW Yohn Ranch Drive. New north-south oriented local streets identified by the applicant as Matteo Drive and Montgomery Avenue as well as the creation of new east-west oriented local streets identified by the applicant as NW 21st and NW 22nd Streets are also proposed. NW Haun Drive is proposed to provide access to the northeastern portion of the multiple-family site while NW Montgomery Drive is proposed to provide future access to the northwest portion of the future school site located south of the proposed subdivision. All streets within BCW are proposed to be public streets are constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips). The applicant also proposes one on-site storm water detention area to be located west of NW Yohn Ranch Drive. Please refer to Attachments 3(h)-(p) for additional detail.

Also included in the BCW portion of the site is a 3.8-acre lot identified by the applicant as Phase 3 of this proposal and shown on Attachment 36. This site is zoned C-3 PD (General Commercial, Planned Development) and currently designated for multiple-family development by Ord. No. 4626. It is instructive to note that a companion subdivision tentative plan was also approved by the Commission in 1996 as part of the land use proposal that resulted in the adoption of Ord. No. 4626. That subdivision approval (S 2-96) limited the multiple-family site to a maximum residential density of 20 units per acre. A portion of this subdivision plan was constructed as Shadden Claim 1st and 2nd Additions, but the balance of the tentative plan approval has long since expired. This is relevant context in that the condition of approval of S 2-96 (Subdivision proposal for VJ2 Development approved by the Planning Commission on May 9, 1996) wherein condition of approval number 19 limiting density on the multiple-family site to a maximum density of 20-units per acre has also expired. Although, while that previous condition would have allowed construction of 76 residential units on that site, the applicant proposes construction of only 65 multiple-family units in this current proposal; a reduction of 11 proposed units from the previous approval limit.

General Discussion of Overall Development Proposal

- Essentially, the applicant is requesting approval to modify a twenty-year old partially developed Planned Development tentative subdivision plan with a new tentative subdivision plan on a larger geographic footprint. The following observations are grouped into distinct topics to aid the Commission in its review.

PRELIMINARY NOTES

- Section 17.53.105(A) of the McMinnville Zoning Ordinance states that “the depth of lot shall not ordinarily exceed two times the average width.” Of the 130 proposed lots in BCW, all except for perhaps 14 of the lots exceed this standard. While the operative phrase in this standard is “shall not *ordinarily* exceed,” staff would contend that, with some 116 of the lots (89% of BCW and 50% of the total development site) exceeding this standard it is, in fact, ordinarily exceeded in the western portion of this proposal. That said, the applicant is proposing an expansion and modification of the existing Planned Development and through this process it is possible for the City to support accommodation of this lot design should the overall development concept successfully meet or exceed the applicable land use policies and approval criteria of a planned development.
- The lots identified as R-1 by the applicant and proposed for BCE meet all applicable minimum requirements for standard R-1 zoned lots with one exception; Lot 22 is shown to be 8,944 square feet in size whereas the minimum lot size for a standard R-1 zoned lot is 9,000 square feet. Staff understands that this was an oversight by the applicant and, in the context of the full application, is inconsequential as the entire development site is proposed for lot size averaging as part of the Planned Development Amendment application.

- The applicant identifies a total of 58 lots (residences) for the combined Shadden Claim 1st and 2nd Addition subdivisions. While 58 lots were platted, the McMinnville Building Department has accepted a covenant agreement (CA 1-02) for lots identified as 97A and 97B on the recorded 2nd Addition plat and located at the southwest quadrant of the intersection of NW 23rd Street and NW Haun Drive. This agreement essentially holds the two lots together as one and allowed development of the lots with one single-family residence without regard to the common lot line shared by Lots 97A and 97B. The result of the action is that while 58 lots were legally platted by these two subdivisions, only 57 single-family residences were constructed. The effect of this is that, while the applicant's supplemental narrative dated November 4, 2016, notes a total of 336 total residential dwelling units for the expanded planned development area, the number of dwelling units is slightly less at 335 units.
- It was previously stated that wetlands are preliminarily noted on lots 55, 56, 61 and 62 (Attachment 3(g)) of BCE. Prior to platting, a wetland quality assessment will be required to determine if preservation of this area is necessary. If so, a wetland delineation may be required prior to platting to ensure protection and that a usable building footprint remains on each of the affected lots as addressed in recommended condition of approval number 26.

RESIDENTIAL DENSITY

- Due to concerns related to sanitary sewer drainage basin flow capacities, the City Council acted in 1979 to limit the average residential density of McMinnville's west side (west of Hwy 99W, Adams Street, and South Baker Street) to a maximum of six dwelling units per net acre. This residential density limitation remains relevant and in force. Residential densities exceeding the six dwelling units per acre maximum were typically reviewed and approved as part of larger development proposals with overall densities averaging six dwelling units or less over the project site. This west side density limitation is also memorialized in Comprehensive Plan Policy 71.01.

In this current application, the applicant is proposing the platting of 213 single-family residential lots and one 3.8-acre multiple-family residential lot to contain 65 dwelling units on a combined area total of approximately 44.35 acres of land. It is important to note however, that while the applicant has identified the multiple-family site as Lot 131 and Phase 2 of the proposed subdivision tentative plan, the residential density of this site is considered separately from Phase I of the proposed subdivision for the following reasons.

In 1991, the McMinnville City Council voted to legislatively change the comprehensive plan designation of this site, which was five-acres in size at the time, from Residential to Commercial and to change the site's zoning designation from R-1 (Single-Family Residential) to C-3 PD (General Commercial Planned Development (Ord. No. 4506). Subsequently, the 1996 Council approval of Ord. No. 4626 reduced the size of this C-3 PD designated site from five-acres to 3.8 acres. This ordinance also identified these 3.8 acres as a multiple-family phase of the subdivision (S 2-96) that was approved by the Planning Commission the prior month. The tentative phased subdivision plan that was reviewed and approved by the Planning Commission, and subsequently provided to the Council prior to the approval of the companion ordinance (Ord. No. 4626), addresses the density of the single-family portion of the tentative plan separately from the multiple-family site. Similarly, the staff report makes no attempt to address residential dwelling unit density as a calculation relative to the overall development site inclusive of the multiple-family component. Additionally, the associated public meeting minutes do not demonstrate an interest, intent or action to consider the single-family and multiple-family portions of the proposal together as one combined residential density calculation. The land use review history regarding residential density calculations did not, and did not intend to, include the multiple-family component of this development area. Further, the Council's 1991 designation of five-acres at this location as C-3 PD

allowed for multiple-family development with no unique limitation relative to residential density. Also, as previously indicated the 20-unit per acre residential limitation noted in the S 2-96 approval expired in 1997 as no approval extensions were subsequently requested by the applicant or granted by the City.

- The applicant is now requesting approval to modify Ord. No. 4626 by increasing the size of the planned development area and receive approval for a new tentative residential subdivision plan for the currently undeveloped portion of that site (see Attachment 3(g)). A key factor in considering this request is the resulting residential density.

Material provided by the applicant, dated November 4, 2016 (see Attachment 4), provides a table showing a residential density calculation for the entire expanded Ord. No. 4626 area including the subject site (both single-family and multiple-family areas) and the Shadden Claim, and Shadden Claim 1st and 2nd Addition residential subdivisions. This table indicates that the total area referenced in the residential density calculation is 57.48 acres. The proposed number of dwelling units plus the existing dwelling units in this area is reported as 336 units. This yields an overall residential density of 5.85 dwelling units per acre which is slightly less than the maximum allowable residential density of 6 dwelling units per acre for McMinnville's west side. While this calculation is part of the required density analysis, it is not the whole story. The other important and necessary question regarding density is how the proposed residential density complies with the density allowance of the underlying zones of the proposal (R-1 and C-3).

- As previously noted, Comprehensive Plan Policy 71.01 limits residential density on the west side of McMinnville to an average of six dwelling units per acre. The proposal requests approval of a residential density of 6.38 dwelling units per acre for the single-family portion of the development. Inclusion of the multiple-family portion of the site yields an overall net density of 7.39 dwelling units per acre. The ability to exceed the average of six dwelling units per acre is provided by Policy 79.00 which states in part "The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. [...] Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy."

OPEN SPACE

- As part of the subdivision application form, the applicant indicates that 115,000 square feet (2.64 acres) of park(s)/open space will be provided to serve this development. For clarity, the open spaces the applicant proposes to provide are as follows:
 - Tract "A" - BCW – 22,192 square feet – Storm Water Detention – Attachments 3(i) and (j)
 - Tract "A" - BCE – 58,365 square feet – Open Space (an undetermined portion is identified as Wetlands) – Attachment 3(q)
 - Tract "B" - BCE – 25,193 square feet – Storm Water Detention (an undefined portion of which is identified as Open Space) – Attachments 3(q) and (r)
 - Unlabeled Detention Area - BCE – Square footage not provided – Attachment 3(q)
 - Tract "C" - BCE – 12,130 square feet – Open Space – Attachment 3(r)

Together, these spaces yield somewhere between approximately 12,130 and 74,500 square feet (between 0.28 and 1.7 acres) of open space depending on how much of the areas noted above are identified as either wetlands or storm water detention areas. The resulting balance of the proposed tracts are either wetland or storm water detention areas with the majority being utilized for storm water detention purposes. Additionally, staff observes that the open space portion of Tract "A" within BCE does not abut a public sidewalk and is separated from other access by an area the applicant identifies as wetland.

It is instructive to note that there is no open space proposed in the BCW portion of the proposal. Rather there is one storm water detention area proposed to be located across Yohn Ranch Drive from the planned public park. In the BCE portion of the proposal it appears that four open space areas are proposed as noted above. The size of three of those spaces however is quite small (estimated to be around 6,500 square feet on average) with one of them being located next to a storm water detention area and the other abutting an established and fence wetland area that is part of the platted Michelbook Meadows residential subdivision.

The applicant's November 4, 2016, supplemental narrative indicates that, in the expanded Planned Development area (BCW, BCE and Shadden Claim 1st and 2nd Additions) there would be a combined 3.69 acres of open space provided for the entire 57.63 acre site; or about 6.4 percent of the total site. However, if the wetland/storm water detention areas are removed from this acreage figure, between 2.25 and 3.23 open space acres, depending on the actual size of the storm water detention facilities, would be provided for the total 57.63 acre site. It is also interesting to note that the 1.98 acres of open space provided as part of the Shadden Claim 2nd Addition subdivision was dedicated to the City in lieu of park System Development Charges (SDCs) and today exists under public ownership as part of the Westside Bicycle and Pedestrian Linear Path. If we were to remove this publically dedicated open space from the total, there remains an allocation of between 0.28 and 1.7 acres of open space for this development proposal.

- The Planning Commission is well aware of the benefits of McMinnville's Westside Linear Park that provide a bicycle and pedestrian system to serve the west side of McMinnville. The northern segment of this greenway continues generally from West 2nd Street northward to Baker Creek Road within, or adjacent to, an existing Bonneville Power Administration (BPA) easement and extends between the BCE and BCW portions of this proposed development. The City recently purchased approximately five-acres of land for development of a future barrier-free neighborhood park located adjacent to the planned extension of Yohn Ranch Drive which forms the west boundary of the park (a distance of about 510 feet). Staff understands that the McMinnville Parks and Recreation Department has been involved in continuing discussions with the applicant to work in a mutually supportive way to coordinate the proposed neighborhood streetscape and elevations with the City's desired parkscape to enable both projects to successfully advance along that street interface. The general location of this developing city park can be seen on Attachment 3(g).

While this planned city park will provided additional needed recreational opportunities and active open space for the public in this part of town, it is important for the Commission to remember that this park is not, and cannot be, relied upon by the applicant in helping to meet their obligation to provide active open spaces for the proposed development as will be addressed further in the Findings portion of this report; this is in similar fashion to vehicle parking stalls located in public parking lots not being relied upon to meet private parking requirements.

STORM WATER DETENTION AREAS

- In comments provided below by the McMinnville Engineering Department, the proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. Of particular note, it appears that the detention and wetland areas identified as Tract "A" of BCE would likely follow the area topography and drain toward the wetland area identified as Tract "A" of the Michelbook Meadows subdivision adjacent to and south of BCE. In this case, additional flow would be directed through that system. The proposed storm water facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat. Conditions of approval are provided by the Engineering department relative to storm water systems and requirements to ensure adequate flow conveyance through the subject site and into surrounding systems.

PEDESTRIAN CONNECTIONS

- Pedestrian connections in the form of public sidewalks are required as part of public street design standards adopted in the McMinnville Transportation System Plan (TSP, 2010). As noted below, public sidewalks will be required along both sides of all public streets should the proposed tentative subdivision plan be approved. This is an appropriate requirement for much of the development that occurs locally. However when a planned development is proposed an additional level of importance is placed on pedestrian connections.

To point, Comprehensive Plan Policy 77.00 states “the internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.” The pedestrian pathways mentioned here are in addition the public sidewalks mentioned above. Toward this, the applicant notes that 15-foot wide paved pedestrian pathways providing mid-block connections are proposed at Tracts “A” and “C” in BCE (connecting Snowberry Court and McGeary Drive, and Shadden Drive and Victoria Drive, respectively. A similar pathway is also shown within a private easement to be recorded along the southern edge of lot 16 in BCW (see Attachments 3(g), 3(j), 3(s) and 3(t)). The applicant also points out in their November 4, 2016, supplemental narrative that an additional pedestrian connection not shown on the earlier submittal is proposed within and along the eastern edge of the multiple-family lot, adjacent to lot 119 of BCW. This additional pedestrian walkway would connect Haun Drive to Baker Creek Road.

It is clear to staff that the main function of these proposed pedestrian walkways is to provide mid-block connections and thereby enhance pedestrian circulation throughout the neighborhood. The intended purpose of providing these connections within planned development areas however is to tie destination points together. In staff’s opinion, this is not occurring within or adjacent to this proposed development. That is not to say that these connections are being avoided by the applicant, rather that neighborhood destination points are just not part of this proposal. Consequently, the only feature to connect to is actually the next street one block away. Another view of this topic is that within the proposed 40.55-acre tentative subdivision plan, there are four proposed pedestrian walkways and they all connect street to street. The only exception to this is found in Tract “C” in BCE that proposes to provide accessible active open space adjacent to the private walkway for a distance of approximately 218 feet and a width of about 45-feet at the east end narrowing to approximately 25 at the western edge; about 7,630 square feet or approximately 0.18 acres. While the pedestrian connections shown in the proposal are appreciated and will provide some benefit to future residents, staff notes that had active usable neighborhood amenities been provided as part of this proposal (i.e., tot lots, covered picnic spaces, etc.), these connections would provide meaningful walkable access to more than just the next street over.

STREETSCAPE

Architectural Street Appeal

- The examples of proposed types of residential front facades provided by the applicant reflect a general garage dominance in the design. These residential examples (Attachment 3(y)) show a general design approach where the garage dominates the front of the house or protrudes forward of the front door which then deemphasizes the importance of the front door and relegates it, at best, to a secondary priority.

It is important to recall that this subdivision review is occurring within the context of a planned development review. While development and density flexibility is potentially achievable through this

process, additional amenities or features of the development are necessary components of the proposal to justify approval of the request. In this instance, staff does not find evidence in the applicant's submittal that would result in variation in the housing style to create an aesthetically pleasing residential community. Rather, given the examples provided, staff is concerned that the resulting housing design would be garage dominant and lack architectural interest sufficient to achieve designs primarily related to the pedestrian experience. To achieve residential façade designs sufficient to aid in justifying the requested planned development request, staff has drafted a condition of approval requiring that the applicant provide a pattern book of development styles and features to enhance the curb appeal and reduce the potential adjacent duplication of styles to aid in achieving variety and pedestrian orientation to the planned residences.

On-Street Parking

- A typical residential streetscape in McMinnville provides opportunity for on-street parking for additional neighborhood vehicles as well as those of visitors. On average, single-family residential development in McMinnville typically results in a linear distance of around 40-feet between driveway aprons allowing for adequate on-street parking opportunities. Driveway locations often alternate between the right and left sides of residential lots allowing for driveways to be "paired" providing an alternating streetscape throughout the block. At the practical level however, on-street parking opportunities remain a function of lot width; the narrower the lot, the higher percentage of its street frontage will be utilized for the property's driveway apron leaving less street frontage for vehicle parking.

There are local examples of single-family residential development in McMinnville with reduced on-street parking. For example: the Townhomes residential development located along the west side of NW Cypress Street in the Cypress Hills subdivision; and, the Townhomes residential development located along the west side of NW Meadows Drive in the Barclay Heights First Addition subdivision. While on-street parking opportunities are greatly reduced along the street frontage of these lots, ample on-street parking opportunities exist directly across the street from most of these residences due to nearby residences gaining access from other adjacent streets.

The majority of lot widths proposed for the BCW portion of the applicant's submittal generally range from 32 to 40 feet in width. Assuming a one-car garage and single-wide driveway for each of these lots allows, at best, the ability to park one on-street vehicle in front of each residence. The color examples of similar style development for 26 and 30-foot wide dwellings provided by the applicant (Attachment 3(y)) demonstrate the limited on-street parking opportunities for neighborhoods such as the proposed BCW. While the applicant's obligation in this regard is to provide two off-street paved parking spaces for each single-family residence, the City's street standards provide widths to accommodate additional on-street parking for the balance of uses within a typical neighborhood. While the private residential parking standard can be met by the proposal, it is important to note that the proposed design of BCW will eliminate much of the public on-street parking opportunity typically provided by City street design standards. Toward a partial remedy, a condition of approval has been provided to require the adjacent pairing of driveways to create on-street parking opportunities of increased lengths to provide for increase parking opportunities.

Street Trees

- The McMinnville Zoning Ordinance requires that a street trees planting plan be submitted to and reviewed by the Landscape Review Committee as a condition of approval for residential subdivision development. The standards require street tree spacing of between 20 (twenty) and 40 (forty) feet apart dependent on the mature branching width of the approved tree(s). Given the limited street tree planting opportunities provided by the lotting pattern proposed in BCW, the City's opportunity of

effect the desired tree cover and tree-lined streets will be less than optimal. It is understood that this may be some of the “give and take” mechanism of the Planned Development process, but staff is not clearly seeing an added aesthetic benefit to balance the likely reduction in street tree planting opportunities. That said, the pairing of driveways would provide the opportunity for better space for street trees, which would greatly improve the aesthetic quality of the neighborhood.

REFERRALS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. As of the date this report was written, the following comments had been received:

McMinnville Engineering Department

STREETS

The McMinnville Engineering Department has provided comments relative to the applicant's proposed transportation and street design as follows:

- The western portion of the proposed subdivision is located adjacent to and south of NE Baker Creek Road, adjacent to the Shadden Claim Second Addition subdivision. Baker Creek Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). Per the City's adopted Land Division Ordinance, the cross-section for a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.
- Baker Creek Road adjacent to the proposed subdivision is currently improved with a total of 25' of pavement south of centerline, a planter strip with street trees, and a sidewalk. Thus, no additional improvements to Baker Creek Road will be necessary as part of the subdivision.
- The right-of-way width for Baker Creek Road adjacent to the subdivision is only 30' south of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Baker Creek Road along the subdivision's frontage so that the right-of-way totals 48' south of centerline.
- The western portion of the proposed subdivision is also located adjacent to and east of NE Hill Road. Hill Road is classified as a minor arterial in the City's adopted Transportation System Plan (TSP). As noted above, as per the City's adopted Land Division Ordinance, the cross-section for a minor arterial street includes a total of 46' of pavement (curb to curb width), with two travel lanes, a center turn lane, on-street bicycle lanes, planter strips and sidewalks, within a total of 96' of right-of-way.
- Hill Road adjacent to the proposed subdivision will be improved by the City as part of the voter approved 2014 Transportation Bond. Thus, no additional improvements to Hill Road will be necessary as part of the subdivision.
- The right-of-way width for Hill Road adjacent to the subdivision is only 30' east of centerline. Thus, the developer shall dedicate an additional 18' of right-of-way for Hill Road along the subdivision's frontage so that the right-of-way totals 48' east of centerline.

- No direct access from the proposed subdivision lots will be allowed to Hill Road or to Baker Creek Road.
- As proposed, all of the interior streets, except Shadden Drive, in the subdivision will be constructed to the Local Residential street standard included in the City's Land Division Ordinance, including a 28-foot-wide paved section with curb and gutter, five-foot-wide curbside park strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way.
- The proposed cul-de-sacs at the east end of Snowberry Street and the south end of Mahala Way shall be constructed to meet the requirements of the McMinnville Fire Department.
- As proposed, Shadden Drive will be extended to the south to connect to Cottonwood Drive. The proposed improvements will match the existing width of Shadden Drive, including a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
- Street profiles were not included with the subdivision application materials. Staff would note that the street grades and profiles shall be designed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be designed to meet PROWAG requirements (diagonal ramps are not allowed). Additionally, parking will be restricted at all street intersections, in conformance with the Land Division Ordinance standards.

SANITARY SEWER

The McMinnville Engineering Department has provided comments related to the sanitary sewer system as follows:

- The proposed plans indicate that existing sanitary mainlines will be extended throughout the proposed development to serve all proposed lots. The sanitary sewer mainlines shall be designed to facilitate the extension of service to adjacent properties within the City's Urban Growth Boundary, as appropriate.

STORM DRAINAGE

The McMinnville Engineering Department has provided comments related to the storm drainage system as follows:

- The existing topography of the site is such that most of the site area naturally drains to the east or to the southeast.
- The proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. The facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat.
- The City will maintain all public storm facilities within the proposed detention tracts. The final subdivision plans shall incorporate access for maintenance to all public storm facilities, including any proposed overflow weirs.

McMinnville Water & Light

An extension agreement is required for provision of water and electric services to the site which shall include: Development fees, engineered/approved drawings, etc. Contact McMinnville Water & Light for details.

McMinnville Parks Department

In an email provided on February 9, 2017, the McMinnville Parks Director stated that because the City purchased and now owns and maintains the Roma Sitton greenway (landscaped greenway previously developed by VJ-2 Development within the BPA easement between 23rd and Baker Creek Rd.) as well as the additional easement property (now landscaped) within the Shadden neighborhood south of 23rd, the agreement for continued maintenance of greenway/park spaces by VJ-2 or the homeowners association is no longer pertinent. Therefore it probably should be removed from the record as discussed with Ron Pomeroy this morning.

Discussion:

At their meeting on January 19, 2017, the Planning Commission closed the public hearing but kept the written record open until 5:00 pm, February 2, 2017.

Written Testimony received by the McMinnville Planning Department between Friday, January 20, 2017 and 5:00 p.m., Thursday, February 2, 2017.

- Email – Susan Dirks, January 20, 2017 (Attachment 25)
- Letter – Patty O’Leary, dated January 23, 2017, and received by the Planning Department via email on January 23, 2017 and hand delivered on January 27, 2017 (Attachment 26)
- Letter – David and Carol StLouis, dated January 26, 2017, and received by the Planning Department on January 26, 2017 (Attachment 27)
- Letter – Gene and Deanna White, dated January 25, 2017, and received by the Planning Department on January 27, 2017 (Attachment 28)
- Email – Ray Fields, January 30, 2017 (Attachment 29)
- Letter – Patty O’Leary, dated January 30, 2017, and received by the Planning Department on January 30, 2017 (Attachment 30)
- Letter – The Hayes Family, dated February 2, 2017, and received by the Planning Department on February 2, 2017 (Attachment 31)
- Letter – Renee Carr, undated, and received by the Planning Department on February 2, 2017 (Attachment 32)

The Applicant, Baker Creek Development, LLC, had seven days to prepare a rebuttal to the written testimony received after the Planning Commission closed the public hearing. They provided that rebuttal via email after 5:00 pm on February 6, 2017, and elected to waive the rest of their seven-day rebuttal period.

Applicant's written response testimony provided on February 6, 2017.

- Email – Morgan Will, Stafford Land Company, LLC, dated February 6, 2017, and received by the Planning Department on February 7, 2017 (Attachment 33).

Applicant's written response testimony provided on February 7, 2017.

- Email – Morgan Will, Stafford Land Company, LLC, dated February 7, 2017, and received by the Planning Department on February 7, 2017 (Attachment 34).
- Email – Morgan Will, Stafford Land Company, LLC, dated February 7, 2017, and received by the Planning Department on February 7, 2017 (Attachment 35).
- Email – Morgan Will, Stafford Land Company, LLC, dated February 7, 2017, and received by the Planning Department on February 7, 2017 (Attachment 36).

Summary of Public Written Testimony Comments:

Much of the written testimony received since this proposal's January 19, 2017, public hearing is similar to that previously submitted and addressed on pages 17 through 27 of the January 19, 2017, staff report. However, there remain a few recurrent themes and some new opinion which staff will address that may prove beneficial for the Commission in their deliberation.

Public Safety, Police and Crime:

- The Hayes Family (Attachment 31) asserts that the McMinnville Planning Department staff has performed in a dismissive and irresponsible manner specific to the McMinnville Police Department. This issue was raised in previous testimony and a response was provided on page 3 of the January 19, 2017, supplemental staff memo with additional information detailing the City's process to invite inter-departmental participation on land use reviews also provided on page 21 of the January 19, 2017, Staff Report. However, in the recent letter submitted by the Hayes Family (Attachment 31) they state that their "questions and concerns were not truly addressed by your department's reply."

Response: Land-use decisions, by law, need to be made based upon specific criteria and principles that are in the Oregon Revised Statutes governing the state land-use program, the local comprehensive plan and policies and the local zoning ordinance. These governing principles and criteria are developed through a public process and adopted by the City Council. Any land-use approval or denial needs to be based upon whether or not the land-use application complies with these adopted covenants. With that said, the City of McMinnville makes a concerted effort to engage all interested partners and city departments for comments when reviewing land-use applications. Even if a department's comments are not relevant to the governing criteria for the land-use decision they are provided with the land-use staff report as part of the public record so that the planning commission and city council can evaluate any concerns or trends that are emerging that are not being captured with the existing McMinnville Comprehensive Plan policies and goals, and the Zoning Ordinance. A complete copy of the Baker Creek Development proposal, including all maps, diagrams and text, was provided to the McMinnville Police Department for their review on September 29, 2017, followed by a 29 day review and comment period ending on October 28, 2017. While standard inter-departmental comment periods are 10 (ten) days, City departments were each provided 29 days in this instance to provide as much time as possible to review the material and reach their determinations. The Police Department did not provide any comments or concerns associated with this land-use application.

- Other public safety related concerns generally either draw a relationship between renters and an increased incidence of crime, or claim a relationship between higher residential density/smaller lots and an increased incidence of crime. In no case was statistical actionable evidence provided in this record to substantiate either of these opinions. With the lack of factual data being entered into the record to support these concerns, and with no comment from the McMinnville Police Department raising these or similar issues, there is no legal basis for the Planning Commission to deny the land-use applications based upon these opinions and feelings. Additionally, the City's Zoning Ordinance does not determine whether a house built in the city is used as a rental property or is owner-occupied. Land-use decisions are specific to how the land is divided and developed and not a subjective application of social justice ideology.

Planned Development and Density Averaging:

Written testimony provided by a number of parties that relate, in part, to matters of residential density and, specifically, the density on only a portion of the proposed planned development area (Attachments 25, 27 and 30).

Specifically, in Attachment 25, Susan Dirks states, in part:

"I understand that the approval process and the rules governing changes to the Comprehensive Plan permit the applicant to calculate the average density per acre for two separate tracts and to apply that average to the entire project. But the result is mathematical sleight-of-hand and does not reflect reality. Once constructed, the houses and apartments in the Baker Creek West (BCW) tract will still have a density higher than 7 units per acre."

In Attachment 27, David and Carol StLouis state, in part:

"We don't believe anyone is saying that future development should not occur at a higher density. However the magnitude of the proposed medium density BCW single-family development and its 32-foot lots and six-foot setbacks appears to go far beyond what the city needs in terms of higher density and affordable housing on the west side."

Also,

"The proposed BCW development is clearly an urban development in the midst of an existing suburban development [...]"

In Attachment 30, Patty O'Leary states, in part:

"And the BCW section of the development is what is creating the most concern with the density concessions that have been requested."

Since the applicant's land-use application is utilizing McMinnville's Comprehensive Plan policies and Planned Development Zoning Ordinance to meet density criteria, it may be beneficial to provide a brief discussion of McMinnville Planned Development zoning designation as a land use tool and its relevance to this application.

- Section 17.51.010 of the McMinnville Zoning Ordinance states, in part:

"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."

In a neighborhood that has been granted Planned Development approval by the City Council, it is common to expect and find that numerous elements of that neighborhood will be different than a development required to strictly adhere to all of the base requirements of that zone. Typical modifications that have been approved through McMinnville's Planned Development process (of which there are over 325) include variations to, or elimination of, setbacks, increases or decreases of allowable building heights, reductions in minimum lot sizes, permitting uses not otherwise allowed in the base zone, limitation of hours of operation, and architectural design requirements. However, one of the most common uses of the Planned Development process is for the Council to be able to allow density averaging. The Council's ability to allow the averaging of residential densities provides a means to achieve a mix of housing types and densities that would otherwise not be achieved in a given area. The McMinnville Comprehensive Plan is clear in its policies to encourage a mixture of housing types in neighborhoods so that McMinnville can provide a number of different types of housing for residents. A Planned Development allows City Council to consider a mix of housing types in a neighborhood that are integrated and connected with key elements such as pathways and open spaces. Most of the apartment complexes constructed on McMinnville's west side exist in single-family residential zones as part of a Planned Development project.

Density averaging through the Planned Development process works and complies with density requirements as long as the Planned Development site remains considered as a whole. For example, if a Planned Development area was 20-acres in size and received approval for 120 dwelling units, they may be constructed as any configuration of townhouses, apartments or single-family homes. But, if townhomes or apartments were constructed and someone looked only at that part of the development, the density would be too high and they would not be approved on their own. Regarding density, the Planned Development process requires that you look at the entire Planned Development area as a whole and not disconnect its pieces. Separating a Planned Development area into distinct pieces to consider density dismantles the land use tool and runs counter to its purpose.

Baker Creek Development, LLC has requested to amend an existing Planned Development by expanding its boundaries, and be allowed to apply density averaging within that area to construct housing of different types, at different price points, and on lots of different sizes in. This request fits within the purpose statement of a Planned Development overlay and implements the associated Comprehensive Plan Policies that guide medium and higher residential density locations in McMinnville. Detailed analysis of the Planned Development review criteria as well as associated Comprehensive Plan Policies and Zoning standards and requirements are provided in the January 19, 2017, Staff Report on pages 9 – 16, and on pages 9 – 29 of Exhibit A, the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings document ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion.

Clarification of Historic Land Use Actions Relative to the Subject Site:

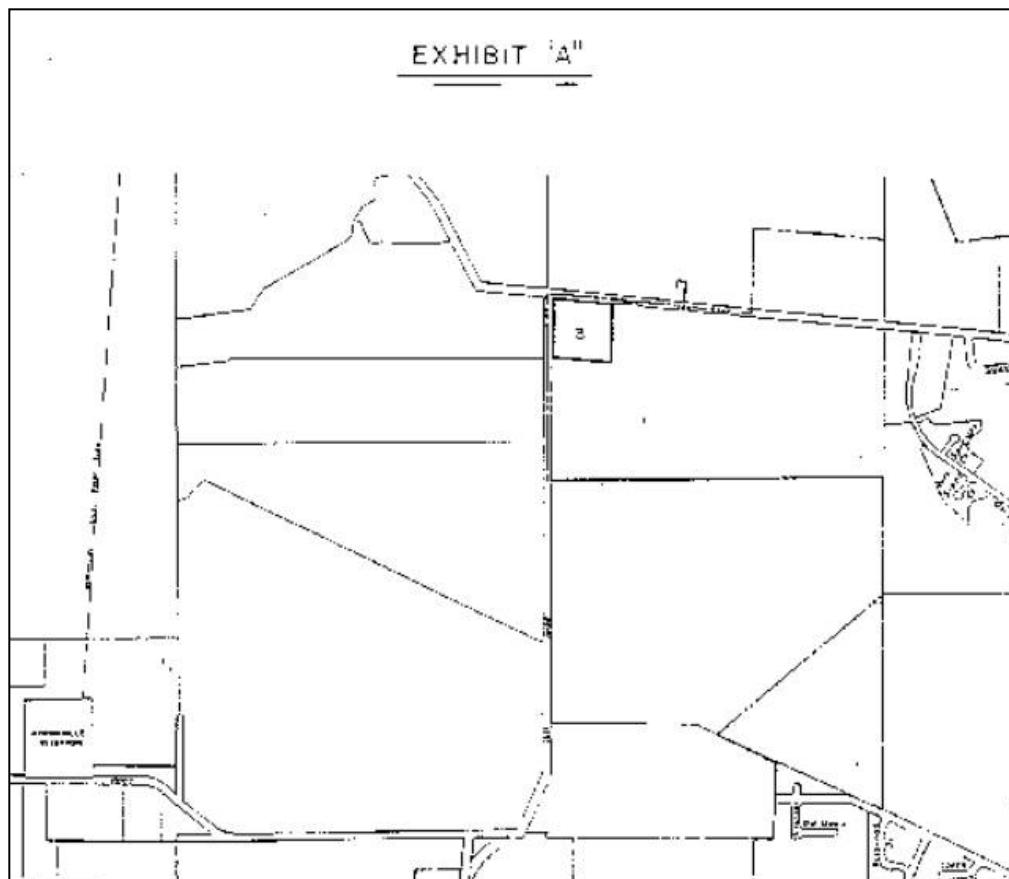
- There remains confusion regarding the multiple Planning Commission and City Council land use actions associated with the subject site that occurred over the last twenty-six years (since 1991). A number of those approvals were nullified through failed voter annexation requests and have no bearing on the current proposal and will not be addressed here. Portions of this 26-year history are discussed in recent testimony provided by Ms. O'Leary (Attachment 26) and are addressed by staff below to provide clarity:
 - Ms. O'Leary's testimony provides a graphic with a hand drawn arrow and notation indicating that tax lot 200 is located south of the commercially designated land area (identified with the number

"3)." This graphic demonstrates Ms. O'Leary's position that the Council's commercially designated corner is not part of tax lot 200. The effect of this opinion is that Ordinance 4626 (adopted in 1996) then does not apply to the commercially designated portion of the applicant's site. Ms. O'Leary then offers that perhaps staff has made a "leap" (Attachment 26, page 3) to apply a C-3 PD designation to this corner acreage based on a Conditional Use provision that would allow multiple-family development in the General Commercial zone to exceed the standard height limitation if the development is located in the downtown core defined as that area bounded by First Street, Fifth Street, Adams Street and Johnson Street (McMinnville Zoning Ordinance Section 17.33.030(F)(5)); this same provision is also found in Section 17.21.020(L) of the R-4 Multiple-Family zone.

- Additional information is provided regarding different building heights allowed for commercial development in the C-3 zone, and by Ordinances 4128 (adopted in 1981), 3380 (adopted in 1968) and 4506 (adopted in 1991) as referenced on page 3 of Attachment 26. This testimony submittals ends with the statement:

"It would be a shame if we end up with a residential equivalent of the dump through inaccurate planning interpretations."

- Ordinance 4506 was approved by the City Council in 1991 for the purpose of modifying the Comprehensive Plan map and Zoning map relative to 85 (eighty five) specific locations within the McMinnville city limits. Some of those locations were entire platted parcels (or lots) while some were merely portions of platted parcels or lots. Section 2 of Ordinance 4506 states that "parcel" 3 was rezoned from AH PD (Agricultural Holding Planned Development) to C-3 PD (General Commercial Planned Development). A graphic from Ordinance 4506 depicting the configuration and location of "parcel 3" at the southeast quadrant of the intersection of NW Hill and Baker Creek Roads is provided below.



- Section 1 of Ordinance 4506 (adopted December 10, 1991) states “That the City’s Comprehensive Plan Map shall be amended as follows.” Subsection (a) of Section 1, “That parcels 1, 2, and 3 as shown on Exhibit “A,” which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation.” This means that the land area identified with the number 3 (as can be seen on the graphic provided above) was designated as Commercial on the City’s Comprehensive Plan Map by the Council’s approval of Ordinance 4506. McMinnville’s current Comprehensive Plan Map continues to identify that same area as Commercial.

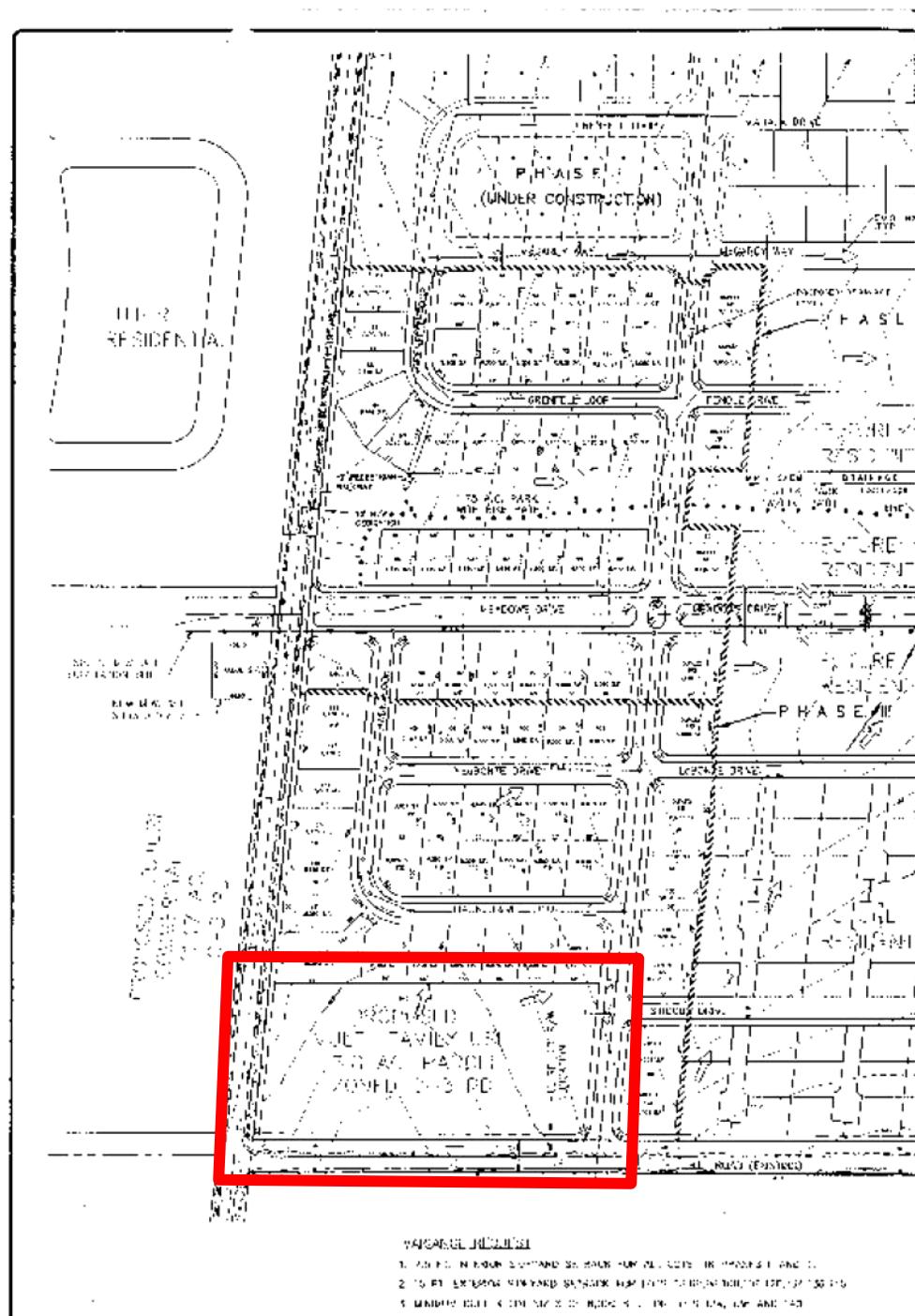
Continuing on to Section 2 of Ordinance 4506 it is states “That parcels 1, 2, and 3 as shown on Exhibit “A” are hereby rezoned from AH PD (Agricultural Holding Planned Development) to C-3 PD (General Commercial Planned Development). From R-1 PD (Single-Family Planned Development) to C-3 PD (General Commercial Planned Development). And from R-1 (Single-Family Residential) to C-3 PD (General Commercial Planned Development), respectively, subject to the following conditions.”. This means that the same area identified as parcel 3 was designated as C-3 PD (General Commercial Planned Development) on the City’s Zoning Map by the Council’s approval of Ordinance 4506.

Regarding the conditions stipulated by Section 2 of Ordinance 4506, there are nine (9) subsections addressing a range of concerns including hours of commercial operation, temporary display and sales of merchandise, commercial signage and, perhaps most pertinent to the Baker Creek Development land use application, subsection (d) states: “No building shall exceed the height of 35 feet.”

The 1991 usage of the word “parcel” in Ordinance 4506 is a misnomer. The five acres graphically identified as “parcel 3” in the ordinance is not a legal property parcel but a conceptual parcel for zoning purposes with the legal parcel being the larger tax lot identified as R4418-00200 on the Yamhill County tax maps. It is instructive to note that the Council’s adoption of Ordinance 4506 approved no action to partition any of the 88 separate property locations identified in the ordinance or to adjust any associated property lines. The Council’s adoption of this ordinance created a dual zoned parcel (R4418-00200) carrying both an R-1 zone and a C-3 PD zone.

Ordinance 4626 (adopted in 1996) identifies the subject site as R4418-00200 and, in part, amended the five-acre commercially designated portion of tax lot 200 by redesignating 1.2-acres of that land to R-1 PD zoning leaving 3.8-acres of that land zoned C-3 PD. This 3.8-acre C-3 PD zoned area of land located at the corner of NW Hill and Baker Creek Roads is the same as currently exists today and is part of the development proposal currently before you.

Section 3 of Ordinance 4626 contained six (6) conditions of approval. Specific to this discussion is condition of approval number 2 which states: “That site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of an building permits for said units. The multiple-family project(s) must be nonlinear in design and parking lots must be broken up by landscaping. In addition, useable open space shall be provided within the development, and streetside landscaping shall be emphasized.” The master plan that was reviewed and approved by adoption of Ordinance 4626 identifies the location of the 3.8-acre C-3 PD site and its proposed use for multiple-family development as is identified by the graphic below; staff apologizes for the poor quality of the graphic but this is the best reproduction that could be obtained. The multiple-family portion of the approved master plan can be seen as the rectangularly shaped area located in the bottom left corner of the graphic and geographically situated at the southeast quadrant of the intersection of NW Hill and Baker Creek Roads. For additional orientation of this graphic, north is located to the left side the image.



With the platting of Shadden Claim 1st and 2nd Addition residential subdivisions that followed, the original parent parcel (R4418-00200) became reduced in size resulting in the 13.49-acre vacant parcel that exists today. This parcel, now referenced as R4418-00203 (tax lot 203), still retains the same 3.8-acre commercially zoned area that was created through adoption of Ordinance 4626.

Attachments:

Multiple-family building height

- The 35-foot building height limitation noted in Ordinance 4506 reflected the idea, as did the other design-related conditions of Section 2 of that ordinance, that this commercially designated area would be developed with commercial use(s). With the later adoption of Ordinance 4626 (in 1996) this smaller yet still commercially designated site was approved for multiple-family development but the 35-foot height limitation was not amended. Staff errantly referenced a maximum building height of 65 feet in the January 2017 Staff Report. Baker Creek Development, LLC, has since requested a maximum building height or 45 feet for the multiple family buildings to be constructed on their C-3 PD zoned land (Attachment 34). As justification for amending the 35-foot maximum building height limitation of Ordinance 4506 was not provided by the applicant, staff does not find justification for recommending an amendment to that condition. Condition of Approval number 2 regarding ZC 1-16/ZC 2-16 has been amended to reflect a maximum building height of 35 feet.

Proximity to Commercial Development

- There has been a concern voiced that there are no nearby commercial opportunities to serve this residential area. On October 8, 1996, the McMinnville City Council adopted Ordinance 4633 that designated 12.34 acres of land located at the northeast quadrant of the intersection Hill and Baker Creek Roads exclusively for commercial use. This commercial designation is located directly north of and across Baker Creek Road from the proposed BCW. This commercial designation has also been shown on the City's Comprehensive Plan Map for twenty-one years (since 1996).

Adequacy of open space

- Some of the testimony expressed concerns about the amount of open space in the planned development amendment. General observations of open spaces within this proposal were provided by staff on pages 11 and 12 of the January 19, 2017 Staff Report with specific findings provided in the land-use Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion.

Additionally, Condition of Approval number four requires a 6,000 minimum square foot tot-lot be centrally located within BCW and not located with the multiple-family site.

Should the City be Party to Private CC&Rs?

- Since the land-use decision requires open space maintenance that will need to be the responsibility of the home owner's association, the city wants to ensure that the home owner's association will not disband and abdicate their responsibility to the city. A condition of approval was written to make the city a party to the CC&R's. After this was expressed as a concern at the public hearing on January 19, 2017, staff engaged legal counsel again to review the language and the concerns expressed. Condition of Approval number 38 has been revised to reflect new language to address the concerns heard at the public hearing but still achieve the intent of the city.

Summary of Applicant's Written Rebuttal:

Baker Creek Development, LLC provided a written rebuttal to the public testimony comments that the City of McMinnville received via email on February 6, 2017, after 5:00 pm. (Attachment 33)

Setbacks

The applicant's rebuttal testimony draws comparisons between the currently proposed setbacks and those of some other residential subdivisions. While staff concurs with most of the comparisons, a couple of additional observations are offered. Specifically, the applicant notes that the interior minimum side yard setback for residential lots in the Shadden Claim subdivision are 7.5 feet in width, this is actually true only for lots 36 through 68. So, while the 7.5-foot interior side yard setback is accurate for those 34 lots, a minimum ten foot wide interior side yard setback applies to the remaining 32 lots. Additionally, the applicant notes that the required exterior side yard setback for corner lots in the Cottonwood subdivision is a minimum of 15-feet in width, the subdivision approval actually calls for a 20-foot minimum. Although these two statements needed to be addressed, staff contends that these differences do not substantially alter the applicant's narrative, the appropriateness of the development proposal before you, or the sense of community that would be experienced by the public should this request be approved.

Shadden Claim 2nd Addition Lot 97A

The applicant draws a comparison between the proposed 3,716 square foot Lot 73 of BCW and the two adjacent similarly sized single-family attached lots sizes in Shadden Claim 2nd Addition. The applicant's size comparison is essentially correct except that in 2002, the owner of those two platted lots in the Shadden Claim 2nd Addition residential subdivision the subject of a covenant agreement (CA 1-02) filed with the McMinnville Building Department that, from then on, considers those two lots as one for building purposes. These two lots were then developed with one single-family residential dwelling and function as one platted lot for development purposes. Again, while staff felt compelled to note this discrepancy, this does not effectively alter the merits of the proposal before you.

Amended Conditions of Approval Recommended:

Since the public hearing on January 19, 2017, staff has responded to some of the concerns raised by the public testimony and the applicant with the following recommended amendments to the Conditions of Approval.

Text to be deleted is identified with a **bold** **strikeout** font and text to be added is identified with a **bold** **underlined** font.]

2. That site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. The approximately 3.8-acres multiple-family site shall be limited to no more than 65 dwelling units. The multiple-family buildings shall be no more than **6535** feet in height and must be nonlinear in design and parking lots must be broken up by landscaping. Prior to the release of building permits, a landscape plan for a minimum of 25 percent of the multiple-family site shall be provided to the Landscape Review Committee for review and approval. In addition, useable open space and a paved pedestrian connection to Baker Creek Road located near the east edge of this site shall be provided within the development, and streetside landscaping shall be emphasized.
4. That one private Mini-Park/Playlot be provided in BCW to serve this portion of the proposed neighborhood. This Mini-Park/Playlot shall be a minimum of 6,000 square feet in size and maintained by the Homeowners Association. **This Mini-Park/Playlot shall be located between lots 123 and 124 of Baker Creek West (BCW) as shown on the applicant's phasing plan (Attachment 36).** ~~not be located within or adjacent to the multiple-family development site (phase 3 of the applicant's BCW phasing plan) and shall be centrally located within Phase 1 of BCW.~~

7. That, as the Shadden Claim 1st and 2nd Addition residential subdivisions were constructed according to the conditions stipulated in Ord. No. 4626, those same conditions are incorporated in this approval and remain in full force and effect for those two completed subdivision phases:
- A. That the conceptual plan for that portion of the subject site not included in the tentative subdivision plan shall not be binding on the City.
 - B. That the minimum interior side yard setback shall be 7.5 feet.
 - C. That duplexes shall be allowed on corner lots 134, 136, and 140 with a minimum lot size of 8,000 square feet.
 - D. That the exterior side yard setback for lots 68, 69, 96, 108, 109, 120, 134, 136, and 140 shall be a minimum of 15 feet.
- E. ~~That VJ-2 Company dedicate to the City of McMinnville the parkland as designated on the tentative plan for Shadden Claim, First Addition. VJ-2 Company shall submit to the City for review and approval a detailed design plan for the development of the proposed parkland. At a minimum the park design plan shall include grading, drainage, lighting and irrigation system information, proposed landscaping, and path location and construction details. The improvement and maintenance of the parkland shall be the responsibility of VJ-2 Company and their successors in interest in the Shadden Claim development. VJ-2 Company shall enter into an agreement with the City of McMinnville setting out the terms and provisions of the improvement and maintenance responsibilities for the parkland. Said agreement shall be prepared by the City Attorney. The City shall also be authorized to improve and maintain the parkland if VJ-2 Company or its successors in interest fail to do so and to levy a lien against each and every lot within this subdivision for said costs and to record these liens in the City's Docket of Liens.~~**
38. That documents creating a ~~h~~Homeowner's ~~a~~Association for the subdivision, and assigning to it maintenance responsibilities of any common ownership features, must be submitted to and approved by the Planning Director. In order to assure that the Homeowners Association maintains and repairs any needed improvements, including landscaping of common areas and the planter strips between the subdivision fence line and the public streets, ~~the applicant shall make the City of McMinnville a party to the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director.~~ The CC&Rs shall be reviewed and subject to City approval prior to final plat approval.
43. That plat phasing, ~~described as the single-family residential development as Phase I and the multiple-family development as Phase II, is approved. is as depicted on the applicant's submittal listed as Attachment 36 of the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion and generally described as:~~
- a. Phase 1 – All land south of and including the northern row of lots adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW).
 - b. Phase 2 – All land east of and including the western row of lots located along the west edge of Shadden Drive of Baker Creek East (BCE).
 - c. Phase 3 – The northern balance of BCW inclusive of the C-3 PD zoned land.
 - d. Phase 4 – The western balance of BCE.

- e. ~~Baker Creek East Phase 1 – East of and including the western row or lots located along the west edge of Shadden Drive.~~
- f. ~~Baker Creek East Phase 2 – The western balance of BCE.~~
- g. ~~Baker Creek West Phase 1 – South of and including the northern row of lots adjacent to the north edge of 23rd Street (not to include the C-3 PD zoned land).~~
- h. ~~Baker Creek West Phase 2 – The northern balance of BCW (not to include the C-3 PD zoned land).~~
- i. ~~Baker Creek West Phase 3 – The C-3 PD zoned land.~~

This four-phase development plan shall be valid for a period of five years from the date of this approval. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the 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 Planning 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.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

ZC 1-16 and ZC 2-16

The Planning Department recommends the Commission make the following motion recommending approval of ZC 1-16 and ZC 2-16 to the City Council:

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 ZC 1-16 AND ZC 2-16 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

S 3-16

The Planning Department recommends the Commission make the following motion for approval of S 3-16:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES S 3-16 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

RP:sjs



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MINUTES

**February 16, 2017
Planning Commission
Regular Meeting**

**6:30 pm
McMinnville Civic Hall
McMinnville, Oregon**

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Martin Chroust-Masin, Charles Hillestad, Lori Schanche, and Erica Thomas

Members Absent: Commissioners Jack Morgan, Nanette Pirisky, and John Tiedge

Staff Present: Mike Bisset – City Engineer, Chuck Darnell – Associate Planner, Ron Pomeroy – Principal Planner, Heather Richards – Planning Director, and Sarah Sullivan – Permit Technician

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes: January 19, 2017

Chair Hall called for action on the Planning Commission minutes from the January 19, 2017 meeting. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented, SECONDED by Commissioner Geary. Motion PASSED unanimously.

4. Action Item: Zone Change, Planned Development Amendment, & Subdivision (ZC 1-16, ZC 2-16 & S 3-16) *Public Hearing was conducted on January 19, 2017. At that meeting the public hearing was closed but the record was held open for written testimony until February 2, 2017, followed by rebuttal testimony until February 9, 2017.*

Request: Approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15

feet. Concurrently, the applicant is requesting approval of a tentative residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes and the construction of 65 multiple-family dwellings on one lot.

Location: South of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

Applicant: Baker Creek Development, LLC

Chair Hall explained that the public hearing for the Baker Creek Development proposal occurred at the January 19, 2017 Planning Commission meeting. He stated that the hearing was closed to public testimony, but the record had been left open for additional written testimony.

Chair Hall asked staff to provide an update to the request.

Principal Planner Ron Pomeroy thanked the Commission and provided a PowerPoint presentation calling attention to the fact that Conditions No. 4 and 43 in the written staff report that was originally provided with the meeting packet errantly included some editorial marks, such as itemized deletions that were internal edits and should not have been included. Mr. Pomeroy said the staff report was updated to remove the draft edits and that it was emailed out on February 15, 2017. Mr. Pomeroy also clarified that additional language was added to Condition No. 2, in his presentation.

Mr. Pomeroy gave a brief history of the site, the application request, and the previous Planning Commission meeting. He explained that the applicant was requesting an amendment to the original Shadden Claim Planned Development from 1996, adding 58 vacant acres to the planned development. Mr. Pomeroy also noted the approximate 3.8 acres zoned C-3 (General Commercial) which will remain for a 65 unit multi-family development.

Mr. Pomeroy explained the applicant was also requesting that the remaining R-1 and County EF-80 areas be rezoned to R-1 PD, and developed at a density of less than six (6) dwelling units per acre, under the six (6) dwelling units per acre maximum of the Westside sewer unit capacity requirement.

The applicant also requested setbacks, lot widths and building envelope widths less than the minimum standards of the R-1 zone as part of the planned development amendment. The applicant's request of alternating three (3) foot and five (5) foot setbacks, creating a minimum distance between structures would be at eight (8) feet. He stated that developments have historically been approved with a minimum setback of 10 feet between structures.

Mr. Pomeroy indicated that eight (8) communications were received during the time allocated for additional written testimony. The rebuttal testimony from the applicant was received on February 6, 2017. He said the general concerns from the testimony received were: 1) the City of McMinnville's inclusion into the CC&R's; 2) the maximum building height allowance for the multi-family development; 3) clarification of the location of the additional play lot in BCW; and, 4) the carryover of the original maintenance requirement

for the original Shadden Claim development. Mr. Pomeroy stated the concerns were valid and staff took into account the concerns when amending the conditions of approval.

Mr. Pomeroy addressed the concern of the multi-family development, by pointing out that Condition of Approval No. 2 in the decision document had been modified to limit the multi-family development, no more than 65 units, with a building height not to exceed 35 feet.

Mr. Pomeroy explained that Condition No. 4 addressed the mini park/play lot, which the applicant proposed to locate between Lots 123 and 124 of the BCW plan. He stated staff agreed to this proposal and amended Condition No. 4 to reflect the location. He indicated that the park location was outside the multi-family parcel, adjacent to a public street, and at a distance from the proposed new city park.

Mr. Pomeroy stated that Condition No. 7 was a carry-over from the original Shadden Claim development, but indicated that the reference to VJ2 in 7(e) no longer applies. He said that staff recommended removing Condition 7(e) completely as reflected in the decision document.

Mr. Pomeroy said that Condition No. 43 was amended to clarify the phasing plan, noting that the phasing plan would be valid for five (5) years from the date of approval. Also required is that the developer request approval from the Planning Commission for any major changes to the planned development. He said that minor changes could be approved by the Planning Director, and the Planning Director would determine what constituted and major or minor change.

In closing, Mr. Pomeroy recommended that the Planning Commission, based on the testimony received, findings of fact, and the conclusionary finding, recommend to the City Council approval of the zone change applications (ZC 1-17 and ZC 2-17) and approve the subdivision request (S 3-17), with the conditions of approval in the decision document entitled Exhibit A of the provided staff report.

Chair Hall asked if there were any questions for Mr. Pomeroy.

There were none.

Chair Hall asked the Commission if they wished to discuss the applications, clarifying that they would recommend a decision to the City Council for the two zone change applications and make a decision on the tentative subdivision plan application.

Each of the Commissioners' statements are, generally, provided as follows:

Martin Chroust-Masin:

Some of the parts of the proposal are really interesting and I like them. For instance the setback requirements where you have eight foot and five foot and mixing those, that's good.

I have a problem and I am somewhat disappointed with the amount of space that was allocated for the multi-family dwellings. The City really has a tough time getting land, new land, into the city as everybody knows when they try to go through an urban growth

amendment it's like pulling teeth from an elephant going through the state. The state just won't let go of it, the land, without it being difficult. So we are running out of land. There isn't that much land for higher density residential developments and this little corner of the whole thing is really small. I would like a little bigger size.

The other thing that bothers me is that, on the other hand, you have properties that are 19,000 square feet. I thought we were really supposed to be going for smaller lots. A 19,000 square foot lot is a little in excess to me, and I don't know why they couldn't just divide it a little bit more into more manageable lots, smaller lots.

So those two things really bother me.

Erica Thomas:

I'm not a huge fan personally of super dense housing but I think this is a nice mix of different sized houses and different sized lots for people in our community. My only thing is that I'd like to see more open space.

Charles Hillestad:

For me, this was a difficult decision. I read the material, I heard to the testimony, and I revisited the site. Let me start by saying that I commend your efforts. I believe that McMinnville needs greater densities, among other things to lease as much agricultural land in production as possible. As a result, I would be willing to support your requests for reduced setback distances and smaller lot sizes and I like that there was a mixture there, although I wish you had allocated more land to multi-family.

I believe McMinnville needs, as well, more affordable housing. In fact, given the latest market, more housing period. I commend you for wanting to help fill that need with smaller houses and less land costs. Thank you.

I believe also McMinnville needs, to the extent possible, to minimize vehicle use especially as the arterials start to become crowded. And it's not just the traffic jams and air pollution to which they contribute, it's also all the associated space that must be given over to them for garages, driveway, parking lots, etc. There are better uses of that valuable and inherent irreplaceable land.

However, and you probably deduced a "however" was coming, the parking in the more densely packed portion of your project seems to me to not have enough parking. There are probably others on the Commission who will disagree with me, but I think both that the squeezed portion of your project will have more cars than anticipated and the lack of parking spaces that I think are needed will be disruptive. It has always amazed me how much animosity

parking disputes can generate. It tends to disrupt neighborhood cohesion and potentially harm desirability of the neighborhood.

I also wonder in passing about locating the trash and recycling containers. I wonder about pick-up ease given the proposed parking configurations. There are now up to four containers per household. They take up my entire driveway for example. So are they going to block driveways or block on street parking? But that is a minor point and it that alone was in question, I would approve your proposal. The key thing for me though was the parking in the western half of the site (Phases 1 and 3).

If your project was within walking distance to downtown I'd gladly approve it. If your project was within walking distance of a major employer, or even some of the concentrated shopping malls along Hwy 99, I would gladly approve it. If the bus service had more frequent, as well as earlier and later service along Hill Street, I'd also reconsider. Or, if you had your own shuttle service. Each of those, to me, would have likely reduced the total number of vehicles needing a place to park.

I see that the problem, however, is having a residential subdivision, particularly that western half there, I don't have any problem with the eastern half of it, where it is likely that disputes will be generated because there will be more cars, I believe, than can be conveniently parked relatively close by to the others homes. Just as a suggestion, if my vote was needed to pass the proposal, you might look at what neighborhoods like Shadow Wood and Tanglewood have done to handle this very problem. Essentially, some cutouts for parking that are open to everybody.

Alternatively, maybe a reconfiguration is possible although I doubt it. It looks like you've squeezed just as much as you possible can in there. I suspect that to get more parking a few lots might have to be sacrificed to get enough to make me at least feel comfortable that you meet the parking goals of the City. But, that is merely offering some thoughts, trying to be helpful. Perhaps you have some better ideas.

In any event, I'm just trying to articulate why I am, and reluctantly, very reluctantly, coming to the conclusion the proposal is not quite there yet to satisfy all the criteria for approval. I am hoping that you will find a way to solve the parking issue or convince me that the units will have significantly less vehicles, or significantly smaller vehicles than normal.

Lori Schanche:

I spent a lot of time looking at this proposal. There are a few things that bothered me. One is that I really don't think that the petitioner put much effort into preparing things. I mean, I think their thoughts

of using five foot and three foot to make eight foot, that's quite creative, but I really had to hunt through everything and try to find answers. I would like to complement staff. I feel that they've done a great job of putting everything together.

But I too am having issues with this project. One is the parking and I think there are some other comments forthcoming on that. I feel that, overall, this project does not meet our goal in the Comprehensive Plan, Goal 1, to promote affordable quality housing for all city residents. Because Policy 59 states, in part, um, "housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City." And when I look at the petitioners wanting to scale down the setbacks it just really bothers me. They're creating this R-4 Modified with only a three foot interior side yard. I understand that this is part of what is happening all over Oregon and all over the U.S., but it just does not feel like McMinnville to me, and that's my concern. I feel like we have a development that is already started and then we're going to jamb in a bunch of really big houses on really little lots and we had had to push just to get the extra lot. I've not seen any additional walkways and other amenities that would really, really help make this development much nicer, if we were to go and approve the smaller setbacks.

Zack Geary:

I too have a few prepared remarks and would to lead by saying that staff has done a herculean effort to prepare this in a digestible size. Thank you very much.

The appearance and treatment of spaces between and around buildings is of great importance. The landscape specifically that is dedicated to the public and open is of comparable importance to the buildings themselves in a development such as this and should likewise be treated as such. The aim of a Planned Development should be to result in a benefit to the community, the environment and to the landscape.

This application, to me, repeatedly fails to warrant a departure from standard regulation. I am however amenable to a give and take relationship of land development overall and in McMinnville specifically but the applicant seems demonstrably to be unable to give as much as they want to take. Which to me voids a collaborative relationship necessary to warranting a Planned Development such as this. I recognize the incredible need for high density housing as Martin so keenly pointed out. Our buildable land is precious and rare. But I also know that we shouldn't rush through permanent development just because they were the first through the door and they have a proposed solution to an identified need.

For these reasons and echoing Commissioner Hillestad and Commissioner Schanche, I find myself unable to give my full support to this proposal in front of me.

Roger Hall:

Lori's not the only who's spent considerable time thinking about their proposal and I found myself going back in my mind to what has happened in our society generally over the last two or three decades and I realized yesterday that if I had been asked to make a decision on this proposal 15 or 20 years ago, I would have probably not looked at it very favorably because most of the folks in my generation grew up in that post war period where everybody wanted to move to the suburbs to create what I tend to think of as suburban mansions.

But that's not what's happened in the last 15 or 20 years. There's a growing awareness that many people, partly in my generation, partly in the millennial generation, are looking for smaller properties, and are not looking to take care of yards and trimming and that sort of thing, so I recognize a need here.

I also think that what I've seen does fit the requirements with regard to what's needed to pass a proposal of this type so I'm more inclined to vote for it than I would have as I've said in days of yore. But, those are my thoughts.

Chair Hall asked the commission if there were additional comments.

There were none.

Chair Hall asked if the Commissioners were ready to make a motion.

Commissioner Chroust-Masin MOVED to DENY ZC 1-16, ZC 2-16, and S 3-16. Motion passed unanimously.

Chair Hall informed the applicant that the Planning Commission decision could be appealed to City Council.

5. Old/New Business

- Work Session: Proposed Zoning Ordinance Text Amendments, Landscape Review and Trees

Chair Hall asked staff to present the discussion item.

Chuck Darnell, Associate Planner, explained the purpose of the work session for the text amendments to Chapters 17.57 (Landscaping) and 17.58 (Trees) of the Zoning Ordinance. He stated that the Landscape Review Committee has met, discussed, and reviewed the proposed changes. Mr. Darnell explained that tonight's meeting was just a work session to inform the commission of the proposed changes and to discuss any

changes or suggestions to the proposed amendments. He informed them the public hearing would be on the March Planning Commission agenda.

Mr. Darnell explained the main amendments to the Chapter 17.57 (Landscaping). He described the changes to the Bylaws, which will consolidate all committees to one section of the City Code.

Mr. Darnell explained the changes to the review timeline and inspection process once the landscaping has been installed. He explained that currently the code states that the landscape plan must be reviewed with 10 days of submittal. The changes will be to allow for a 30 day review period. He also stated that the code says the Parks Department will inspect installed landscaping, but the practice has been for Planning Department staff to inspect the landscaping per the approved plan.

Mr. Pomeroy expressed that this inspection practice has been in place since he's been here, over 20 years.

Commissioner Hillestad asked staff if the City has a Forester.

Mr. Pomeroy answered no the City does not have a certified Arborist.

Mr. Darnell explained that the current practice is for Planning and the Public Works Superintendent to review the submitted landscape plan and make recommendations to the Landscape Review Committee (LRC). The landscape installation is then inspected by the Planning Department before building permits can be finalized.

Mr. Darnell then gave a brief overview of the amendments to Chapter 17.58 (Trees). He explained that proposed amendments include changes to review process, the definition of what constitutes a tree in the right-of-way, specific to when sections of the tree trunk cross over from public to private property, and exemptions to requiring LRC approval when the tree is causing immediate damage to public infrastructure.

Mr. Darnell explained that amendments were being proposed to the review period as well, changing the process from 15 days to 30 days, making the review for trees and landscape plans consistent. He also noted the appeal period for denied plans would be 15 days instead of 5 days.

Mr. Darnell said there would also be some minor changes to the planting standards, referencing specifications created in 2014, for both the downtown and other areas outside of the downtown. He said the proposed amendments will also allow the standards to be superseded by improved standards, if the City adopts them in the future, without modifying the code.

Mr. Darnell explained that the amendments would specify a specific time allowance to replace trees, which would be six (6) months from the approval. Also, if location is not appropriate for a street tree, an alternate location sited to replace the tree. Mr. Darnell said that there would also be an added statement to require ongoing maintenance of the trees.

Mr. Darnell asked the Commission if there were any questions he could address regarding the amendments, stating that the LRC had reviewed and accepted the amendments.

Commissioner Schanche asked about planting a replacement tree in another location if the current location was not appropriate for a new tree. Mr. Darnell stated that the City would advise the applicant on the location of a replacement tree, if that was required by the Landscape Review Committee.

Commissioner Hillestad asked about the cost to remove and replace trees, and if there could be stricter penalties for removing a tree without City approval. Mr. Darnell stated that the ordinance provided staff with the ability to enforce tree removals. Commissioner Schanche stated that there was specific language in the ordinance that defined how to determine the value of a tree that had been removed.

Commissioner Hillestad asked if there had been discussion about notifying surrounding property owners of tree removal requests. Mr. Darnell stated that there was currently no requirement to provide property owner notification. The Commission discussed options for providing public notification, including providing notice in the newspaper, mailing notice to surrounding property owners, or providing a sign at the tree to be removed.

Planning Director Richards stated that if public notification was to occur, the City would need to define exactly what type of input and involvement the public would be able to provide. She stated that there would need to be specific review criteria referenced and provided to the public to allow them to provide input in the process.

The Commission discussed whether they wanted to require property owner notification. Staff stated that they would review the criteria and explore options for a process, and report back at the next meeting.

Mr. Darnell said that he would take the feedback and make any necessary changes to the amendments, and that they would be discussed at the public hearing in March.

Discussion ended at 7:41 p.m.

- Work Session: Long-Range Strategic Planning

Planning Director Heather Richards introduced the discussion for Long-Range Strategic Planning and the importance of it to the City. Ms. Richards stated that long range planning has been deferred for years, due to limited resources.

Ms. Richards said there are two types of planning, current and long range planning. Current planning includes administering the zoning ordinance, land use applications, zoning maps, and land use decisions. Long range planning plans for the future growth of the community, including land inventory, infrastructure growth, and a vision for the next 20 years of development. She indicated that as part of the long range planning strategies, policies, such as the Comprehensive Plan and development codes, the Zoning Ordinance needed to be amended to meet current community values.

Ms. Richards provided a PowerPoint illustrating future needs pertaining to code and plan updates and the resources needed to complete the studies and amendments, including

estimated costs and staff time/capacity. She also explained some partnerships available with the University of Oregon and Portland State University, which would provide students to compete projects and studies based in McMinnville for their class completion.

Some discussion occurred about the buildable lands inventory, prior history of building permit activity, employment and population estimates, housing needs (including affordable and work-force housing), a 20-year land supply, and amending the urban growth boundary if necessary.

Ms. Richards read the current Planning Department Mission Statement. She also provided a snapshot of the next 5 years and the work plan set forth. Ms. Richards explained that there were potential changes to the Citizen Advisory Committee such that instead of one committee, there would be many Ad-Hoc committees established for specific projects. She explained that each sub-committee would have representative from the Planning Commission and the Planning Department.

The commissioners expressed their gratitude to the Planning staff for the work being done and that they look forward to participating in the long-range strategic planning.

The discussion ended at 8:27 p.m.

6. Committee/Commissioner Comments

Commissioner Chroust-Masin asked what was on the March agenda.

Ms. Richards said that the Landscape and Tree amendments would be brought back for a public hearing and Mr. Darnell said that there would also be a comprehensive plan amendment and two zone change requests for the Jae's Landing property.

7. Staff Comments

There were no additional staff comments.

8. Adjournment

Commissioner Chroust-Masin MOVED to adjourn the meeting; SECONDED by Commissioner Geary. Motion PASSED unanimously and Chair Hall adjourned the meeting at 8:29 p.m.



Heather Richards
Secretary



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Agenda Item Summary

DATE: April 25, 2017
TO: Jeff Towery, City Manager
FROM: Melissa Grace, City Recorder/ Legal Assistant
SUBJECT: Consent Agenda

There are two items on the Consent Agenda:

- a. Consider the Minutes of the April 11th, 2017 Dinner and Regular Meeting.

Please refer to attached minutes.

- b. Request from The Mack Club (Fine Rock Grill) for a liquor license at 2223 NE McDaniel Lane.

Please refer to attached Liquor License Recommendation.

CITY OF McMINTNVILLE
MINUTES OF DINNER MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, April 11, 2017 at 6:00 p.m.

Presiding: Scott A. Hill, Mayor

Recording: Melissa Grace, City Recorder

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Kevin Jeffries
	Adam Garvin	Wendy Stassens
	Kellie Menke, Council President	
	Alan Ruden	

Also present were City Manager Jeff Towery, Parks and Recreation Director Jay Pearson, and a member of the new media, Tom Henderson of the *News Register*.

DINNER

CALL TO ORDER: Mayor Hill called the Dinner Meeting to order at 6:17 p.m. and welcomed all in attendance.

There was not a quorum of the Council until 6:24 p.m. when Councilor Garvin arrived.

DISCUSSION:

Mayor Hill asked for a volunteer to lead the Pledge of Allegiance and Councilor Drabkin volunteered.

Mayor Hill reviewed the agenda for the evening.

RESOLUTION NO. 2017-27: Mayor Hill stated that Council President Menke, City Manager Towery and he were able to meet with the three candidates for the Budget Committee: Kyle Lake, Drew Millegan, and Peter Hofstetter. He shared that all three were great candidates and are being recommended to be appointed to the Budget Committee.

RESOLUTION NO. 2017-28: Mayor Hill mentioned there will be a set amount dedicated for the new Community Contributions Program.

Parks and Recreation Director Pearson shared that he is retiring. He stated that he has spoken with the City Manager who has been supportive. His official last day will be May 1st, 2017; however, he will be available to assist the City until a new Parks and Recreation Director is hired. He thanked the Council for their support. He commented on his gratitude for a meaningful career over the past 40 years with the City of McMinnville.

The Council thanked Mr. Pearson for his hard work and passion. Discussion ensued regarding the history of parks and recreation in McMinnville and the community's remarkable commitment to volunteerism.

Councilor Drabkin mentioned that she might be interested in changing the time of the Council Meetings. She has heard that it is a difficult time for citizens to attend the meeting. Councilor Drabkin felt it may increase attendance if the meeting time is earlier in the day.

ADJOURNMENT: The Dinner Meeting was adjourned at 6:58 p.m.

Melissa Grace, City Recorder

CITY OF McMINTNVILLE
MINUTES OF REGULAR MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, April 11, 2017, at 7:00 p.m.

Presiding: Scott A. Hill, Mayor

Recording: Melissa Grace, City Recorder

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Kevin Jeffries
	Adam Garvin	Wendy Stassens
	Kellie Menke, Council President	
	Alan Ruden	

Also present were City Manager Jeff Towery, Parks and Recreation Director Jay Pearson, Police Captain Dennis Marks, and a member of the new media, Tom Henderson of the *News Register*.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE: Councilor Drabkin led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

JW Millegan, 624 NE 2nd Street, shared that he believes in Urban Renewal Districts and the Atticus hotel and everyone behind it. He expressed concerns with the process of giving grants and asked for the development of criteria for the process.

Mark Davis, 652 SE Washington, stated that he shares some of the some concerns that Mr. Millegan expressed. He added that he would like to see more transparency from Atticus hotel.

Gary Propp, 2092 NE Lucy Belle Street expressed concern over the elimination of the Fire Safety and Education Program. He explained the benefits of the program to the community.

4. CONSENT AGENDA

- 4.a. Consider the Minutes of the February 28th, 2017 Dinner and Regular Meeting.

Councilor Ruden MOVED to adopt the consent agenda; SECONDED by Council President Menke. Motion PASSED unanimously.

5. RESOLUTIONS

- 5.a. **Resolution No. 2017-27:** A Resolution appointing _____, _____, and _____ as representatives of the City of McMinnville Budget Committee.

Mayor Hill shared that Council President Menke, City Manager Towery and he met with three candidates earlier in the day. He stated that they are all great candidates and they are being recommended to be appointed.

Council President Menke MOVED to adopt Resolution No. 2017-27 appointing Kyle Lake, Peter Hofstetter, and Drew Millegan as representatives of the City of McMinnville Budget Committee; SECONDED by Councilor Ruden. Motion PASSED unanimously.

5. b. **Resolution No. 2017-28:** A Resolution adopting a policy for the City of McMinnville Community Contributions Program.

City Manager Towery stated that the Community Contributions Program will be a straightforward application process where nonprofits will need to identify how they support City Council goals. The program will be advertised on the City's website and in the *News Register* and applications will be accepted until 5:00 p.m. on May 3rd, 2017.

Councilor Garvin MOVED to adopt Resolution No. 2017-28 adopting a policy for the City of McMinnville Community Contributions Program; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

6. ADVICE/ INFORMATION ITEMS

6. a. Reports from Councilors on Committee and Board Assignments

Council President Menke mentioned that the bypass project is continuing to move forward.

Mayor Hill shared that there was recently a Town Hall meeting held with Senator Boquist and Representative Noble.

Councilor Drabkin shared that the next Affordable Housing Task Force will meet on May 26 at 10 a.m. in the Community Development Center.

6.b. Department Head Reports

City Manager Towery stated that the annual Employee Appreciation Breakfast will be tomorrow morning.

7. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 7:24 p.m.

Melissa Grace, City Recorder



City Recorder Use

Final Action:

Approved Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: THE MACK CLUB (FIRE NOCK GRILL)

BUSINESS LOCATION ADDRESS: 2223 NE MCPHAIL LN

LIQUOR LICENSE TYPE: LIMITED ON PREMISES SALES

Is the business at this location currently licensed by OLCC

Yes No ✓

If yes, what is the name of the existing business:

FIRE NOCK GRILL, INC FULL ON PREMISES

Hours of operation: SUN 0700-2400 M-THU 0900-2400 F 0900-0200 S 0700-0200

Entertainment: Karaoke, VIDEO LOTTERY, POOL, SOCIAL GAMING, LIVE MUSIC

Hours of Music: LIVE MUSIC FRI & SAT 9:00 PM - 2:00 AM

Seating Count: INDOOR 67 OUTDOOR 24 TOTAL 91

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: Yes No ✓

Criminal Records Check: Yes No ✓

Recommended Action: Approve Disapprove ✓

Chief of Police / Designee

City Manager / Designee



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 25, 2017
TO: Jeff Towery, City Manager
FROM: Mike Bisset, Community Development Director
SUBJECT: OR99W at 2nd Street Signal Replacement Project Contract Award

Council Goal:

Plan and Construct Capital Projects – Continue to plan and implement Transportation Bond improvements.

Report in Brief:

This action is the consideration of a resolution to award a public improvement contract in the amount of \$1,699,995.00 to Emery & Sons Construction Group for the construction of the OR 99W at 2nd Street Signal Replacement Project 2015-17.

Background:

The voter approved 2014 transportation bond measure included a project to improve NE 2nd Street between Adams Street and Cowl Street. The project will address traffic congestion, and the work includes the installation of an additional left turn lane; a westbound right turn lane; upgraded traffic signals funded by ODOT; and pedestrian improvements.

The project work also includes the rehabilitation and repair of sanitary sewer lines in the area. The lines will be repaired using dig and replace, pipe bursting, and pipe lining techniques. The sanitary sewer work will be paid for using Wastewater Capital Fund (77) monies.

The attached project vicinity map reflects the work areas covered by the contract. The project work is expected to start in June and be completed by October 31, 2017.

Discussion:

On Thursday, April 13, 2017, two bids were received, opened, and publicly read for the construction of the OR 99W at 2nd Street Signal Replacement Project 2015-17. The bid results are as follows:

- | | |
|-----------------------------------|----------------|
| • Emery & Sons Construction Group | \$1,699,995.00 |
| • Pacific Excavation | \$2,250.000.00 |

The construction estimate for this work was \$2,022,629.50.

The bids were checked for completeness, including a review of the following:

- Was the bid submitted, on time, in a properly sealed and labeled envelope?
- Was the Bid Form properly filled out and executed?
- Was a Bid Bond included?
- Were the project addenda acknowledged?
- Was the First Tier Subcontractor Form turned in on time?

Both bids were complete and met the City's requirements. A detailed breakdown of the received bids is on file in the Engineering Department.

The bid from Emery & Sons Construction Group, in the amount of \$1,699,995.00, was deemed to be the lowest responsible and responsive bid.

Attachments:

1. Resolution
2. Project Vicinity Map

Fiscal Impact:

The project is funded by 2014 transportation bond proceeds and by wastewater capital funds. Additionally, the Oregon Department of Transportation (ODOT) is contributing \$500,000 to the project to cover the signal replacement costs.

The project is included in the adopted FY17 and proposed FY18 Transportation Fund (45) and Wastewater Capital Fund (77) budgets.

Recommendation:

Staff recommends that the City Council adopt the attached resolution awarding the public improvement contract for the construction of the OR 99W at 2nd Street Signal Replacement Project 2015-17, in the amount of \$1,699,995.00, to Emery & Sons Construction Group.

RESOLUTION NO. 2017-29

A Resolution awarding the contract for the OR 99W at 2nd Street Signal Replacement Project 2015-17.

RECITALS:

At 2:00pm on April 13, 2017, two bids for the OR 99W at 2nd Street Signal Replacement Project 2015-17, were publicly opened and read aloud.

The low bidder, Emery & Sons Construction Group, met all of the bid requirements, and should be considered the lowest responsible bidder.

The project is funded by 2014 transportation bond proceeds and by wastewater capital funds. Additionally, the Oregon Department of Transportation (ODOT) is contributing \$500,000 to the project to cover the signal replacement costs.

The project is included in the adopted FY17 and proposed FY18 Transportation Fund (45) and Wastewater Capital Fund (77) budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That entry into a public improvement contract with Emery & Sons Construction Group, in the amount of \$1,699,995.00, with a substantial completion date of October 31, 2017 for the OR 99W at 2nd Street Signal Replacement Project 2015-17, is hereby approved.
2. That the City Manager is hereby authorized and directed to execute the public improvement contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of April, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of April, 2017.

MAYOR

Approved as to form:

CITY ATTORNEY

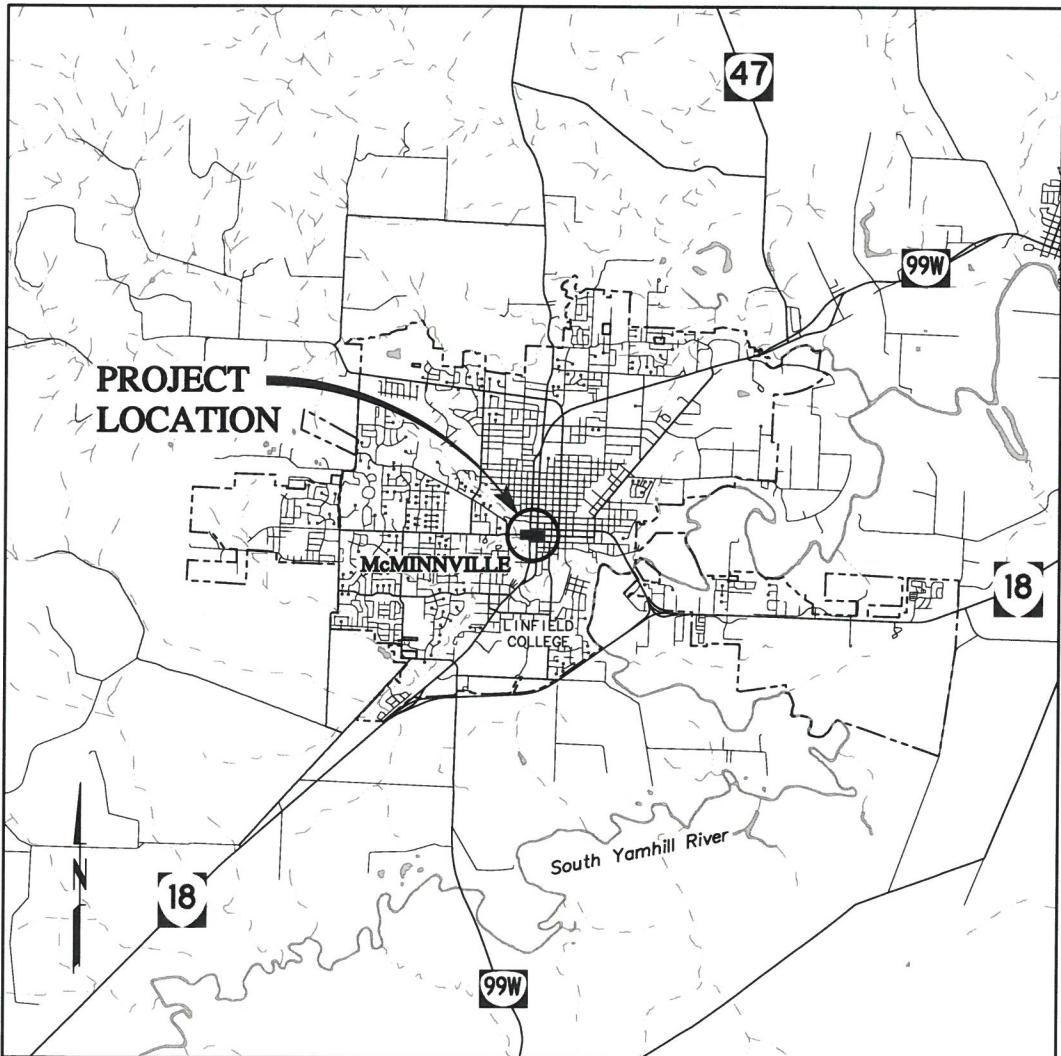


CITY OF McMINNVILLE, OREGON

OR 99W AT 2ND ST SIGNAL REPLACEMENT

PROJECT NO. 2015-17

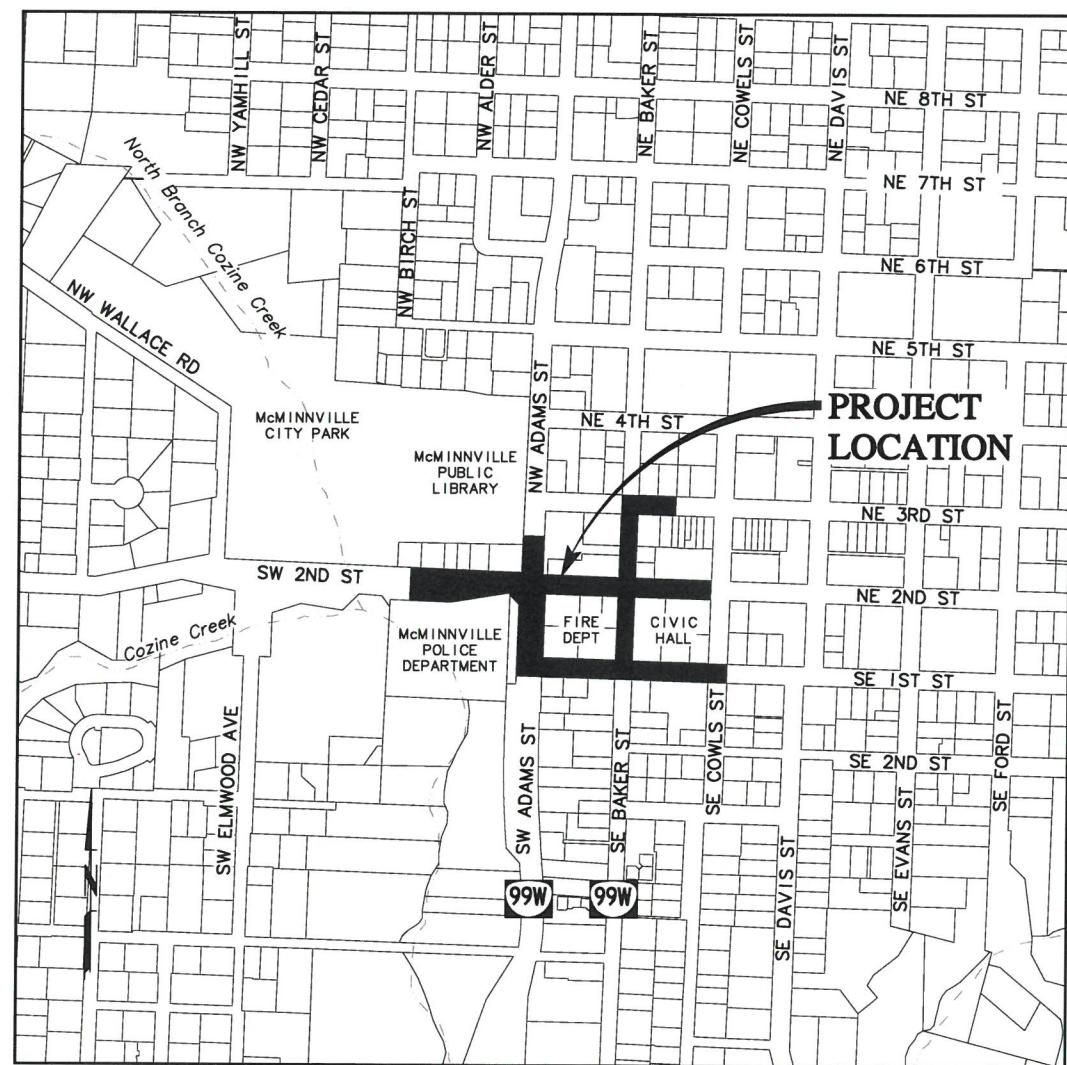
APRIL 2017



VICINITY MAP
SCALE: 1"=4,000'



Know what's below.
Call before you dig.



LOCATION MAP
SCALE: 1"=300'

456		MSA PROJECT:		15-1751		DATE:		MARCH 2017	
MSA Engineers/Planners		888 S.E. 5th Ave.		SUITE 1170		PHONE 503-225-9010		FAX 503-225-9087	
McMinnville, Oregon 97128									
SHEET		C-1		of 67					
REVISED		BY							
NO. DATE		REVISION							
DESIGNED: AHG		DRAWN: DKH		CHECKED: WSE		APPROVED: KMT			
REVISIONS 6-30-17		ANDREW HENRY		AS SHOWN		NOTICE			
REGISTERED PROFESSIONAL		OREGON		78447		IF THIS BAR DOES		1"	
ENGINEER		STATE		NOT MEASURE 1"		NOT DRAWING IS		NOT TO SCALE	
PROJECT		2015-1751		REVISION		0		1	
McMINNVILLE, OREGON		OR 99W AT 2ND ST SIGNAL REPLACEMENT		PROJECT NO. 2015-1751		TITLE SHEET, VICINITY MAP AND		LOCATION MAP	



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 25, 2017
TO: Jeff Towery, City Manager
FROM: Roy Markee, Engineering Project Manager
VIA: Mike Bisset, Community Development Director
SUBJECT: 2017 Street Overlay Project Contract Award

Council Goal:

Plan and Construct Capital Projects – Continue to plan and implement Transportation Bond improvements.

Report in Brief:

This action is the consideration of a resolution to award a public improvement contract in the amount of \$1,240,845.40 to Roy Houck Construction LLC for the construction of the 2017 Street Overlay, Project 2016-15.

Background:

Voters approved the 2014 transportation bond measure which included \$5,300,000 in street repair and repaving projects. The work detailed in the 2017 Street Overlay project are streets identified in the 2014 transportation bond measure. This is the third year of overlay projects contained in the bond measure, and the remaining streets will be repaved in 2018.

The 2017 Street Overlay project work includes grinding and removal of asphalt, followed by asphalt overlays and striping on segments of 21 City streets. The project scope also includes the upgrade of 87 handicap ramps and miscellaneous sidewalk, shoulder work and curb work.

The attached project vicinity map reflects the work areas covered by the contract. The project work is expected to start in June and be completed by September 1, 2017.

Discussion:

On Thursday, April 6, 2017, seven bids were received, opened, and publicly read for the construction of the 2017 Street Overlay, Project 2016-15. The bid results are as follows:

- Roy Houck Construction LLC \$1,240,854.40
- Kodiak Pacific Construction \$1,245,000.00
- Brix Paving Northwest \$1,256,083.41
- North Santiam Paving Co. \$1,288,427.80
- H&H Paving Co. \$1,295,592.54
- S2 Contractors \$1,321,558.25 (non-responsive: no first tier subcontractor form)
- Baker Rock Resources \$1,386,002.00

The construction estimate for this work was \$1,400,000.00.

The bids were checked for completeness, including a review of the following:

- Was the bid submitted, on time, in a properly sealed and labeled envelope?
- Was the Bid Form properly filled out and executed?
- Was a Bid Bond included?
- Was the First Tier Subcontractor Form turned in on time?

Six of the bids were complete and met the City's requirements. One bidder (S2 Contractors) failed to turn in the First Tier Subcontractor form, and thus their bid was deemed non-responsive. A detailed breakdown of the received bids is on file in the Engineering Department.

The bid from Roy Houck Construction LLC, in the amount of \$1,240,845.40, was deemed to be the lowest responsible and responsive bid.

Attachments:

1. Resolution
2. Project Vicinity Map

Fiscal Impact:

The project is funded by 2014 transportation bond proceeds, and the project is included in the adopted FY17 and proposed FY18 Transportation Fund (fund 45) budgets.

Recommendation:

Staff recommends that the City Council adopt the attached resolution awarding the public improvement contract for the construction of the 2017 Street Overlay, Project 2016-15, in the amount of \$1,240,845.40, to Roy Houck Construction LLC.

RESOLUTION NO. 2017-30

A Resolution awarding the contract for the 2017 Street Overlay, Project 2016-15.

RECITALS:

At 2:00pm on April 6, 2017, seven bids for the 2017 Street Overlay, Project 2016-15, were publicly opened and read aloud.

The low bidder, Roy Houck Construction LLC, met all of the bid requirements, and should be considered the lowest responsible bidder.

This project is funded by the 2014 transportation bond proceeds, and the project is included in the adopted FY17 and proposed FY18 Transportation Fund (Fund 45) budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINTNVILLE, OREGON, as follows:

1. That entry into a public improvement contract with Roy Houck Construction LLC, in the amount of \$1,240,854.40, with a substantial completion date of September 1, 2017 for the 2017 Street Overlay, Project 2016-15, is hereby approved.
2. That the City Manager is hereby authorized and directed to execute the public improvement contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of April, 2017 by the following votes:

Ayes: _____

Nays: _____

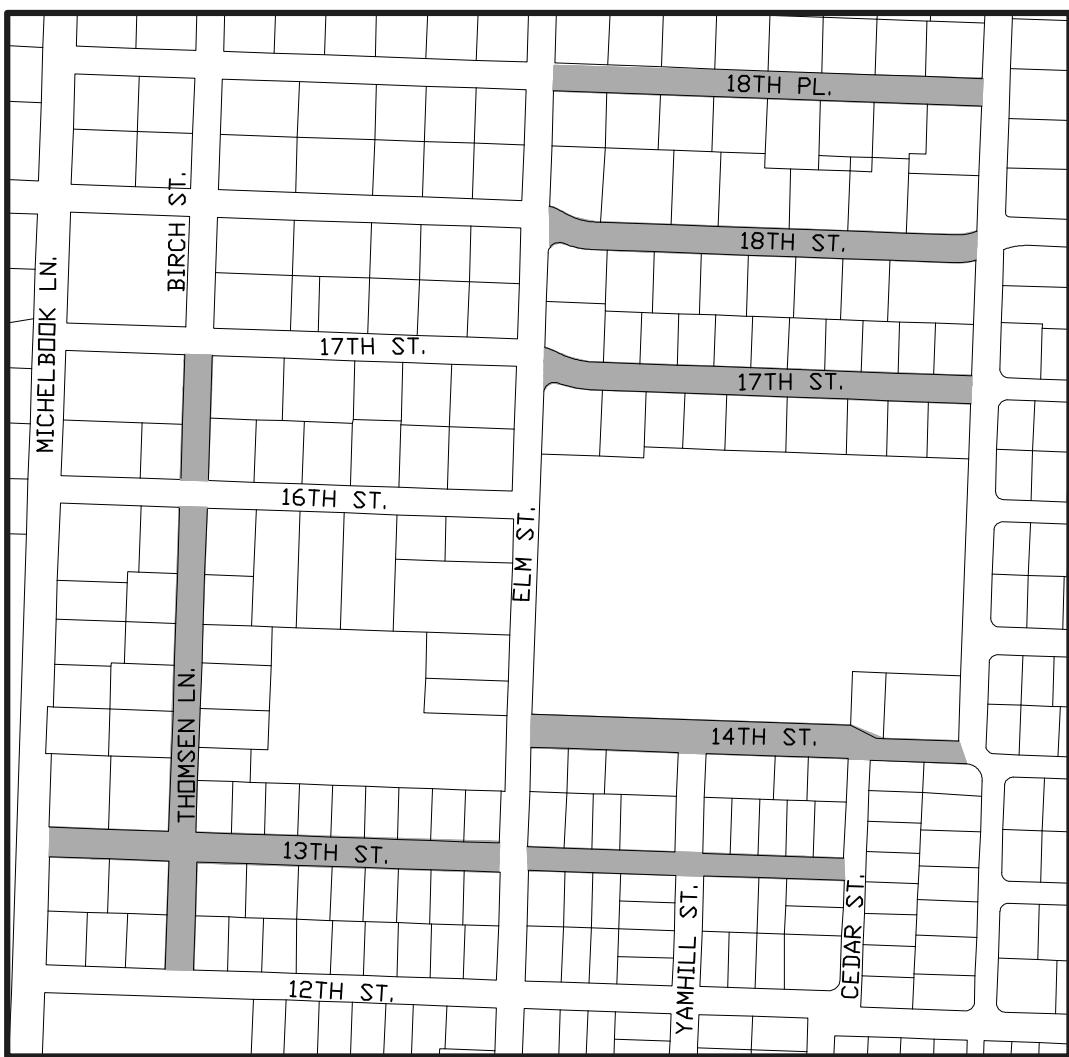
Approved this 25th day of April, 2017.

MAYOR

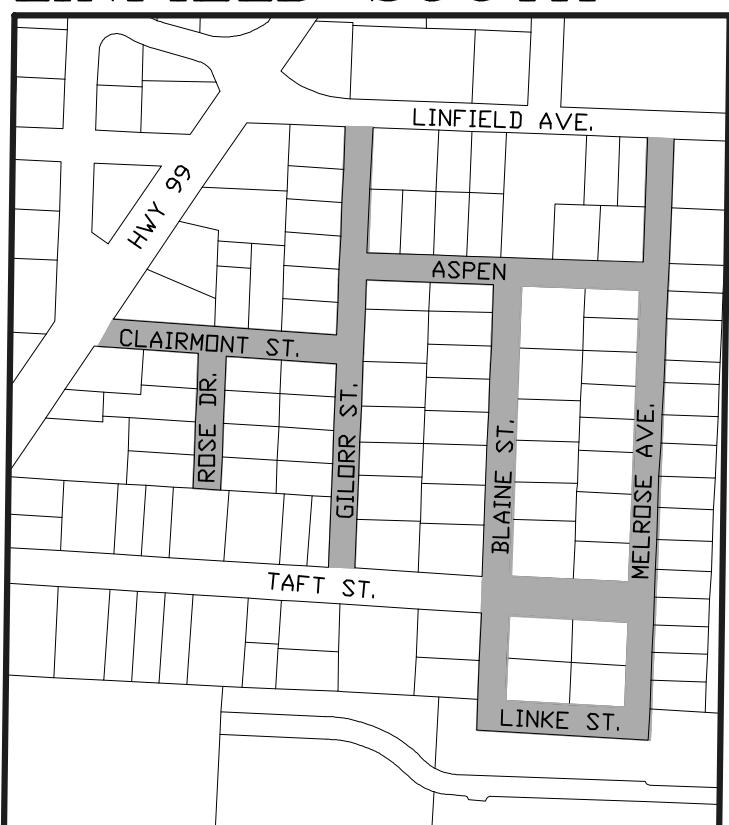
Approved as to form:

CITY ATTORNEY

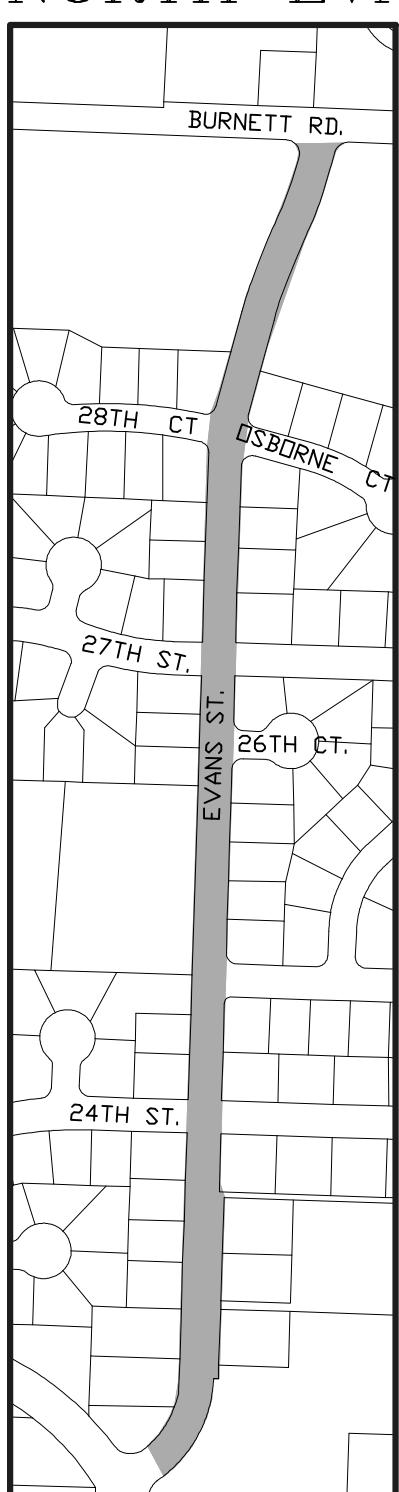
MEMORIAL WEST



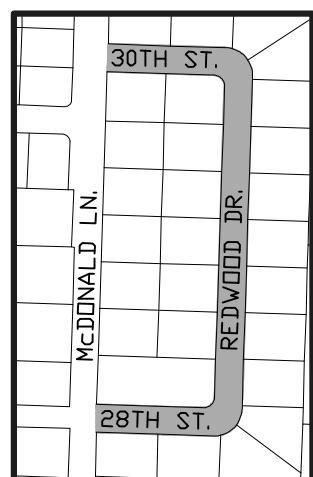
LINFIELD SOUTH



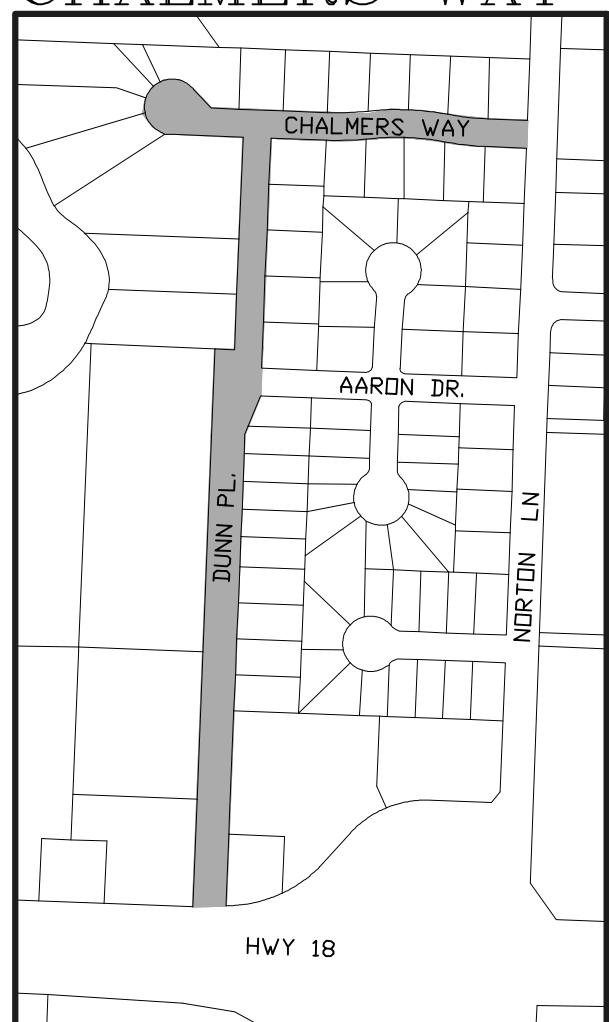
NORTH EVANS



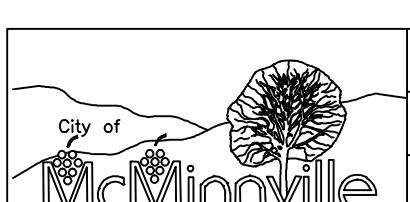
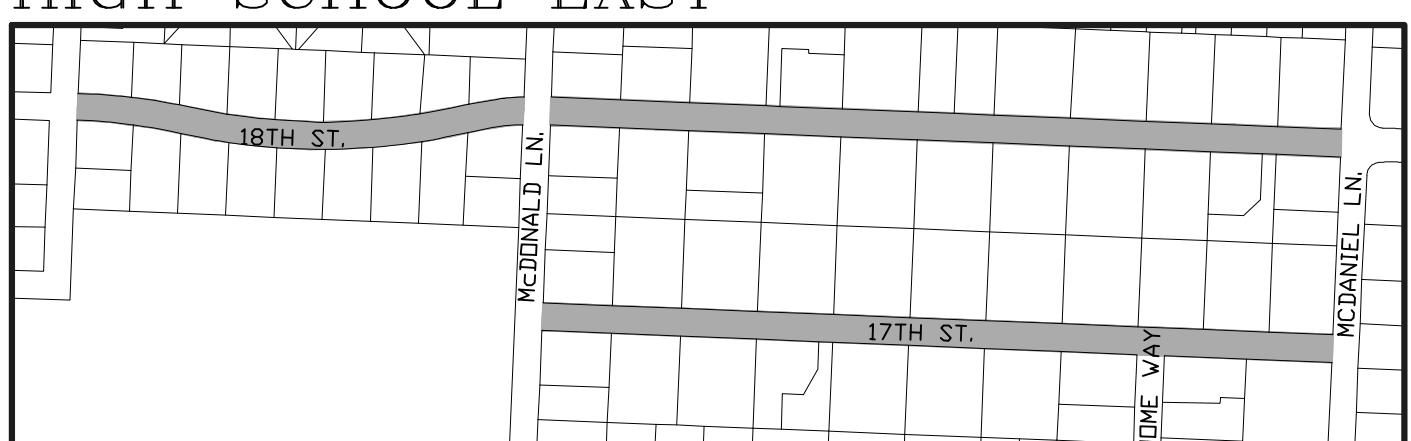
REDWOOD



DUNN PLACE / CHALMERS WAY



HIGH SCHOOL EAST



CITY OF McMINTNVILLE, OREGON
ENGINEERING DEPARTMENT

2017 STREET OVERLAY

VICINITY MAP

SCALE: N/A
Drawn: RM
Checked: LS/RS/MB
Date: FEBRUARY 22, 2017
Project No. 2016-15
SHEET 1 of 1



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 25, 2017
TO: Jeff Towery, City Manager
FROM: Roy Markee, Engineering Project Manager
VIA: Mike Bisset, Community Development Director
SUBJECT: Design services – Various Sanitary Sewer Rehabilitation Projects.

Council Goal:

Plan and Construct Capital Projects

Report in Brief:

This action is the consideration of a resolution to award a Personal Services Contract to Murray Smith & Associates, Inc for the design of the 12th Street Sanitary Sewer Project.

Background:

On January 18, 2017, proposals were received for the design of Various Sanitary Sewer Projects. Four project areas were identified to be rehabilitated:

- 12th Street Sanitary Sewer Project;
- NE High School Sanitary Sewer Rehabilitation Project;
- NW High School Sanitary Sewer Rehabilitation Project; and
- Chandlers Addition Sanitary Sewer Project.

At their meeting on February 14, 2017, the City Council adopted Resolution 2017-12 approving a list of four consultants for sewer design work. From that list, Murray Smith & Associates, Inc. was chosen to complete the design work for the first project to be constructed: 12th Street Sanitary Sewer Project.

Portions of the 12th Street Sanitary Sewer Project overlap with the paving work included in the voter approved 2014 Transportation Bond measure. To ensure proper coordination between the sewer work and street repaving, the street repaving design work has been included the scope of work prepared by Murray, Smith & Associates, Inc.

The 12th Street Sanitary Sewer Project design will be completed in 2017, and the project construction work is expected to begin in March 2018.

See attached vicinity map for the area of the 12th Street Sanitary Sewer Project.

Discussion:

The 12th Street Sanitary Sewer Project will rehabilitate 17,350 lineal feet of aging sanitary sewer pipelines, ranging in size from 6 inch diameter to 24 inch diameter. The pipes will be rehabilitated with an assortment of techniques including open cut, pipe bursting and cured in place pipe (CIPP) lining. As part of the design project, plans for repaving of 3700 lineal feet of streets, and reconstruction of adjacent ADA ramps, will be prepared. The street repaving work will be included in the project construction contract, and will occur after the sanitary sewer rehabilitation work is completed.

The design estimate for the scope of work is \$351,978.00 (see attached Scope of Work)

Attachments:

1. Resolution
2. Scope of work with design estimate
3. Vicinity Map
4. Resolution 2017-12 (adopted February 14, 2017)

Fiscal Impact:

Funds for the design work are included in the adopted FY17 and proposed FY18 Wastewater Capital Fund (77) and Transportation Fund (45) budgets.

Recommendation:

Staff recommends that the City Council adopt the attached resolution approving the Personal Services Contract with Murray, Smith & Associates, Inc. for the design of the 12th Street Sanitary Sewer Project.

RESOLUTION NO. 2017-31

A Resolution awarding the contract for the design of the 12th Street Sanitary Sewer Rehabilitation Project.

RECITALS:

At their meeting on February 14, 2017, the City Council adopted Resolution 2017-12 approving a list of four consultants for sewer rehabilitation design work. From that list, Murray Smith & Associates, Inc. was chosen to complete the design work for the first project to be constructed: 12th Street Sanitary Sewer Project.

The 12th Street Sanitary Sewer Project will rehabilitate 17,350 lineal feet of aging sanitary sewer pipelines, ranging in size from 6 inch diameter to 24 inch diameter. The pipes will be rehabilitated with an assortment of techniques including open cut, pipe bursting and cured in place pipe (CIPP) lining.

As part of the design project, plans for repaving of 3700 lineal feet of streets, and reconstruction of adjacent ADA ramps, will be prepared. The street repaving work will be included in the project construction contract, and will occur after the sanitary sewer rehabilitation work is completed.

Funds for the design work are included in the adopted FY17 and proposed FY18 Wastewater Capital Fund (77) and Transportation Fund (45) budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That entry into a public improvement contract with Murray Smith & Associates, in the amount of \$351,978.00, for the 12th Street Sanitary Sewer Project, is hereby approved.
2. That the City Manager is hereby authorized and directed to execute the personal services contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of April, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of April, 2017.

MAYOR

Approved as to form:

CITY ATTORNEY

City of McMinnville, Oregon
Scope of Work
Design Engineering Services
for
12th Street Sanitary Sewer Rehabilitation

Project Information

Project Description

The City of McMinnville's 12th Street Sanitary Sewer Rehabilitation project provides improvements to approximately 17,350 feet of aging sanitary sewer infrastructure ranging in size from 6-inch to 24-inch diameter. The mainline sewers will be rehabilitated by a combination of open cut pipe replacement, pipe bursting or cured in place pipe (CIPP) repair methods. Existing laterals within the project limits will be evaluated and appropriate improvements will be included in the project. The project also includes approximately 3,700 linear feet of pavement rehabilitation and ADA curb ramp improvements on 11th and 12th Streets. It is anticipated that design will begin in spring of 2017, continue through 2017 and that construction will begin in spring of 2018.

City Responsibilities

The City of McMinnville will be responsible for the following:

- 1) Notifications for public meetings, meetings with the business community, and "open house" informational events; providing City staff to attend same; providing a venue for such events.
- 2) Sending notifications to property owners in the affected areas, as necessary.
- 3) Providing staff time to attend project meetings and review project deliverables.
- 4) Providing staff time to review sewer conveyance system improvement designs in accordance with DEQ sewer design review requirements.
- 5) Provision of available tax lot, sewer, and storm sewer system information.
- 6) Assistance with coordination with significant stakeholders such as the business community, residents, utilities and ODOT.
- 7) Payment for all permit application fees.

Consultant Scope of Services

TASK 1 - PROJECT MANAGEMENT AND COORDINATION

Provide overall management, direction and coordination for the project, including the following subtasks:

Task 1.1 Project Kick-off Meeting

Schedule, prepare for, and conduct a project kick-off meeting to review the purpose and scope of the project. This meeting may include representatives from City staff and other stakeholders as invited by the City.

Task 1.2 Project Schedule

Consultant shall prepare a detailed overall project schedule within 14 days of Notice to Proceed and update the schedule as required. It is anticipated that design will begin in spring of 2017, continue through 2017 and that construction will begin in spring of 2018.

Task 1.3 Progress Reports and Invoicing

Consultant shall monitor project scope, schedule and budget on a monthly basis. Progress reports and invoices will be submitted on a monthly basis to the City's project manager. Issues potentially affecting scope, schedule or budget will be identified. Progress reports will describe tasks completed during the previous month.

Task 1.4 Overall Project Coordination

Consultant shall coordinate with subconsultants, assign to and manage the appropriate level of staff expertise for the project at each phase of design, coordinate design reviews and the implementation of design review comments, and perform other project coordination as required. For each submittal, review comments provided by the City and other involved parties will be compiled, along with a proposed response to each comment received.

Task 1 Deliverables

- Invoices and progress reports (monthly)
- Initial Project Schedule and updated project schedules as required
- Meeting agendas and minutes.

TASK 2 – DESIGN SURVEY

Consultant shall complete surveying services necessary for design of the estimated 17,350 feet of sanitary sewer mains and associated laterals within the project limits and for design of ADA curb ramps at eight corners at the intersections of 12th Street with Adams Street and Baker Street (OR99W). Survey will include the following:

Task 2.1 Survey Control

Consultant shall establish horizontal and vertical control points throughout the project limits based on City approved datum.

Task 2.2 Survey Existing Utilities and Develop Base Map

Consultant shall call for one-call utility locate paint marks and as-built maps and field locate the existing utility marks throughout the project limits using conventional survey methods. Consultant shall develop an AutoCAD survey base map drawing with existing utilities and manhole data to be used for the development of plan sheets for the project design. The City will provide existing GIS data files including, existing roads, curb, sidewalk, driveways, property lines, structures, sanitary, storm, and existing lateral locations.

Task 2.3 Sanitary Sewer Manhole Ties

Consultant shall run conventional levels to and “dip” all sanitary sewer manholes and mains and record rim and invert elevations for developing accurate profiles.

Task 2.4 Storm Sewer Manhole Ties

Consultant shall run conventional levels and dip storm sewer manholes and mains to record rim and invert elevations at select locations of potential conflict with the sanitary sewer rehabilitation work. Two days of survey work is included in this task.

Task 2.5 Survey for ADA Curb Ramps at OR99W

Consultant shall conduct detailed survey at eight corners at the intersections of 12th Street with Adams Street and Baker Street (OR99W) for design of curb ramps in accordance with ODOT standards. Detailed survey shall include field survey of existing above ground features (i.e. edge of pavement, curb ramps, grade breaks, concrete sidewalk joints, buildings, improvements, trees, shrubs, utilities, signs, right-of-way, survey monuments, etc., as well as elevations with 1-foot contour intervals.

Task 2.6 Flagging, Permitting and Traffic Control for Survey Work

Consultant shall obtain the necessary permits to perform the survey work described in Tasks 2.1 through 2.5, including preparing traffic control plans in accordance with the latest MUTCD requirements. Consultant shall provide flagging and traffic control as required to complete the survey work in accordance with the approved traffic control plans.

Task 2 Deliverables

- Permit applications and traffic control plans.
- CAD files to be provided to the City at the end of the project.

TASK 3 – PRELIMINARY DESIGN

Task 3.1 Mainline Pipe Condition Assessment, Documentation and Recommendations

Consultant shall review CCTV video of existing mains (approximately 74 main runs), document the pipe size, material, condition, location of existing lateral connections and rehabilitation or replacement recommendations in spreadsheet format. Only main line CCTV will be reviewed. Lateral videos are not available and review of lateral CCTV is not included.

Task 3.2 Review Sewer Service Reports for Existing Laterals

Consultant shall review existing sewer service reports for work previously completed on existing laterals (to be provided by City). Approximately 235 of the 370 properties within the project limits have sewer service reports available. Review of each lateral will be cataloged in a lateral review spreadsheet, noting the date of most recent repairs, size, material, alignment, and other notable items for each lateral. This review will be used to make appropriate recommendations for modifications to laterals during final design.

Task 3.3 On-site Lateral Investigations

Consultant shall conduct on-site investigations for each property in the project limits to locate the private lateral connection(s) at the house. The City will send out notifications to property owners and residents prior to conducting the on-site investigations and obtain rights-of-entry if necessary. MSA will walk the property to search for connection points, cleanouts, area drains, and other applicable information. Results of the on-site investigations will be documented with photographs and field notes and summarized in the lateral review spreadsheet referenced in Task 3.2.

Task 3.4 Dye Testing Laterals on Individual Properties

Based on the results of investigations conducted under Tasks 3.2 and 3.3, Consultant shall identify which properties' lateral to mainline connection locations are unknown. Consultant shall develop a list of properties to conduct dye testing to confirm the lateral to mainline connection point. The City will send out notifications to property owners where dye testing is required. The City will provide staff, CCTV equipment, and dye for dye testing operations. MSA staff will be on-site to record the results of the dye testing. Results will be summarized in the lateral review spreadsheet referenced in Task 3.2. This Scope of Work includes dye testing on 25 properties.

Task 3.5 On-site Manhole Investigations

Consultant shall conduct on-site investigations for each manhole in the project limits, document the size, material, condition, and rehabilitation or replacement recommendations. Results of the on-site investigations will be documented with photographs and field notes and summarized in a manhole condition assessment spreadsheet.

Task 3 Deliverables

- Mainline pipe condition assessment spreadsheet
- Lateral review spreadsheet
- List of laterals recommended for dye testing
- Manhole condition assessment spreadsheet

TASK 4 - FINAL DESIGN

Under this task, the final design of the project will be accomplished. From the work completed and City feedback on the preliminary design tasks, Consultant shall prepare the documents necessary for construction, including bidding documents, plans, specifications and construction cost estimates. The construction documents will be prepared in a manner suitable to meet the City of McMinnville electronic bidding requirements. The City will supply MSA with the required mapping data for the project such as GIS data, sewer service reports, and as-built drawings. Design base mapping will be based on GIS data provided by the City and supplemented with additional survey described in Task 2. The detailed subtasks are as follows:

Task 4.1 50 Percent Design

Consultant shall prepare and submit 50 percent design package to the City's project manager for review. All items listed below to support the 50 percent design shall be included:

- Preliminary plans including, title and index sheets, general notes, abbreviations, legend, sewer rehabilitation plans and profiles (up to 32 combined plan and profile sheets), paving plans (up to four paving plan sheets), and ADA curb ramp design details for 12th Street at OR99W (up to eight detail sheets). The 50% plans will not include erosion control, traffic control, or miscellaneous detail sheets. No right-of-way acquisition is assumed to be needed to accommodate ADA ramp design/construction. No signal equipment is assumed to need relocation to accommodate ADA design/construction.
- Draft technical specifications using the City's adopted ODOT/APWA Oregon Standard Specifications for Construction.
- Preliminary engineer's construction cost estimate based on itemized quantity estimate, with appropriate contingencies.

Task 4.2 90 Percent Design

Consultant shall prepare and submit updated 90 percent design package to the City's project manager for review. The 90 percent design package will be updated to reflect the City's 50% review comments. Items listed below to support the 90% design shall be included:

- Advance plans including all proposed plan sheets required for construction.
- City's standard contract documents and front end specifications and general requirements.
- Updated technical specifications.
- Updated engineer's construction cost estimate based on itemized quantity estimate, with appropriate contingencies.

Task 4.3 100 Percent Final Design

Consultant shall prepare and submit 100 percent final design package to the City's project manager for electronic advertising. The final design package will be updated to reflect the City's 90% review comments. Items listed below to support the 100% final design shall be included:

- Final stamped and signed plans including all proposed plan sheets required for construction.
- City's standard contract documents and front end specifications and general requirements.
- Final technical specifications.
- Final engineer's construction cost estimate based on itemized quantity estimate, with appropriate contingencies.

Task 4.4 Project Team Meetings

In addition to the project kickoff meeting, budget assumes up to three (3) project meetings will be required, to be held at City offices in McMinnville. Consultant shall schedule and lead project meetings and prepare meeting agendas and minutes. For estimating purposes, it is assumed that two (2) Consultant staff shall attend each meeting, anticipated to be four (4) hours in length including travel time.

Task 4 Deliverables

- 50%, 90% and Final plans, specifications and estimates in electronic format
- Final electronic bid package
- Meeting agendas and minutes
- Summary of review comments received for each submittal, with proposed Consultant response to each review comment

TASK 5 – AGENCY COORDINATION AND PERMIT APPLICATIONS

Consultant shall coordinate with permitting agencies and prepare, file and obtain the necessary permit applications for this project. Anticipated permits and coordination include the following:

- ODOT Application and Permit to Occupy or Perform Operations Upon a State Highway
- Coordinate with ODOT and obtain ODOT concurrence for ADA curb ramp designs at 12th Street and OR99W

The City will be the “applicant” on all permits and pay all permit fees required by regulatory agencies. Erosion control for construction activities will be completed under the City’s DEQ NPDES General 1200-CA permit and a copy of the City’s 1200-CA permit will be included in the contract documents. It is estimated that up to five design exceptions will be required for ADA improvements at the two intersections of 12th Street and OR99W.

Task 5 Deliverables

- Draft permit applications for City review and signature
- Final executed permits to be included in the final bid package
- Draft and final design exceptions

TASK 6 - PUBLIC INVOLVEMENT ASSISTANCE

The City will serve as the point of contact for public inquiries, provide property owner and tenant information for properties in the project area and issue project information mailings as needed. Consultant shall assist the City with public outreach efforts, including public information meetings. Consultant shall prepare up to three (3) electronic project information and/or notification mailings for City distribution. Consultant shall catalog comments received at public meetings. Consultant shall prepare for and send up to three people to attend one (1) public meeting prior to construction for the purpose of providing project information to the public.

Task 6 Deliverables

- Electronic notification mailings
- Figures for public meetings
- Comments and responses to inquiries received at meetings.

TASK 7 – UTILITY COORDINATION

Consultant shall perform utility coordination work related to the following franchise and private utilities: water, power, communications, gas, cable television and other private utilities that may be present within the project limits. Consultant shall identify utilities

within the project limits, evaluate potential utility conflicts, and coordinate utility efforts for relocation of impacted facilities.

Task 7.1 Impact Assessment and Notifications

Consultant shall identify utilities within the project limits and determine possible conflicts with the proposed project. Consultant shall:

- Develop a utility contact information list and send project information correspondence to all utility companies involved to explain the nature of the work.
- Provide project preliminary plans to each utility.
- Maintain a record of correspondence with utility companies.
- Obtain utility-provided as-built information and compare with project base-mapping.
- Identify design conflicts (conflicts to be identified on plan sheets).
- Issue conflict notices to impacted utilities.

Task 7.2 Coordinate and Review Utility Relocation Designs

Consultant shall coordinate with private utilities to resolve utility conflicts and finalize utility relocation requirements as appropriate. Affected utilities will be responsible for developing their relocation designs. Consultant shall review each utility's relocation plans and proposed schedule, provide written comments, and issue approval. Consultant shall provide up to two (2) design review iterations per utility.

Task 7.3 Utility Coordination Meetings

Consultant shall coordinate, attend, and conduct up to five (5) on-site meetings with utilities to discuss preliminary relocation concepts, identify potential utility conflicts to be resolved, discuss the project schedule, and discuss relocation plans.

Task 7 Deliverables

- Utility contact list
- Utility conflict plan sheets and spreadsheet
- Conflict notices to each affected utility
- Reviewed utility relocation plans with comments and recommendations
- Meeting notes for utility coordination meetings.

TASK 8 - BID AND AWARD SUPPORT SERVICES

The Consultant shall perform the following bidding and award support services:

1. Responding to questions from bidders and City.
2. Preparing plans and specifications addenda as needed (up to two addenda).

Task 8 Deliverables

- Written documentation of responses to bidder questions by e-mail
- Addenda (if required) in electronic format (pdf)

Construction phase engineering support and surveying services are not included in this scope of work and will be subject of an amendment or separate task order prior to the start of construction.

Preliminary Sheet List

The following is the anticipated list of plan sheets:

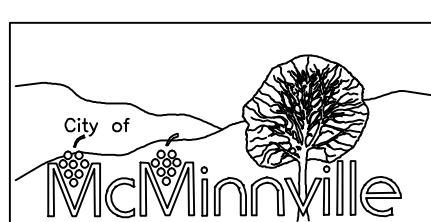
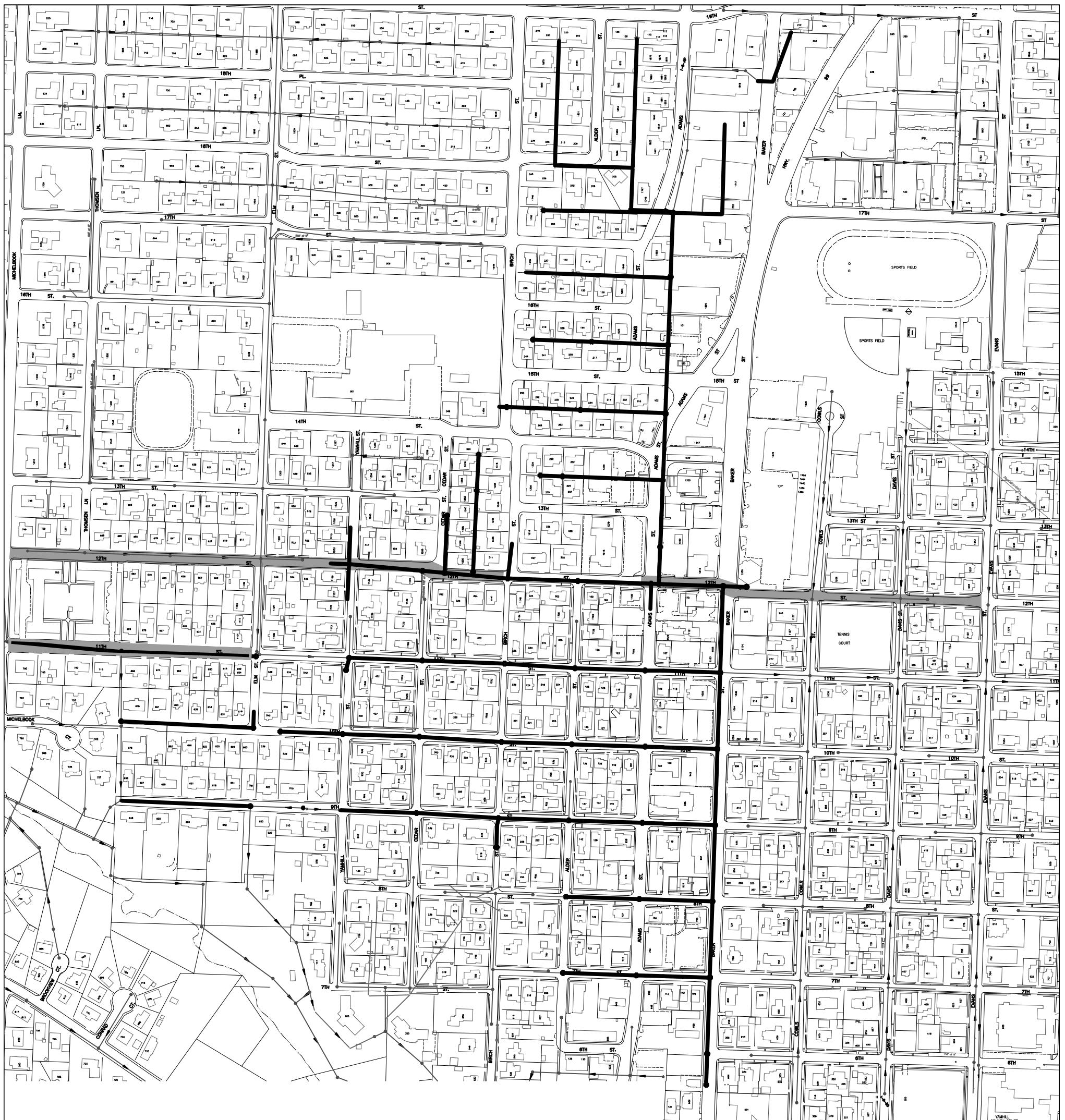
1	G-1	Title Sheet, Vicinity Map and Location Map
2	G-2	Index of Sheets, Survey Control and Drawing Key Map
3	G-3	Legend, Abbreviations
4	G-4	General Notes
5	ESC-1	Erosion Control Notes and Details
6-37	C-1 to C-32	Sanitary Sewer – Plan and Profile
38-41	C-33 to C-36	Paving Plans
42-49	C-37 to C-44	ADA Curb Ramp Details for OR99W
50-54	C-45 to C-49	Sanitary Sewer, Street, and Miscellaneous Details
55	TC-1	Temporary Traffic Control General Notes and Details
55	--	Total

12TH STREET SANITARY SEWER REHABILITATION
CITY OF McMINNVILLE
PROPOSED FEE ESTIMATE

	LABOR CLASSIFICATION (HOURS)							ESTIMATED FEES				
	Principal Engineer V \$225 Thelin	Professional Engineer VIII \$174 Evonuk	Professional Engineer IV \$139 Leman	Engineering Designer II \$124 Swartzendruber	Technician IV \$134 Staff	Administrative II \$88 Staff	Hours	Labor	Subconsultants	Subconsultant Total	Expenses	Total
									PBS			
Task 1 - Project Management and Coordination							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 1.1 - Project Kick-off Meeting		6	12				18	\$ 2,712	\$ -	\$ 100	\$ 2,812	
Task 1.2 - Project Schedule		2	6				2	\$ 1,358	\$ -	\$ -	\$ 1,358	
Task 1.3 - Progress Reports and Invoicing	6	12					6	\$ 3,966	\$ -	\$ -	\$ 3,966	
Task 1.4 - Overall Project Coordination (Sewer)	12	40					52	\$ 9,660	\$ -	\$ -	\$ 9,660	
Task 1.4A - Overall Project Coordination (Streets)	12	20					32	\$ 6,180	\$ -	\$ -	\$ 6,180	
Task 1 Subtotal	30	80	18	0	0	8	136	\$ 23,876	\$ -	\$ -	\$ 100	\$ 23,976
Task 2 - Design Survey							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 2.1 - Survey Control							0	\$ -	\$ 7,150	\$ 7,150	\$ -	\$ 7,150
Task 2.2 - Survey Existing Utilities and Develop Base Map		1	2				3	\$ 452	\$ 14,080	\$ 14,080	\$ -	\$ 14,532
Task 2.3 - Sanitary Sewer Manhole Ties		1	4				5	\$ 730	\$ 18,260	\$ 18,260	\$ -	\$ 18,990
Task 2.4 - Storm Sewer Manhole Ties		1	6				7	\$ 1,008	\$ 5,500	\$ 5,500	\$ -	\$ 6,508
Task 2.5 - Survey for ADA Curb Ramps at OR 99W (Streets)	1	8					9	\$ 1,286	\$ 4,290	\$ 4,290	\$ -	\$ 5,576
Task 2.6 - Flagging, Permitting and Traffic Control for Survey Work		1					1	\$ 174	\$ 3,300	\$ 3,300	\$ -	\$ 3,474
Task 2 Subtotal	0	5	20	0	0	0	25	\$ 3,650	\$ 52,580	\$ 52,580	\$ -	\$ 56,230
Task 3 - Preliminary Design							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 3.1 - Mainline Pipe Condition Assessment, Documentation and Recommendations	2	8	36	72			118	\$ 15,774	\$ -	\$ -	\$ -	\$ 15,774
Task 3.2 - Review Sewer Service Reports for Existing Laterals		8	24	64			96	\$ 12,664	\$ -	\$ -	\$ -	\$ 12,664
Task 3.3 - On-site Lateral Investigations	2	8	84	84			178	\$ 23,934	\$ -	\$ 1,000	\$ 24,934	
Task 3.4 - Dye Testing Laterals on Individual Properties	2	4	40				46	\$ 6,706	\$ -	\$ 400	\$ 7,106	
Task 3.5 - On-site Manhole Investigations	2	4	24	40			70	\$ 9,442	\$ -	\$ 300	\$ 9,742	
Task 3 Subtotal	8	32	208	260	0	0	508	\$ 68,520	\$ -	\$ 1,700	\$ 70,220	
Task 4 - Final Design							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 4.1 - 50 Percent Design (Sewer)	8	20	100	70	100	4	302	\$ 41,612	\$ -	\$ 2,880	\$ 44,492	
Task 4.1A - 50 Percent Design (Streets)	2	4	12	50	40		108	\$ 14,374	\$ -	\$ 1,260	\$ 15,634	
Task 4.2 - 90 Percent Design (Sewer)	8	20	100	70	60	4	262	\$ 36,252	\$ -	\$ 2,160	\$ 38,412	
Task 4.2A - 90 Percent Design (Streets)	2	4	12	50	20		88	\$ 11,694	\$ -	\$ 630	\$ 12,324	
Task 4.3 - 100 Percent Final Design (Sewer)	4	16	80	44	40	4	188	\$ 25,972	\$ -	\$ 1,260	\$ 27,232	
Task 4.3A - 100 Percent Final Design (Streets)	2	4	10	16	20		52	\$ 7,200	\$ -	\$ 630	\$ 7,830	
Task 4.4 - Project Team Meetings (Preliminary Design Review, 50% Review, 90% Review)		16	40				56	\$ 8,344	\$ -	\$ 300	\$ 8,644	
Task 4 Subtotal	26	84	354	300	280	12	1056	\$ 145,448	\$ -	\$ 9,120	\$ 154,568	
Task 5 - Agency Coordination and Permit Applications							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 5.1 - Agency Coordination and Permit Applications (ODOT) (Sewer)	2	8	16	16			42	\$ 6,050	\$ -	\$ -	\$ 6,050	
Task 5.2A - Agency Coordination and Permit Applications (ODOT) (Streets)	2	16	24	48			90	\$ 12,522	\$ -	\$ -	\$ 12,522	
Task 5 Subtotal	4	24	40	64	0	0	132	\$ 18,572	\$ -	\$ -	\$ 18,572	
Task 6 - Public Involvement Assistance							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 6.1 - Public Involvement Assistance		12	20		8	3	43	\$ 6,204	\$ -	\$ 144	\$ 6,348	
Task 6 Subtotal	0	12	20	0	8	3	43	\$ 6,204	\$ -	\$ 144	\$ 6,348	
Task 7 - Utility Coordination							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 7.1 - Impact Assessment and Notifications (Sewer)	1	2	8	24			35	\$ 4,661	\$ -	\$ -	\$ 4,661	
Task 7.1A - Impact Assessment and Notifications (Streets)	4	6	10	1,300			10	\$ 1,300	\$ -	\$ 1,300	\$ 1,300	
Task 7.2 - Coordinate and Review Utility Relocation Designs (Sewer)	1	2	16	16			35	\$ 4,781	\$ -	\$ -	\$ 4,781	
Task 7.2A - Coordinate and Review Utility Relocation Designs (Streets)	4	8	12	1,548			12	\$ 1,548	\$ -	\$ -	\$ 1,548	
Task 7.3 - Utility Coordination Meetings		2	30				32	\$ 4,518	\$ -	\$ 500	\$ 5,018	
Task 7 Subtotal	2	6	62	54	0	0	124	\$ 16,808	\$ -	\$ 500	\$ 17,308	
Task 8 - Bid and Award Support Services							0	\$ -	\$ -	\$ -	\$ -	\$ -
Task 8.1 - Bid and Award Support Services		4	8	8	4	2	34	\$ 4,584	\$ -	\$ 172	\$ 4,756	
Task 8 Subtotal	0	4	8	8	4	2	34	\$ 4,584	\$ -	\$ 172	\$ 4,756	
TOTAL - ALL TASKS	70	247	730	686	292	25	2058	\$ 287,662	\$ 52,580	\$ 52,580	\$ 11,736	\$ 351,978

BREAKDOWN OF PROPOSED FEE - SEWER AND STREETS

Sewer Subtotals	50	198	656	508	212	25	1657	\$ 231,558	\$ 48,290	\$ 48,290	\$ 9,216	\$ 289,064
Streets Subtotals	20	49	74	178	80	0	401	\$ 56,104	\$ 4,290	\$ 4,290	\$ 2,520	\$ 62,914
COMBINED TOTAL - SEWER AND STREETS	70	247	730	686	292	25	2058	\$ 287,662	\$ 52,580	\$ 52,580	\$ 11,736	\$ 351,978



CITY OF McMINNVILLE, OREGON
ENGINEERING DEPARTMENT

VICINITY MAP

12TH STREET SANITARY SEWER
REHABILITATION PROJECT

SCALE:
Drawn: RM
Checked:
Date: APRIL 14, 2016
Project No.
SHEET 1 of 1

RESOLUTION NO. 2017-12

A Resolution establishing a list of firms qualified to provide consulting services related to the design and construction of sanitary sewer rehabilitation and repair projects.

RECITALS:

Staff recently completed a Request for Qualifications (RFQ) process to develop a short list of qualified firms or individuals to provide engineering or other professional services related to completing sanitary sewer rehabilitation and repair projects contained in the City's adopted Wastewater Conveyance Master Plan and associated Wastewater Financial Plan.

Seven proposals were received prior to the RFQ due date of January 18, 2017. The proposals were reviewed, evaluated, and ranked, by a selection committee of Community Development Department staff, using the evaluation criteria outlined in the RFQ documents.

Based upon the evaluation, staff recommends that the four highest ranked firms (noted below) be included on the short list of consultants or consultant teams that will be used to provide services to complete the sanitary sewer improvements. The City will negotiate separate Personal Services Contracts for specific projects on an as needed basis.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

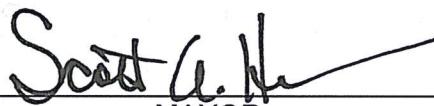
1. That the following list of firms qualified to provide consulting services related to the design and construction of the street improvement and repair bond projects is hereby approved:
 - AKS Engineering & Forestry LLC
 - Murray, Smith & Associates, Inc.
 - Century West Engineering Corporation
 - Carollo Engineers
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14th day of February, 2017 by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

Nays: _____

Approved this 14th day of February, 2017.



MAYOR

Approved as to form:



CITY ATTORNEY



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Chuck Darnell, Associate Planner
SUBJECT: **Ordinance No. 5020 – CPA 1-17/ZC 1-17/ZC 2-17**
(Comprehensive Plan Map Amendment and Zone Changes for 2121 NE 27th Street)

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is the consideration of Ordinance No. 5020 (Attachment A), an ordinance approving a Comprehensive Plan Map Amendment (CPA 1-17) and Zone Changes (ZC 1-17 and ZC 2-17) on an existing parcel and lot of record. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map, and there are also three (3) different zoning designations that apply to portions of the parcel, including EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).

The existing parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The specific request is to designate the northern parcel from the partition request, Parcel 1, as only Residential on the Comprehensive Plan Map, and to rezone the northern portion from a mixed zoning of EF-40 and R-1 to only R-1. The applicant is also requesting to designate the southern parcel from the partition request, Parcel 2, as only Commercial on the Comprehensive Plan Map, and to rezone the southern portion from a mixed zoning of C-3, EF-40, and R-1 to only C-3. These applications will result in the two new parcels being single comprehensive plan designated and zoned properties.

Background:

The subject site is located on an existing single parcel, and is currently the location of Jae's Landing restaurant and pub. The subject site currently has three (3) zoning designations and is shown on the Comprehensive Plan map to have two (2) land use designations. A visual of the subject site and reference maps showing the existing zoning and comprehensive plan map designations of the subject site and the surrounding properties are provided below:

Attachments:

Attachment A – Ordinance No. 5020
 Exhibit A – CPA 1-17 Decision Document
 Exhibit B – ZC 1-17 Decision Document
 Exhibit C – ZC 2-17 Decision Document
Attachment B – Planning Commission Staff Report, March 16, 2017
Attachment C – Draft March 16, 2017 Planning Commission Minutes

Site Reference Map

Attachments:

Attachment A – Ordinance No. 5020

Exhibit A – CPA 1-17 Decision Document

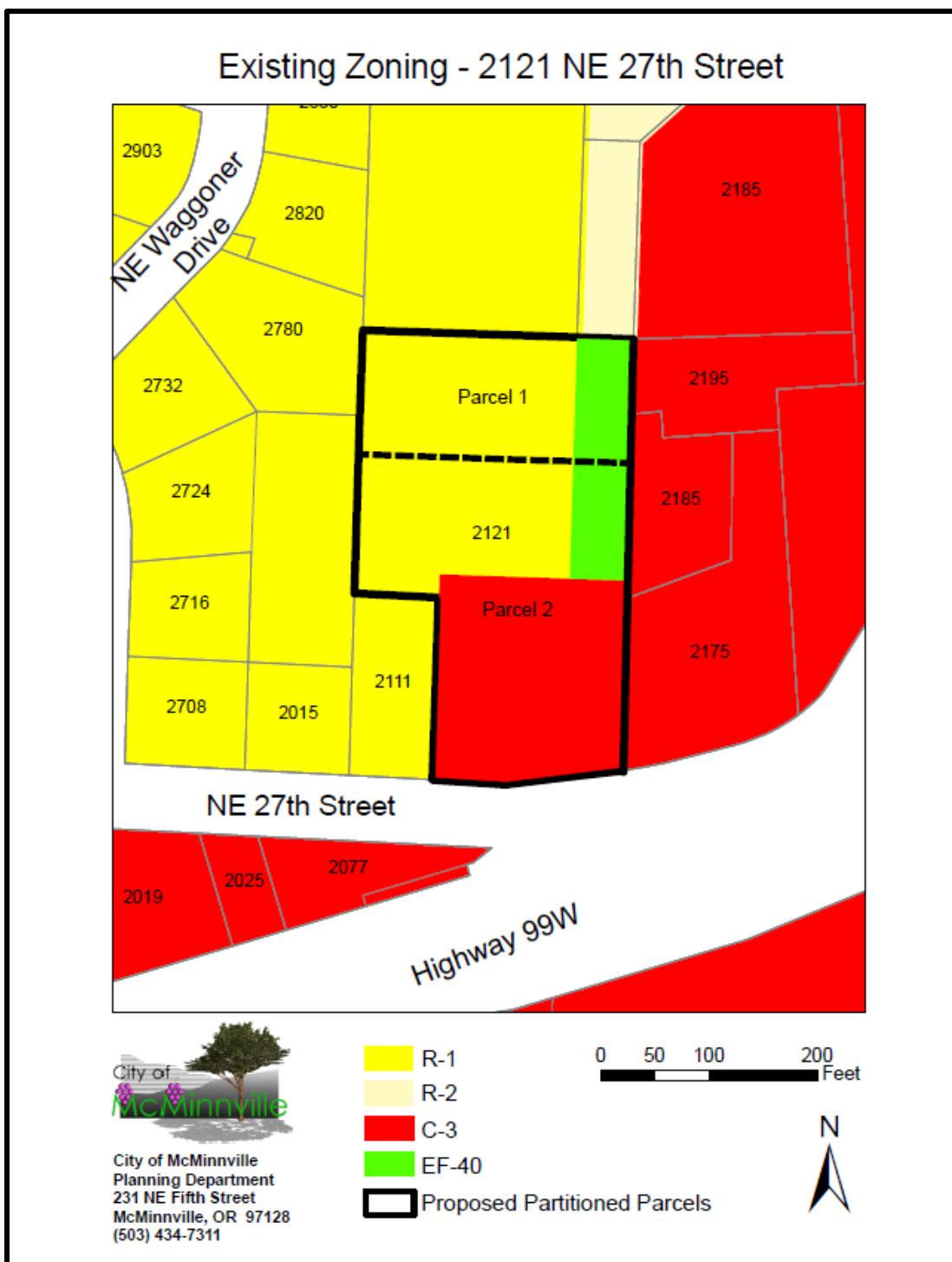
Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

Attachment B – Planning Commission Staff Report, March 16, 2017

Attachment C – Draft March 16, 2017 Planning Commission Minutes

Existing Zoning


Attachments:

Attachment A – Ordinance No. 5020

Exhibit A – CPA 1-17 Decision Document

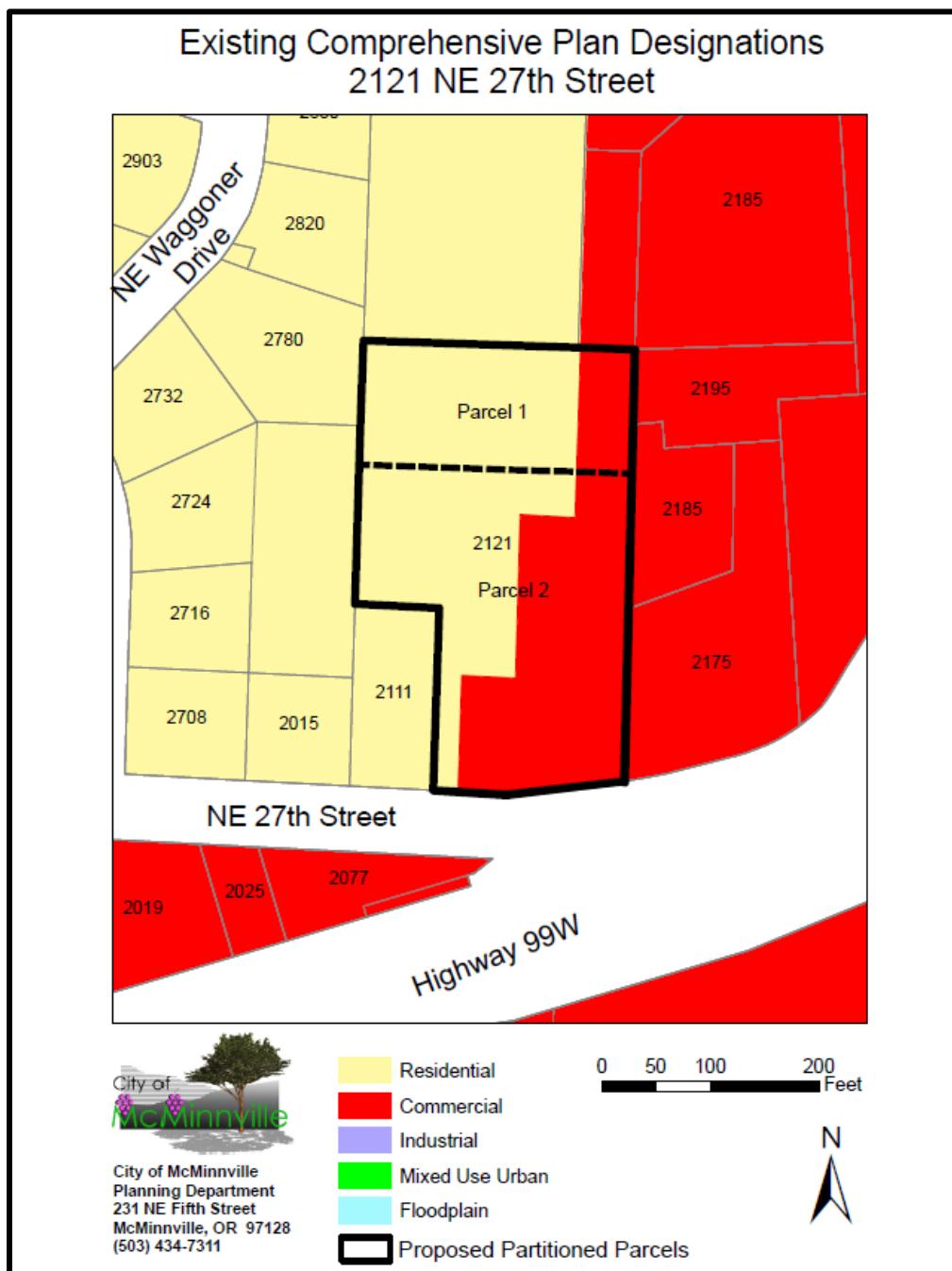
Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

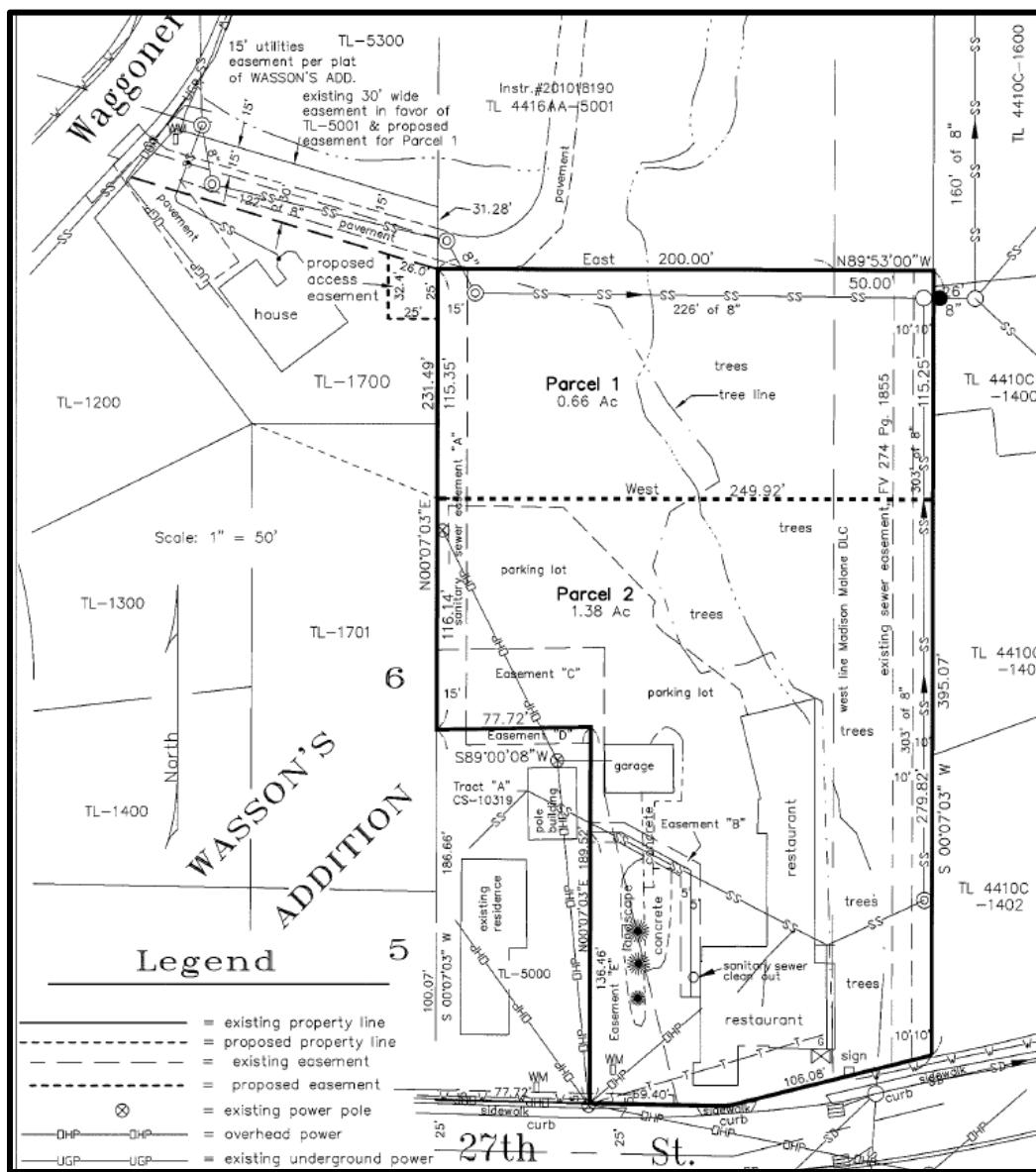
Attachment B – Planning Commission Staff Report, March 16, 2017

Attachment C – Draft March 16, 2017 Planning Commission Minutes

Existing Comprehensive Plan Designations


Attachments:
Attachment A – Ordinance No. 5020
Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document
Attachment B – Planning Commission Staff Report, March 16, 2017
Attachment C – Draft March 16, 2017 Planning Commission Minutes

The existence of multiple comprehensive plan designations and zoning designations on the subject site was discovered when the property owner requested the partition (MP 7-16) of the existing parcel and lot of record to allow for the construction of a single family home on a newly created parcel on the northern portion of the existing parcel. The tentative partition plan is provided below. For the purposes of this report, the northern portion of the original parcel will be described as Parcel 1 and the southern portion of the original parcel will be described as Parcel 2 per the tentative partition plan.



A public hearing was held on March 16, 2017 at 6:30 p.m. before the McMinnville Planning Commission, after due notice had been provided in the local newspaper on March 3, 2017 and written notice had been mailed to property owners within 300 feet of the affected property. Testimony was received at the public hearing, but no comments were provided in opposition to the proposed requests.

Discussion:

Planning Department staff and the Planning Commission found that the requests would resolve the complicated existing land use and zoning designations that apply to the subject site. The existing McMinnville Zoning Map shows a narrow portion of the northeast corner of the subject site to be zoned R-2 (Single Family Residential), with the remainder of the site split between R-1 (Single Family Residential) and C-3 (General Commercial). However, upon further investigation during the partition review, staff determined that the northeast corner of the site actually retains a county zoning classification from when it was originally annexed into the city (ANX 2-83). Also, the Comprehensive Plan map designations that apply to the subject site are irregular and do not follow any particular property line, existing or previous. A more detailed history of the annexations and land use applications that apply to the subject site and the surrounding properties is included in the Planning Commission staff report.

Staff found that an issue may have occurred in the transition between earlier historic Comprehensive Plan and Zoning map documents to a Geographic Information Systems (GIS) database, resulting in an inaccurate designation of land uses and zoning districts on the subject site. The proposed amendment to the Comprehensive Plan and Zoning maps would more consistently designate the subject site, based on proposed property lines from the recent partition request, and would also be more consistent with existing and historical uses of the subject site.

The proposed zoning of the subject site and the two newly created parcels, if approved, is shown below. The comprehensive plan designations would mirror the zoning, with Parcel 1 being designated as Residential and Parcel 2 being designated as Commercial.

Attachments:

Attachment A – Ordinance No. 5020

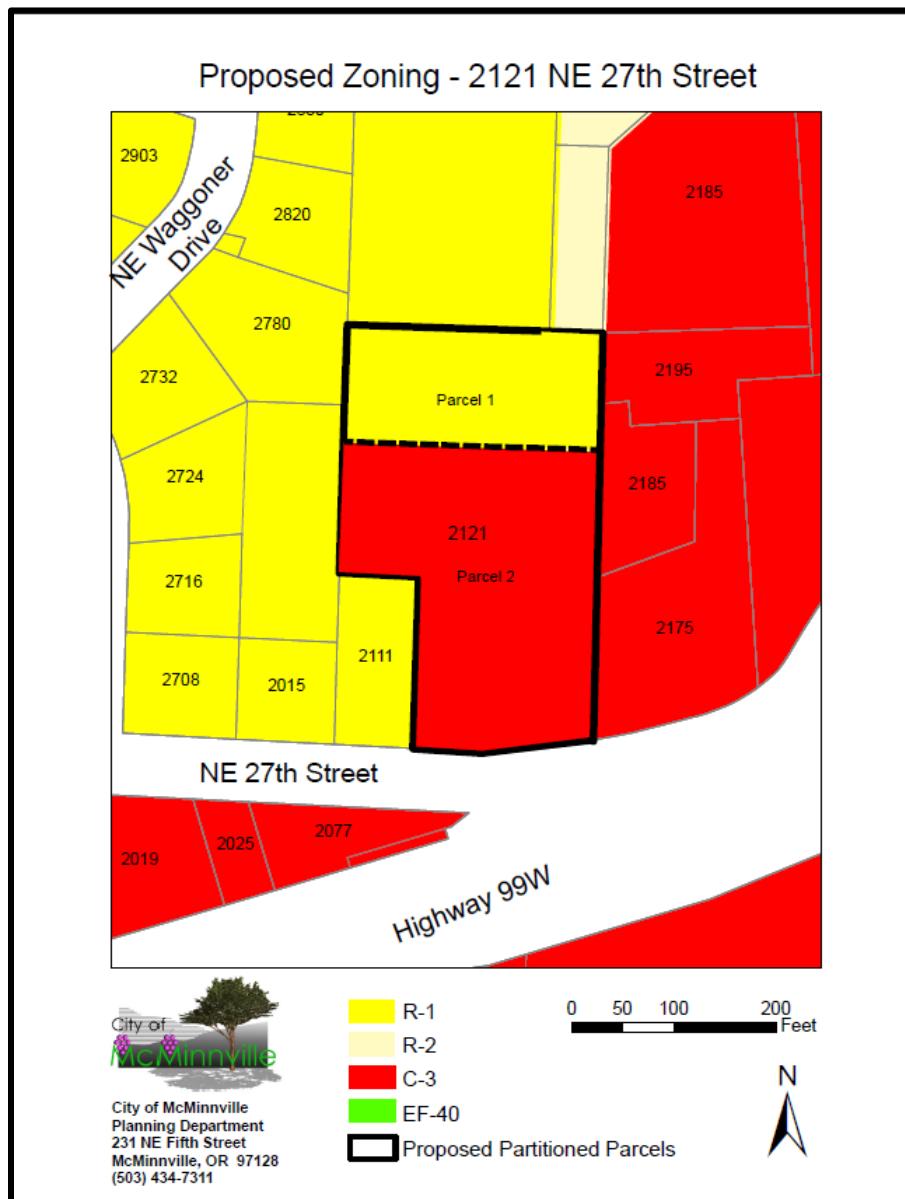
Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

Attachment B – Planning Commission Staff Report, March 16, 2017

Attachment C – Draft March 16, 2017 Planning Commission Minutes



The applicant has stated that the current owners of the property intend to construct a single family home on Parcel 1. The property owners intend to reside in the single family home, and continue to operate the existing commercial business on Parcel 2. The comprehensive plan map designation and rezoning of Parcel 1 to R-1 (Single Family Residential) would allow for the single family home to be constructed as proposed by the property owners.

In addition, the McMinnville Zoning Ordinance, in Section 17.09.050 (Annexed areas), states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". The property owner's desire to

Attachments:

Attachment A – Ordinance No. 5020

Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

Attachment B – Planning Commission Staff Report, March 16, 2017

Attachment C – Draft March 16, 2017 Planning Commission Minutes

construct a single family home on Parcel 1 triggers the requirement to rezone the property to a city zone, R-1 (Single Family Residential), from the county zoning, EF-40 (Exclusive Farm Use – 40-Acre Minimum), that a portion of the site retains from its original annexation (ANX 2-83). The same county zoning issue exists on Parcel 2, as the northeast corner of that parcel still retains an EF-40 (Exclusive Farm Use – 40-Acre Minimum) zoning classification. Therefore, the zone change requests are orderly and timely.

The majority of the Parcel 1 is already zoned R-1 (Single Family Residential), which occurred after a separate annexation and rezoning process was approved by the City in 1986 (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). The classification of Parcel 1 as R-1 (Single Family Residential) is consistent with surrounding zoning and the pattern of development, as there are single family homes in existing R-1 (Single Family Residential) zoned subdivisions to the north and west of the subject site.

A commercial use exists today on Parcel 2, and the existing building on Parcel 2 has been functioning as a restaurant establishment for many years. The existing commercial use of the subject site actually extends outside of the portion of the site that is shown on the Zoning Map as C-3 (General Commercial). The main developed portion of the subject site is the actual restaurant building, which fronts onto NE 27th Street, but the parking lot for the building does extend to the north and west outside of the C-3 (General Commercial) areas as shown on the Zoning Map. The request would rezone all of Parcel 2 to a single zoning district, remove a county zone, reduce the number of zoning districts on Parcel 2 from three (3) to only one (1), and would more accurately represent the existing and historical use of the subject site. To ensure that adequate buffering is provided between the commercially zoned Parcel 2 and the residential areas to the north, a condition of approval has been recommended by the Planning Commission that would require that landscaping be installed along the north and west property lines of Parcel 2 prior to any building permits being issued for additional commercial development.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Council Options:

1. Approve the applications, per the decision documents provided which include the findings of fact, conclusionary findings and conditions of approval, by **ADOPTING ORDINANCE NO. 5020** effecting the proposed comprehensive plan map amendment and zone changes.
2. **CALL FOR A PUBLIC HEARING** on the proposed applications at a specific date and time.
3. **DENY** the applications, providing findings of fact that reflect specific criteria in the McMinnville Zoning Ordinance for the denial in the motion to deny.

Attachments:

Attachment A – Ordinance No. 5020

Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

Attachment B – Planning Commission Staff Report, March 16, 2017

Attachment C – Draft March 16, 2017 Planning Commission Minutes

Recommendation/Suggested Motion:

Based on the findings described above, and the more detailed findings of fact and conclusionary findings provided in the decision documents for each land use application, the Planning Commission recommended approval of the comprehensive plan amendment and zone change requests to the City Council.

Staff recommends that the Council adopt Ordinance No. 5020, which would approve the applications and effect the proposed comprehensive plan map amendment and zone changes subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5020.”

Attachments:

Attachment A – Ordinance No. 5020

Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

Attachment B – Planning Commission Staff Report, March 16, 2017

Attachment C – Draft March 16, 2017 Planning Commission Minutes

ORDINANCE NO. 5020

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RESIDENTIAL TO COMMERCIAL, AND FROM COMMERCIAL TO RESIDENTIAL, ON PORTIONS OF AN EXISTING PROPERTY AND LOT OF RECORD, AND REZONING PORTIONS OF SAID PROPERTY FROM A COMBINATION OF EF-40 (EXCLUSIVE FARM USE – 40-ACRE MINIMUM), R-1 (SINGLE FAMILY RESIDENTIAL), AND C-3 (GENERAL COMMERCIAL) TO ONLY R-1 (SINGLE FAMILY RESIDENTIAL) AND C-3 (GENERAL COMMERCIAL).

RECITALS:

The Planning Department received applications (CPA 1-17 / ZC 1-17 / ZC 2-17) from Creekside Homes LLC dated January 30, 2017 requesting approval of a Comprehensive Plan Map amendment on portions of an existing lot of record. The existing property is in the process of being partitioned, and is designated as both Residential and Commercial. The applicant requested that the northern parcel be designated as Residential and the southern parcel be designated as Commercial. Concurrent with this request, the applicant requested approval of zone changes on the property, rezoning the northern parcel from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum) and R-1 (Single Family Residential) to only R-1 (Single Family Residential), and rezoning the southern parcel from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3 (General Commercial); and

The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on March 16, 2017 at 6:30 p.m. before the McMinnville Planning Commission after due notice had been provided in the local newspaper on March 3, 2017, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

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

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

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

1. That the Council adopts the findings and conclusions of the Planning Commission as documented in Exhibits A -C.

2. That the comprehensive plan map designations for the property described in Exhibit A are hereby amended to Residential on the northern parcel and Commercial on the southern parcel, subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be designated Residential and the proposed Parcel 2 from the partition request (MP 7-16) be designated Commercial on the McMinnville Comprehensive Plan Map.

3. That the northern parcel on the property, as described in Exhibit B, is hereby rezoned from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum) and R-1 (Single Family Residential) to only an R-1 (Single Family Residential) zone, subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be rezoned to R-1 Single Family Residential.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.

4. That the southern parcel on the property, as described in Exhibit C, is hereby rezoned from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3 (General Commercial), subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete

all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).

2. That the proposed Parcel 2 from the partition request (MP 7-16) be rezoned to C-3 General Commercial.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.
4. Prior to any future building permits being issued for the southern parcel to be zoned C-3 General Commercial, the applicant shall install landscaping on the north and west property lines of the southern parcel to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as required by Comprehensive Plan Policy 32.00. At such time, the applicant shall submit a landscape plan to be reviewed and approved by the Landscape Review Committee subject to the provisions in Chapter 17.57 (Landscaping) of the McMinnville Zoning Ordinance.

Passed by the Council this 25th day of April 2017, by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of April 2017.

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



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

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www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT TO THE PROPERTY AT 2121 NE 27TH STREET.

DOCKET: CPA 1-17 (Comprehensive Plan Map Amendment)

REQUEST: The applicant is proposing to re-designate the land uses shown on the Comprehensive Plan map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial.

LOCATION: The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).

APPLICANT: Creekside Homes, LLC, on behalf of Jae & Aylah Chon

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 25, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Comprehensive Plan Map amendment (CPA 1-17) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: Roger A. Hall
Roger Hall, Chair of the McMinnville Planning Commission

Date: March 16, 2017

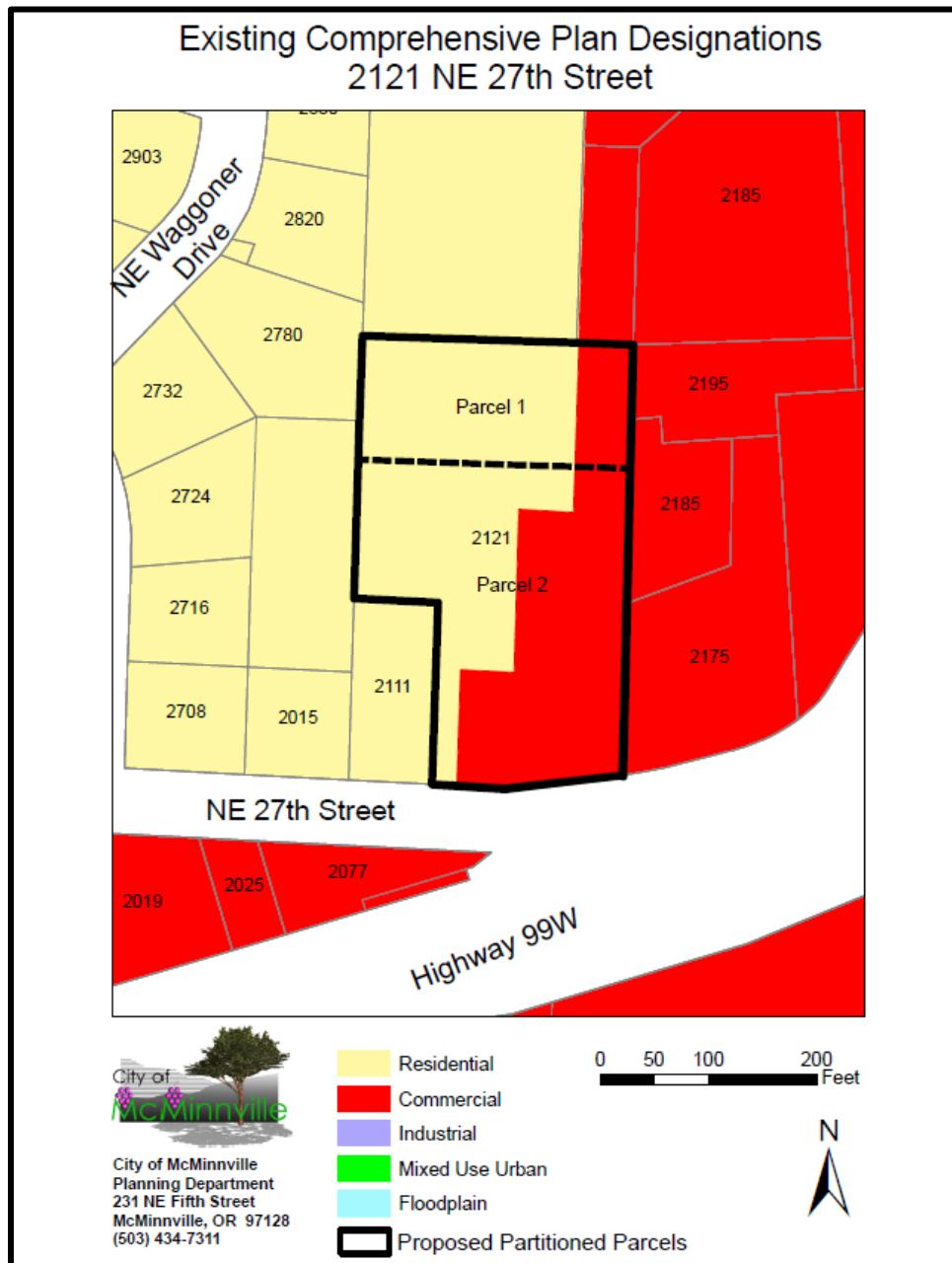
Planning Department: 
Heather Richards, Planning Director

Date: 4/18/17

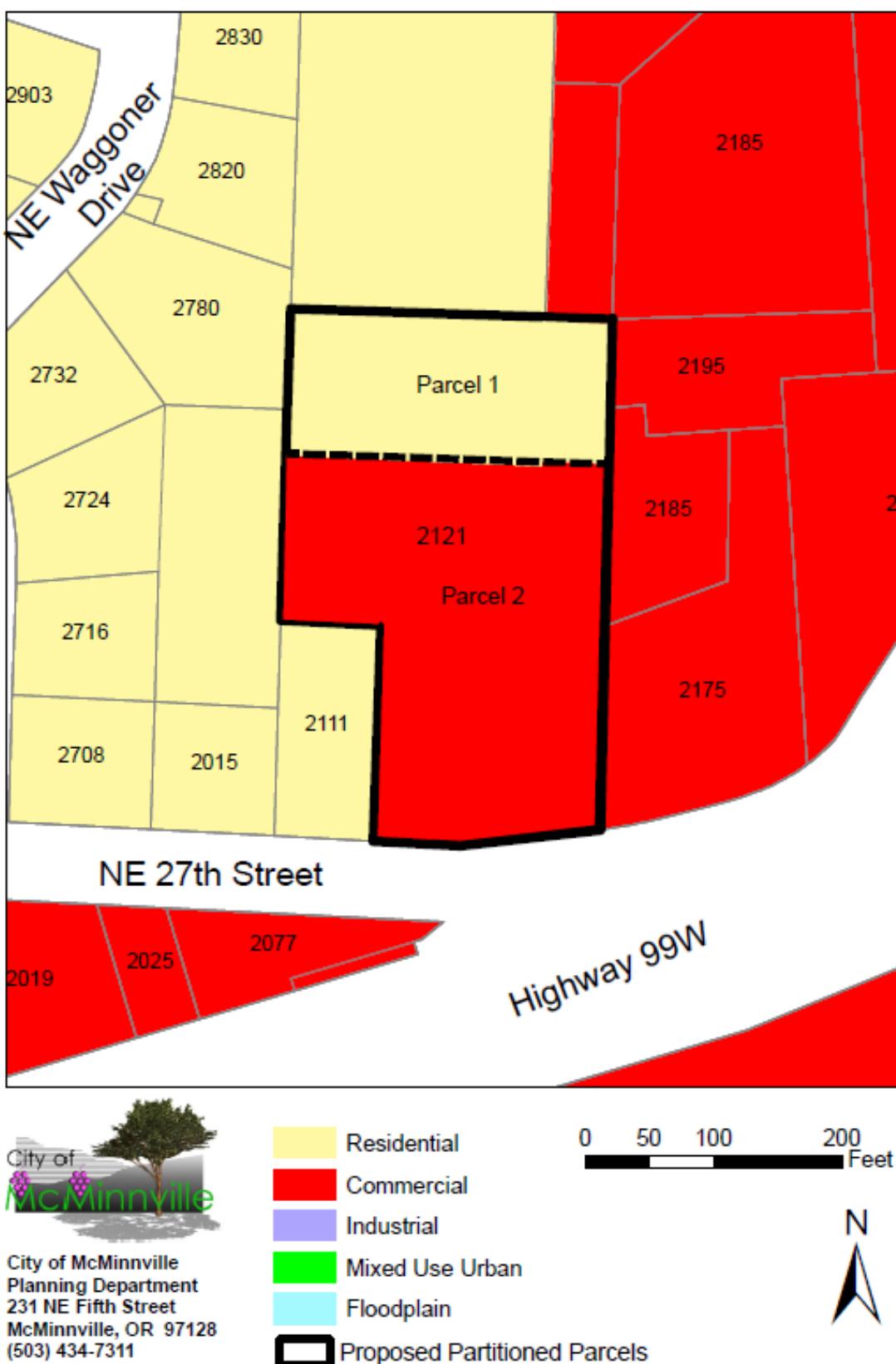
Application Summary:

The applicant is proposing to re-designate the land uses shown on the Comprehensive Plan map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial.

The existing and proposed Comprehensive Plan designations are shown below:



Proposed Comprehensive Plan Designations 2121 NE 27th Street



CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

CPA 1-17 is approved subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be designated Residential and the proposed Parcel 2 from the partition request (MP 7-16) be designated Commercial on the McMinnville Comprehensive Plan Map.

ATTACHMENTS

1. CPA 1-17 Application and Attachments

COMMENTS

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

McMinnville Engineering Department

We have reviewed proposed CPA 1-17, ZC 1-17, and ZC 2-17, and do not have any comments. We recently reviewed proposed MP 7-16 for these properties, and would note that the infrastructure requirements associated with that approval have not been completed, and the partition plat has not been recorded.

FINDINGS OF FACT

1. Creekside Homes, LLC is proposing to re-designate the land uses shown on the Comprehensive Plan Map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.

4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

Finding: Goal IV 2 and Policy 21.03 are satisfied in that the existing commercial business located on the southern parcel, which is proposed to be designated as entirely Commercial on the Comprehensive Plan map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be Residential on the Comprehensive Plan map, to serve as their primary residence.

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

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

Finding: Goal IV 3 and Policy 22.00 are satisfied as the majority of the southern parcel is already designated as Commercial on the Comprehensive Plan map. The proposed designation of the entire southern parcel as Commercial will appropriately provide commercial designations on the Comprehensive Plan map to accommodate existing commercial development and will allow for maximum and most efficient use of the existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utility capacities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Policy 27.00 is satisfied as, while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

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

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

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that a majority of the northern parcel is already designated as Residential on the Comprehensive Plan map. The designation of the entire northern parcel as Residential will allow for the development of housing in an area of the City that has historically been vacant land and underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities.

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

Policy 69.00: The City of McMinnville shall explore the utilization of innovated land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Finding: As described above, the northern portion of the subject site has historically been an area of the City that is vacant and underutilized. A majority of the northern parcel is already designated as Residential on the Comprehensive Plan map, and a majority of the southern parcel is already designated as Commercial. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional development within the City that is also consistent and compatible with the surrounding area. Goal V 2 and Policy 69.00 are met by this proposal.

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

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

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

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

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

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

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

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling [...]

17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]

17.12.060 Density Requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].

Finding: The portion of the subject site that will be designated as Residential on the Comprehensive Plan map will meet the minimum lot size and density requirements. Based on the applicant's intended development of the site for a single family residential home, the proposed use of the property will be permitted.

C-3 General Commercial Zone:

17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020.

C-2 Travel Commercial Zone:

17.30.010 Permitted Uses. In a C-2 zone, the following uses and their accessory uses are permitted:

- F. Restaurant

Finding: The portion of the subject site that will be designated as Commercial on the Comprehensive Plan map is currently used as a restaurant, and the applicant is proposing to continue to operate that business. The existing and proposed future use of the site as a restaurant will be permitted.

Review Criteria:

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

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

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The existing Comprehensive Plan map designations that apply to the subject site are irregular and do not follow any particular property line, existing or previous. It appears that a similar issue may have occurred in the transition between earlier historic Comprehensive Plan map documents or during the transition to a Geographic Information Systems (GIS) database, which occurred with the zoning designations as well, resulting in an inaccurate designation of land uses on the subject site. The proposed amendment to the Comprehensive Plan map would more consistently designate the subject site, based on proposed property lines and existing and historical uses. The northern portion of the site would become only Residential, and the southern portion of the site would become only Commercial.

The southern portion of the site has historically been used as a restaurant as far back as the early 1980s, which was documented in the previous land use decisions described above. The commercial use likely even predates the 1980s.

The current restaurant use currently extends to the north and west, outside of the portion of the site that is shown as Commercial on the current Comprehensive Plan map. The proposed adjustment of the designations on the site would more accurately designate the existing and historic uses of the southern portion of the site as a commercial establishment.

The retention of the northern portion of the site as Residential is also more consistent with the pattern of development in the surrounding area and is more compatible with surrounding land uses. The creation of this new parcel on the northern portion of the site, and the future proposed development of

the parcel with a single family home, will provide for a buffer between the existing commercial use and the surrounding neighborhood.

Based on the history of the site and the proposed use of the northern portion of the site as a single family home, staff believes that the proposed amendment is orderly and timely. The amendment would more accurately depict the existing conditions of the site, the historic uses of the site, and would blend in with the pattern of development and uses in the surrounding area.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the access to the southern parcel from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards. Additionally, at the time of building permits, the driveway along Waggoner Drive to serve the northern parcel will be required to meet PROWAG standards.

CD:sjs



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

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE ON THE NORTHERN PORTION OF THE PROPERTY AT 2121 NE 27TH STREET.

DOCKET: ZC 1-17 (Zone Change)

REQUEST: The applicant is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1.

LOCATION: The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential).

APPLICANT: Creekside Homes, LLC, on behalf of Jae & Aylah Chon

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 25, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the zone change (ZC 1-17) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

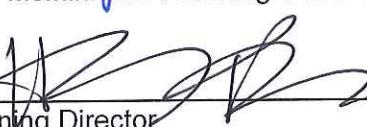
DECISION: APPROVAL WITH CONDITIONS

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: Roger A. Hall
Roger Hall, Chair of the McMinnville Planning Commission

Date: March 16, 2017

Planning Department: 
Heather Richards, Planning Director

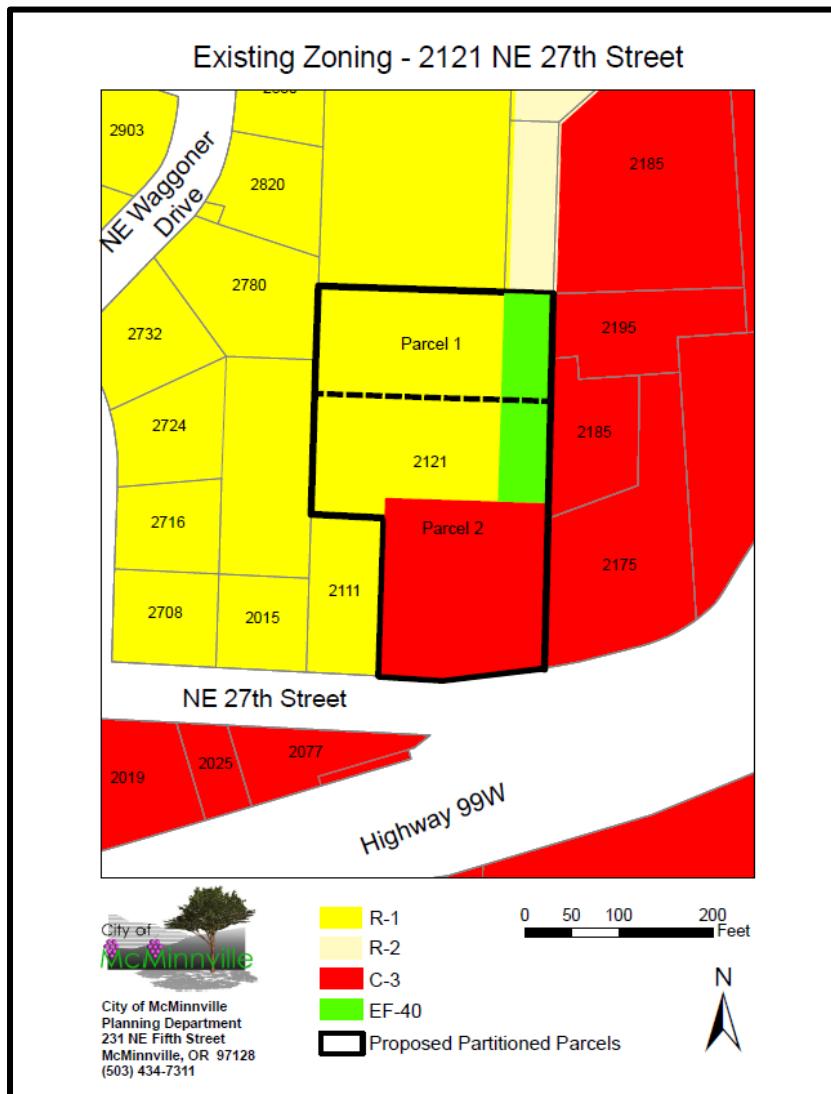
Date: 4/18/17

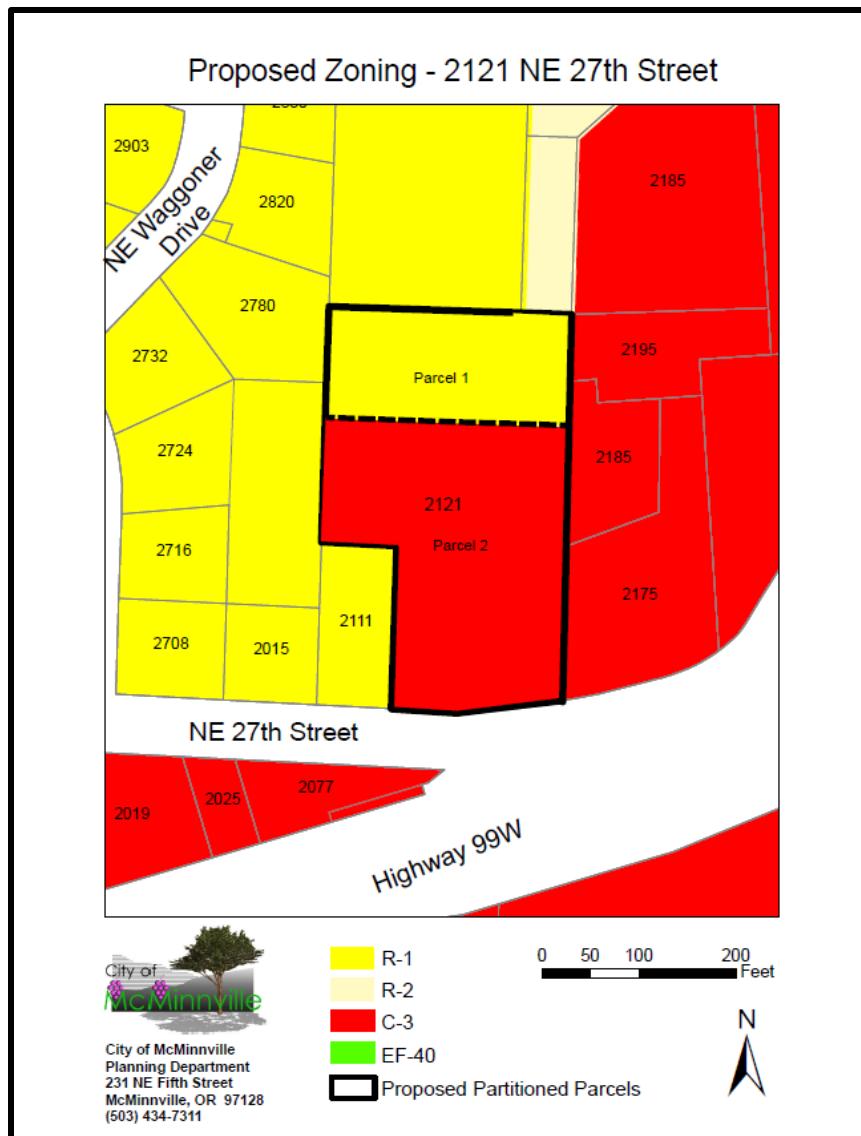
Application Summary:

The applicant is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1.

The property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". The property owner's desire to construct a single family home on the northern parcel triggers the requirement to rezone the property from the county zoning that a portion of the site retains from the original annexation to a city zone.

The existing and proposed zoning of the subject site are shown below:





CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

ZC 1-17 is approved subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be rezoned to R-1 Single Family Residential.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.

ATTACHMENTS

1. ZC 1-17 Application and Attachments

COMMENTS

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

McMinnville Engineering Department

We have reviewed proposed CPA 1-17, ZC 1-17, and ZC 2-17, and do not have any comments. We recently reviewed proposed MP 7-16 for these properties, and would note that the infrastructure requirements associated with that approval have not been completed, and the partition plat has not been recorded.

FINDINGS OF FACT

1. Creekside Homes, LLC is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980. The applicant has also concurrently applied for a designation of the entire site as only Residential on the Comprehensive Plan Map (CPA 1-17).
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

Finding: A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The rezoning of the entire northern parcel as R-1 Single Family Residential will allow for the development of an additional housing opportunity on land that has remained underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities and therefore Goal V 1 and Policy 58.00 are satisfied.

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

Policy 69.00: The City of McMinnville shall explore the utilization of innovated land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Finding: As described above, the northern portion of the subject site has historically been a location that is partially vacant and underutilized. A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional residential development within the City that is also consistent and compatible with the surrounding uses. Therefore Goal V 2 and Policy 69.00 are met by this proposal.

Policy 71.06: Low Density Residential Development (R-1 and R-2) should be limited to the following:

1. *Areas which are committed to low density development and shown on the buildable lands inventory as “developed” land [...]*
3. *Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands.*

Finding: Policy 71.06 is satisfied by the proposal in that the use of the R-1 Single Family Residential zoning district, as stated in the Comprehensive Plan, should be limited to particular areas that warrant low density development. The northern parcel that is proposed to be rezoned to R-1 Single Family Residential meets two of the applicable criteria required by this Comprehensive Plan policy for the application of the R-1 zoning classification. The existing area is already primarily committed to low density residential development, as a majority of the northern parcel is already zoned R-1 Single Family Residential from a previous land use decision (ZC 12-86). Development limitations also exist on the site. A mapped stream corridor runs through the middle of the northern parcel, running north and eventually entering the North Yamhill River, which limits the actual developable area within the northern parcel.

Policy 71.07: The R-1 zoning designation shall be applied to limited areas within the McMinnville urban growth boundary. These include: [...]

2. *Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities.*

Finding: As stated above, the use of the R-1 Single Family Residential zoning district should be limited to particular areas that warrant low density development. The northern parcel resulting from the recent partition approval and is proposed to be rezoned to R-1 Single Family Residential also meets one of the necessary criteria to satisfy this Comprehensive Plan policy. The application of the R-1 Single Family Residential zone to the entire northern parcel is warranted because the majority of the northern parcel has already been approved for such density during a previous land use decision (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). Also, the application of the R-1 Single Family Residential zone is warranted because the surrounding neighborhood and properties are also zoned R-1 and are developed as single family residential. Policy 71.07 has been satisfied by this proposal.

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

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

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

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

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

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

Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City

shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling [...]

17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]

17.12.060 Density Requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].

Finding: The portion of the subject site that will be zoned R-1 Single Family Residential will meet the minimum lot size and density requirements. Based on the applicant's intended development of the site for a single family residential home, the proposed use of the property will be permitted.

Review Criteria:

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

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

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". The property owner's desire to construct a single family home on the northern parcel triggers the requirement to rezone the property to a city zone from the county zoning that a portion of the site retains from the original annexation. Therefore, this zone change request is orderly and timely.

The majority of the northern parcel is already zoned R-1 Single Family Residential, which occurred after a separate annexation and rezoning process was approved by the City in 1986 (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). The small portion of this northern parcel that still retains its county zoning would be rezoned to R-1, establishing one single zoning district on the northern parcel. The classification of R-1 is consistent with surrounding zoning, as there are single family homes in existing

R-1 zoned subdivisions to the north and west of the subject site. The rezoning of the northern parcel to R-1 is also consistent with the pattern of development in the surrounding neighborhood, and the use of this portion of the site as single family residential will provide for an additional buffer between the existing commercial use on the southern portion of the site and the existing residential development to the north and west.

The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the driveway along Waggoner Drive to serve the northern parcel was required to be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

CD:sjs



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE ON THE SOUTHERN PORTION OF THE PROPERTY AT 2121 NE 27TH STREET.

DOCKET: ZC 2-17 (Zone Change)

REQUEST: The applicant is proposing to rezone the southern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 2 from the partition request being zoned C-3.

LOCATION: The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).

APPLICANT: Creekside Homes, LLC, on behalf of Jae & Aylah Chon

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 25, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the zone change (ZC 2-17) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

City Council: _____ Date: _____
Scott Hill, Mayor of McMinnville

Planning Commission: Roger A. Hall
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: 
Heather Richards, Planning Director

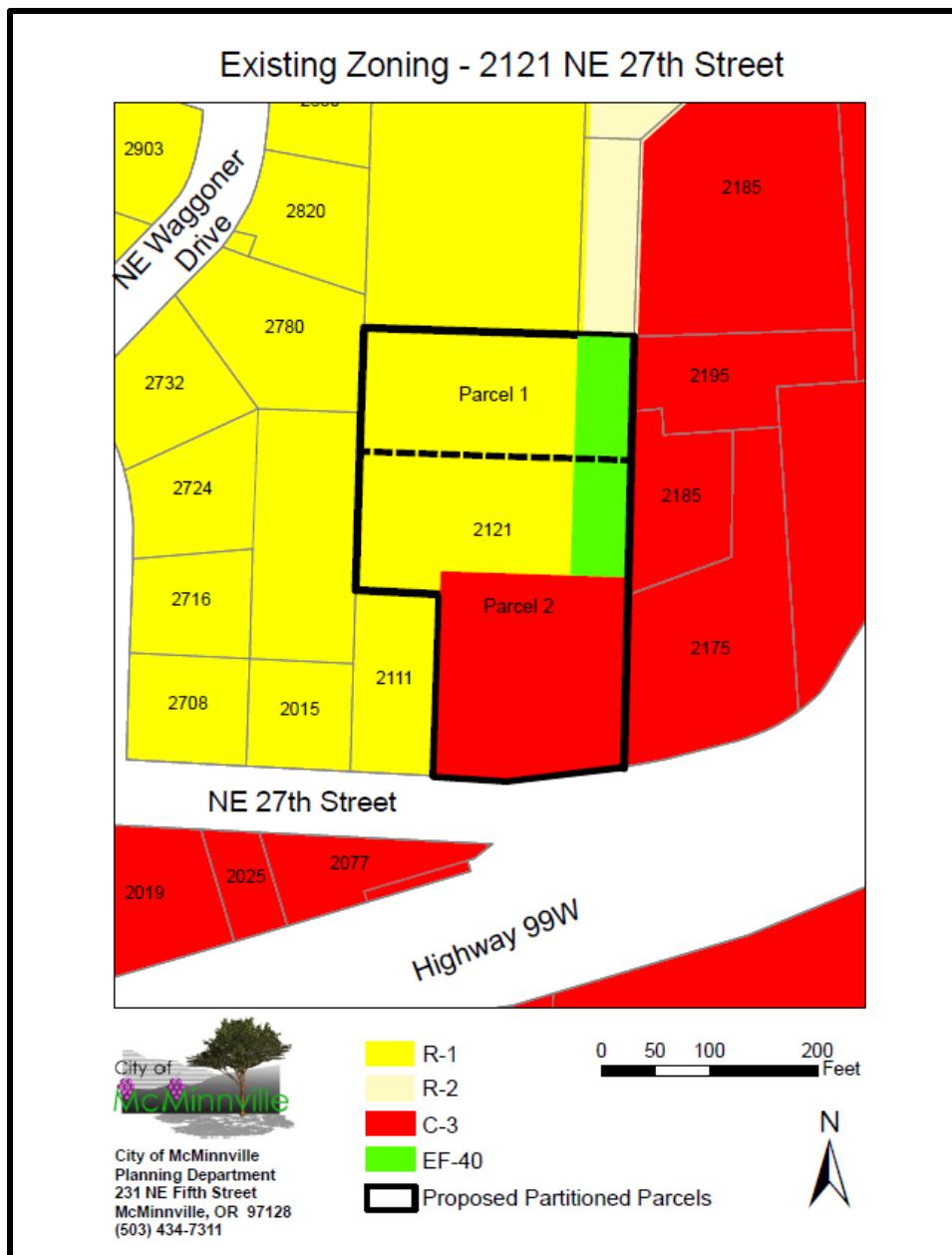
Date: March 16, 2017

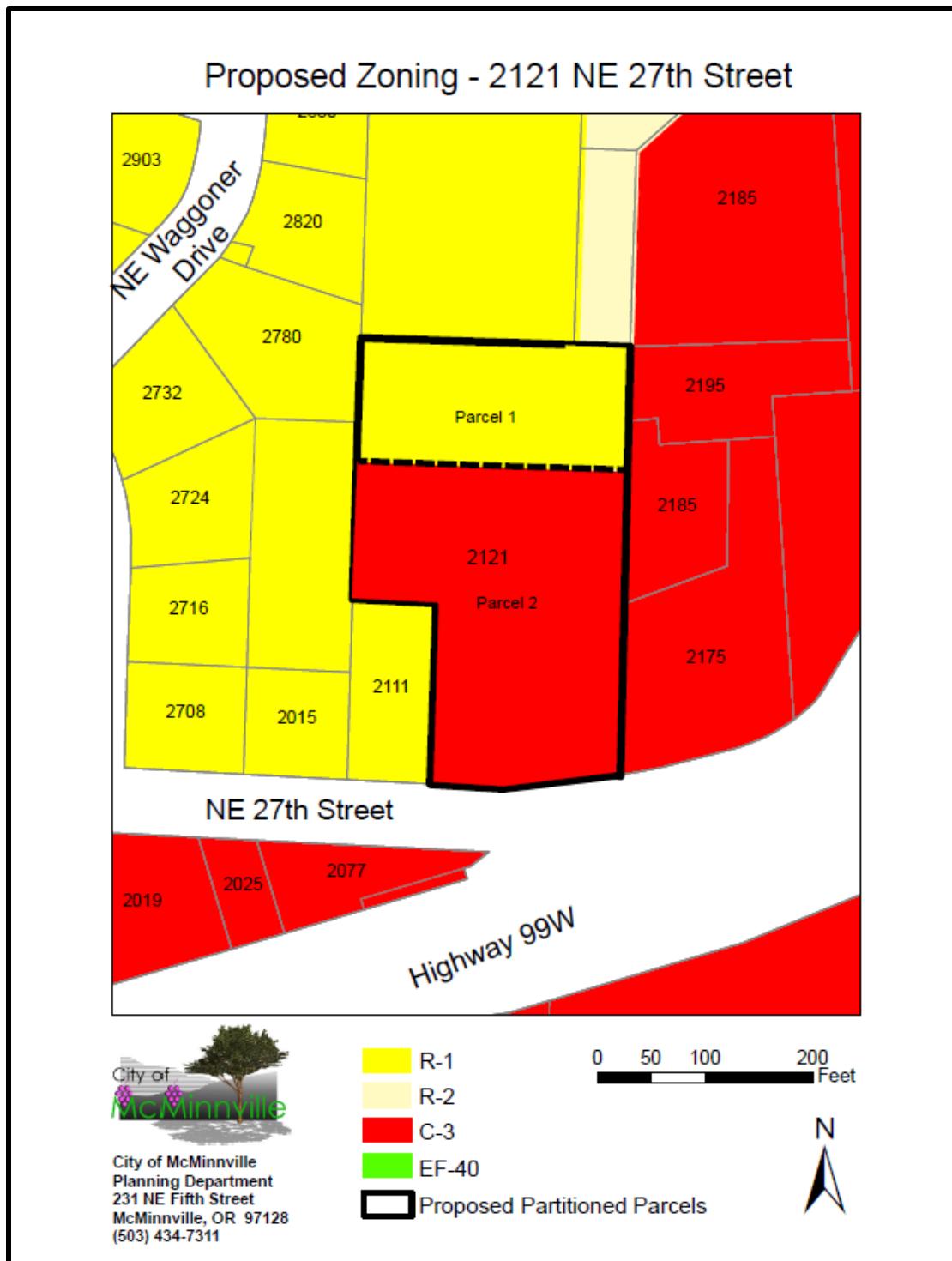
Date: 4/18/17

Application Summary:

The applicant is proposing to rezone the southern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 2 from the partition request being zoned C-3.

The existing and proposed zoning of the subject site are shown below:





CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

ZC 2-17 is approved subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 2 from the partition request (MP 7-16) be rezoned to C-3 General Commercial.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.
4. Prior to any future building permits being issued for the southern parcel to be zoned C-3 General Commercial, the applicant shall install landscaping on the north and west property lines of the southern parcel to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as required by Comprehensive Plan Policy 32.00. At such time, the applicant shall submit a landscape plan to be reviewed and approved by the Landscape Review Committee subject to the provisions in Chapter 17.57 (Landscaping) of the McMinnville Zoning Ordinance.

ATTACHMENTS

1. ZC 2-17 Application and Attachments

COMMENTS

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

McMinnville Engineering Department

We have reviewed proposed CPA 1-17, ZC 1-17, and ZC 2-17, and do not have any comments. We recently reviewed proposed MP 7-16 for these properties, and would note that the infrastructure requirements associated with that approval have not been completed, and the partition plat has not been recorded.

FINDINGS OF FACT

1. Creekside Homes, LLC is proposing to rezone the southern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 2 from the partition request being zoned C-3. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

2. The site is currently zoned EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980. The applicant has also concurrently applied for a designation of the entire site as only Commercial on the Comprehensive Plan Map (CPA 1-17).
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

Finding: Goal IV 2 and Policy 21.03 are satisfied by this proposal as the existing commercial business located on the southern parcel, which is proposed to be rezoned as entirely C-3 General Commercial on the official Zoning map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be rezoned to R-1 Single Family Residential on the Zoning map, to serve as their primary residence.

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

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

Finding: Goal IV 3 and Policy 22.00 are satisfied in that the majority of the southern parcel is zoned C-3 General Commercial on the official Zoning map. The proposed rezoning of the entire southern parcel to C-3 General Commercial will appropriately provide commercial designation on the Zoning map to accommodate existing commercial development and will allow for maximum and most efficient use of existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utilities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Policy 27.00 is met as while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

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

Finding: The existing commercial use on the southern parcel is not a large, intense commercial use, but it is adjacent to residential zones and uses. To be more compatible with the existing surrounding uses, staff is suggesting that a condition of approval be included to require landscaping to be provided on the north and west property lines of the southern parcel to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as is allowed by Comprehensive Plan Policy 32.00.

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

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

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

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

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

C-3 General Commercial Zone:

17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020.

C-2 Travel Commercial Zone:

17.30.010 Permitted Uses. In a C-2 zone, the following uses and their accessory uses are permitted:

F. Restaurant

Finding: The portion of the subject site that will be rezoned to C-3 General Commercial is currently used as a restaurant, and the applicant is proposing to continue to operate that business. The existing and proposed future use of the site as a restaurant will be permitted.

Review Criteria:

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

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

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". While the property owner is not proposing to complete any construction on the southern portion of the subject site at the time of this application, the proposed amendment would remove county zoning from the northeast corner of the proposed southern parcel. This portion of the site still retains an EF-40 (Exclusive Farm Use – 40-acre Minimum) zoning classification from when it was annexed into the city. The request would bring that portion of the site into a city zone, and would decrease the number of zoning districts that apply to the single parcel.

The southern portion of the site, as described above, has been functioning as a commercial establishment for many years. The existing use of the subject site as a commercial actually extends outside of the portion of the site that is shown on the Zoning Map as C-3 General Commercial. The main developed portion of the southern parcel is the actual restaurant building, which fronts onto NE 27th Street, but the parking lot for the building does extend to the north and west outside of the C-3 areas as shown on the zoning map. There is no record of when the use enlarged to this size, and it may have existed in its current footprint as long as a commercial use was conducted at the site.

Based on that existing use and the pattern of development in the area, staff believes that the request is orderly and timely. The request would rezone the entire southern parcel to a single zoning district, removing a county zoning, reducing the number of zoning districts on one parcel from three to only one, and would more accurately represent the existing and historical use of the southern portion of the subject site.

The southern parcel is primarily zoned C-3 General Commercial, so the request wouldn't change the overall development of the area. The property immediately to the west and south along NE 27th Street and Highway 99W is all zoned and used as C-3 General Commercial as well. Therefore, the proposed rezoning is consistent with the development and use of the surrounding area.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. As part of the minor partition process, the access to the southern property from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

CD:sjs



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: March 16, 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: CPA 1-17/ZC 1-17/ZC 2-17

Report in Brief:

This is a public hearing to consider applications for a Comprehensive Plan Map Amendment (CPA 1-17) and Zone Changes (ZC 1-17 and ZC 2-17) on an existing parcel and lot of record. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map, and there are also three (3) different zoning designations that apply to portions of the parcel, including EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial). These applications will create single use zone properties.

The applicant intends to construct a single family home on the northern portion of the property and continue to operate the existing commercial business on the southern portion of the property. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1, the northern parcel, from the partition request being designated Residential and zoned R-1, and the proposed Parcel 2, the southern parcel, from the partition request being designated Commercial and zoned C-3.

The specific request is to designate the northern portion of the parcel as only Residential on the Comprehensive Plan Map, and to rezone the northern portion from a mixed zoning of EF-40 and R-1 to only R-1. The applicant is also requesting to designate the southern portion of the parcel as only Commercial on the Comprehensive Plan Map, and to rezone the southern portion from a mixed zoning of C-3, EF-40, and R-1 to only C-3.

Background:

The subject site is located on an existing single parcel, and is generally located north of Highway 99W and NE 27th Street, east of NE Elaine Drive, and west of the Walmart site and other smaller commercial development accessed from NE 27th Street. The subject site is currently the location of Jae's Landing restaurant and pub. Properties adjacent to the subject site to the west and north are zoned R-1 (Single-Family Residential) and R-2 (Single-Family Residential), and properties to the east and south, across Highway 99W, are zone C-3 (General Commercial). The subject site is currently shown on the

Attachments:

- Attachment A – CPA 1-17 Decision Document
- Attachment B – ZC 1-17 Decision Document
- Attachment C – ZC 2-17 Decision Document

zoning map to have three (3) zoning designations and is shown on the Comprehensive Plan map to have two (2) land use designations. A visual of the subject site and reference maps showing the zoning and comprehensive plan map designations of the subject site and the surrounding properties are provided below:

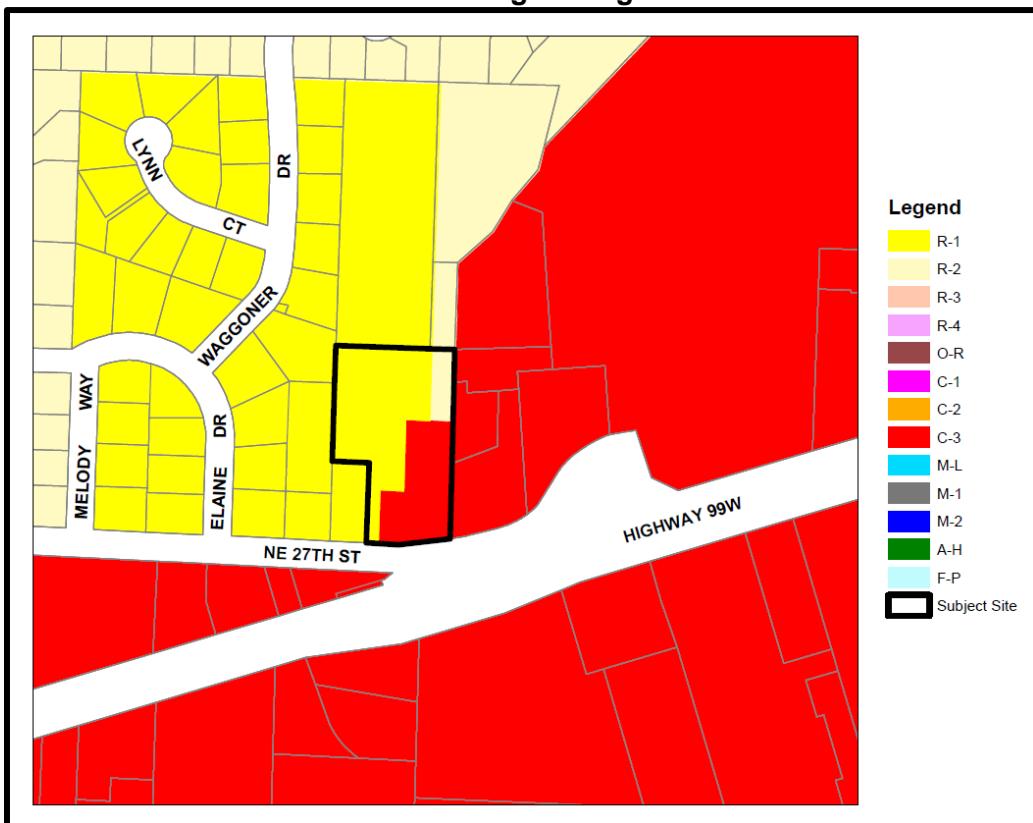
Site Reference Map



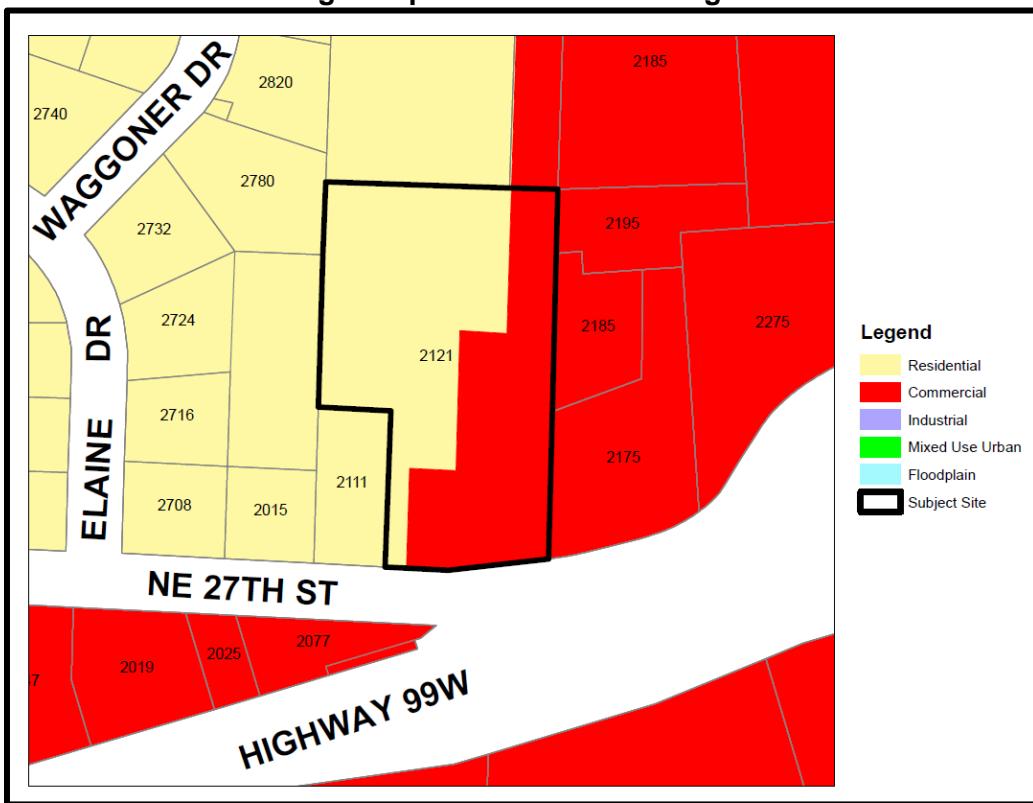
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Existing Zoning

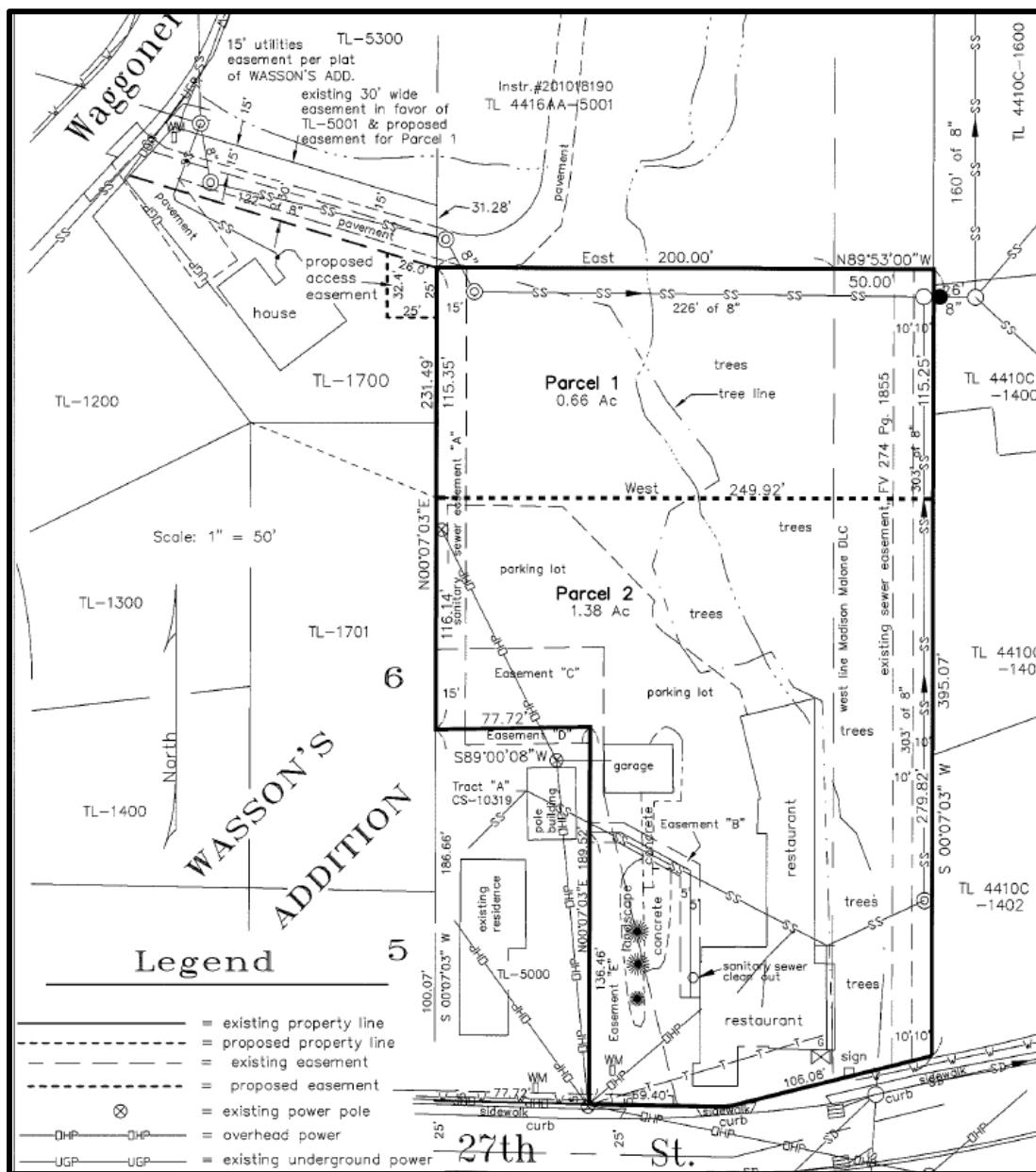


Existing Comprehensive Plan Designations


Attachments:

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The existence of multiple comprehensive plan designations and zoning designations on the subject site was discovered when the property owner requested a partition of the exiting parcel and lot of record to allow for the construction of a single family home on a newly created parcel on the northern portion of the existing parcel. The tentative partition plan is provided below. For the purposes of this report, the northern portion of the original parcel will be described as Parcel 1 and the southern portion of the original parcel will be described as Parcel 2 per the tentative partition plan.



Upon investigating the existing zoning further, it was determined that there was an error in how the existing zoning of the property was displayed on the McMinnville Zoning Map.

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The existing McMinnville Zoning Map shows a narrow portion of the northeast corner of the subject site to be zoned R-2, with the remainder of the site split between R-1 and C-3. However, upon further investigation it was determined that the northeast corner of the site actually retains a county zoning classification from when it was originally annexed into the city. The subject site and the parcel that is now the existing lot of record was on the edge of a number of annexations in the past, which resulted in portions of the site retaining different zoning classifications.

Below is a brief summary of the past land use applications and annexations that impacted the subject site:

- ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86: This series of land use decisions brought the northern portion of the subject site into the city limits, and also rezoned the northern portion of the site to R-1 Single Family Residential. The minor partition separated a larger existing parcel into two parcels, and allowed for a single family home to be constructed on a new parcel to the north of the subject site. That single family home to the north still exists today, and is located on the large parcel immediately north of the subject site. This large parcel is still shown on the McMinnville Zoning Map as R-1 Single Family Residential.
 - The property included in those land use decisions is shown below:



- ANX 2-83 and ZC 5-91: This annexation brought in a narrow portion of the subject site (the eastern 50 feet of the subject site) as part of a larger annexation which included other property to the east. The majority of the property from the 1983 annexation (ANX 2-83) was rezoned from the county zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) to a C-3 General Commercial Planned Development zone in 1991 (ZC 5-91). This rezoning included the existing

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Walmart site and the other commercial development to the east of the subject site. However, the rezoning did not include the eastern 50 feet of the subject site. Therefore, that portion of the site retains its county zoning (EF-40).

- The property included in ANX 2-83 and ZC 5-91 is shown below. The property that was annexed is outlined in black, and the property that was included in the zone change process is shown with black cross-hatching. The subject site (the site included in the land use decisions at hand today) is shown in red.



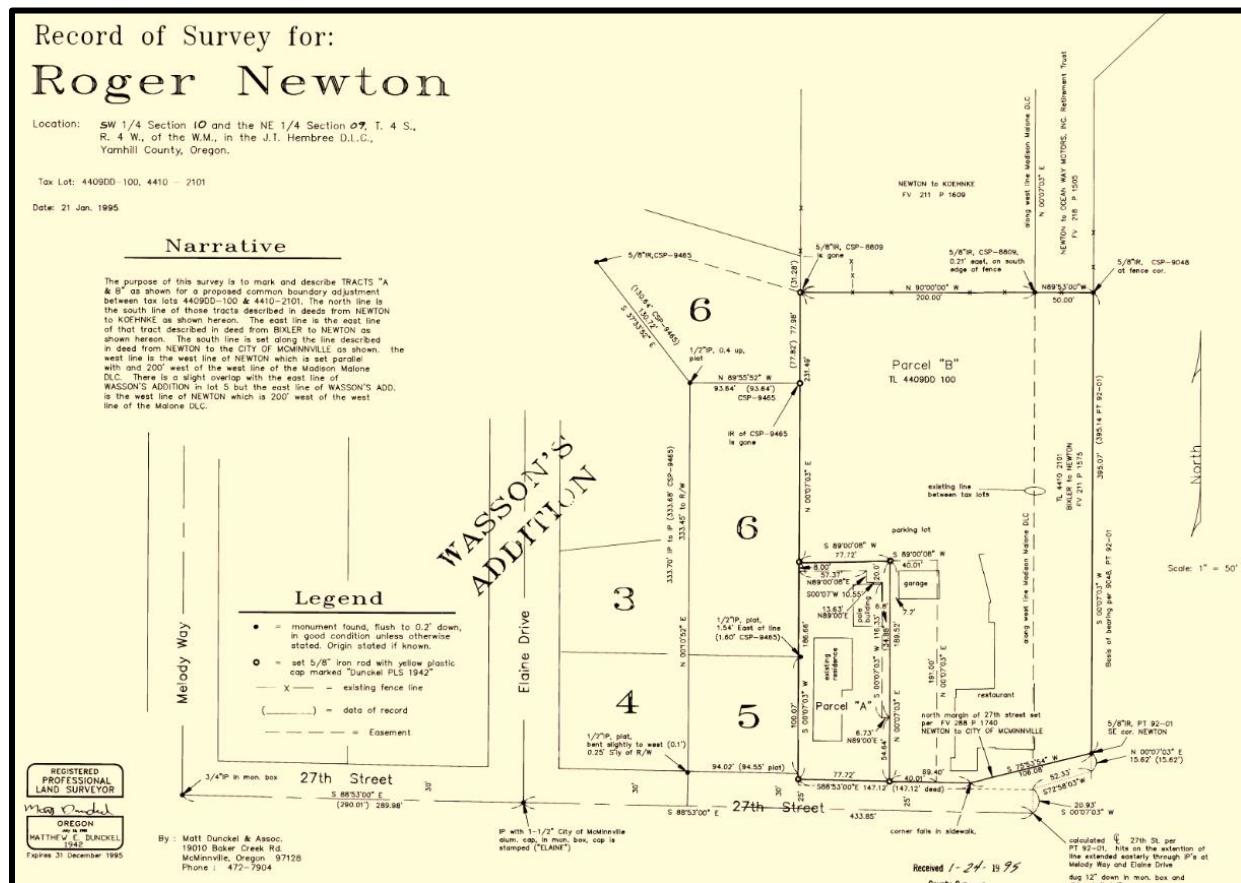
- Survey recorded with Yamhill County in 1995: The property owners at the time that this survey was recorded owned the restaurant that still exists on the subject site today and the single family home to the west. Both of those structures were located on one parcel, and the property owners had also, at some point in time, acquired a narrow parcel 50 feet in width to the east of the restaurant. The survey that was recorded in 1995 combined that narrow 50 foot parcel with the parcel to the west, and also partitioned off a parcel for the existing single family home. The City of McMinnville has no record of this partition taking place, so the existing parcels and lots of record were created without approval from the City but were still recorded with the county surveyor's office.

The parcel with the single family home now exists as Tax Lot 5000, Section 16AA, T. 4 S., R. 4 W., W.M., and the subject site exists as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M. The current owners of the subject site acquired the property after the survey in 1995, so were not the owners at the time the existing lot of record was created.

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- The survey recorded in 1995 is shown below:



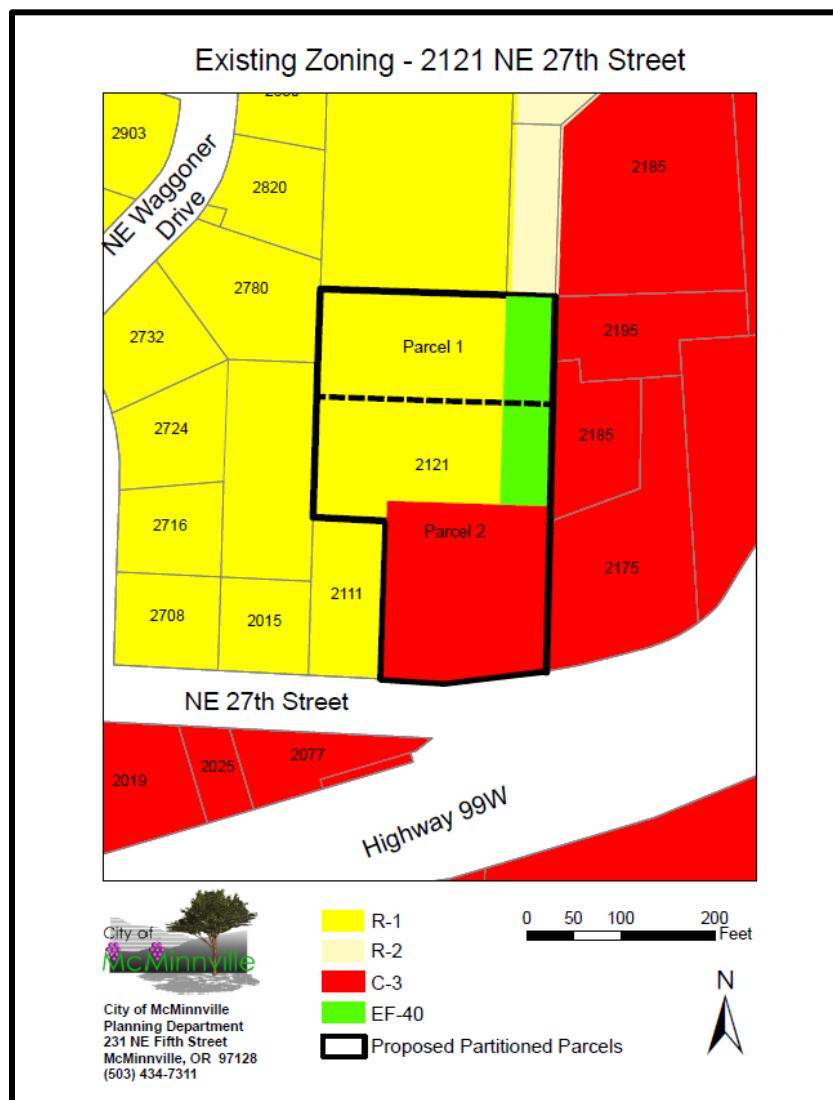
- ANX 2-96: This annexation brought the property to the north of the subject site into the city limits. The property that was included in this annexation was eventually developed as single family residential, and is now shown on the zoning map as (R-2 Single-Family Residential). This property includes the Bixler and Gerhard subdivisions. This annexation and the subsequent subdivisions did not include the subject site.

In summary, after discovering the information from those land use decisions, and also after analyzing older official zoning documents, staff determined that the actual existing zoning of the subject site is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single-Family Residential), and C-3 (General Commercial). The older official zoning documents show the zoning as being more consistent with the existing uses of the property, and staff believes that there was an error in the depiction of the zoning districts on historic zoning maps or possibly when the zoning information was transferred to a Geographic Information Systems (GIS) database.

The actual existing zoning of the subject site, based on staff's findings, is shown below:

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Discussion:

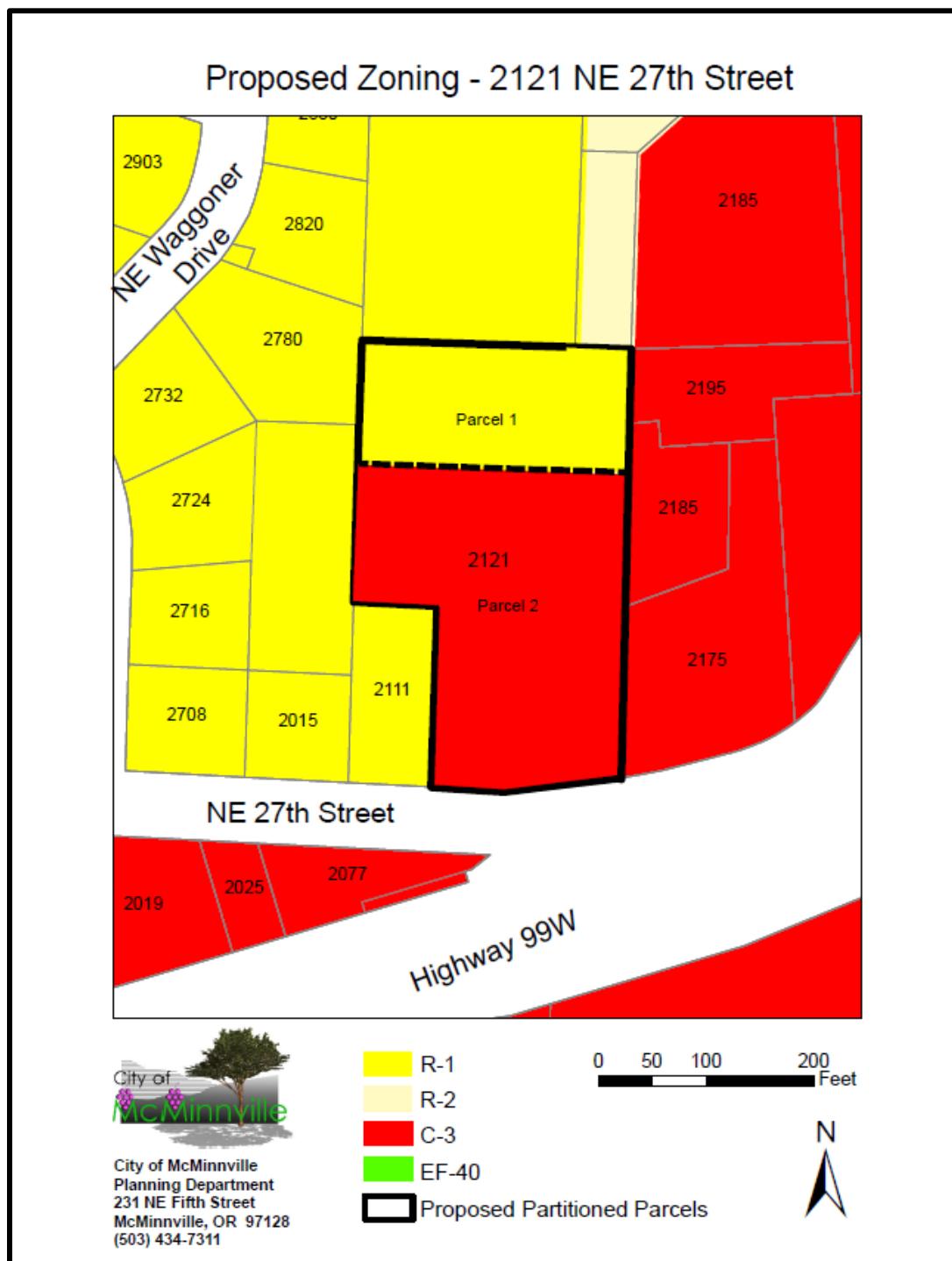
The applicant is requesting a comprehensive plan map amendment to designate the newly created Parcel 1 (the northern portion of the original parcel) as strictly Residential and then to rezone that same parcel from a mixed zoning of EF-40 and R-1 to only R-1. The applicant is also requesting to designate the newly created Parcel 2 (the southern portion of the original parcel) as strictly Commercial on the Comprehensive Plan Map, and to rezone Parcel 2 from a mixed zoning of C-3, EF-40, and R-1 to only C-3.

The applicant intends to construct a single family home on Parcel 1 and continue to operate the existing commercial business on Parcel 2.

The proposed zoning of the subject site and the two newly created parcels, if approved, is shown below. The comprehensive plan designations would mirror the zoning, with the northern parcel being designated as Residential and the southern parcel being designated as Commercial.

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The Planning Commission's responsibility regarding these types of land use requests is to conduct a public hearing and, at its conclusion, render a decision to recommend approval of the comprehensive plan map amendment and zone change requests, or approval with conditions, to the City Council, or to deny the requests.

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In reviewing a comprehensive plan map amendment or zone change, the Planning Commission must ensure that the proposal satisfies all relevant requirements of the McMinnville Zoning Ordinance. The Planning Commission must also make findings of fact that address the relevant review criteria for comprehensive plan map amendments and zone changes.

Comprehensive Plan Map Amendment Review:

The review criteria relevant to this request are as follows:

- 1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.**

Applicable Comprehensive Plan goals and policies, as well as staff's findings of whether the proposed amendment meets the goals and policies, are listed below:

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

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

Finding: Goal IV 2 and Policy 21.03 are satisfied in that the existing commercial business located on the southern parcel, which is proposed to be designated as entirely Commercial on the Comprehensive Plan map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be Residential on the Comprehensive Plan map, to serve as their primary residence.

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

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

Finding: Goal IV 3 and Policy 22.00 are satisfied as the majority of the southern parcel is already designated as Commercial on the Comprehensive Plan map. The proposed designation of the entire southern parcel as Commercial will appropriately provide commercial designations on the Comprehensive Plan map to accommodate existing commercial development and will allow for maximum and most efficient use of the existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utility capacities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding

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land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Policy 27.00 is satisfied as, while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

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

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

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that a majority of the northern parcel is already designated as Residential on the Comprehensive Plan map. The designation of the entire northern parcel as Residential will allow for the development of housing in an area of the City that has historically been vacant land and underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities.

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

Policy 69.00: The City of McMinnville shall explore the utilization of innovated land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Finding: As described above, the northern portion of the subject site has historically been an area of the City that is vacant and underutilized. A majority of the northern parcel is already designated as Residential on the Comprehensive Plan map, and a majority of the southern parcel is already designated as Commercial. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional development within the City that is also consistent and compatible with the surrounding area. Goal V 2 and Policy 69.00 are met by this proposal.

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

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*

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2. *Storm sewer and drainage facilities (as required).*
3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

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

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

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

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

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

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*

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3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and waste water quality standards can be adhered to.
5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

- 2) The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

The existing Comprehensive Plan map designations that apply to the subject site are irregular and do not follow any particular property line, existing or previous. It appears that a similar issue may have occurred in the transition between earlier historic Comprehensive Plan map documents or during the transition to a Geographic Information Systems (GIS) database, which may have occurred with the zoning designations as well, resulting in an inaccurate designation of land uses on the subject site. The proposed amendment to the Comprehensive Plan map would more consistently designate the subject

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site, based on proposed property lines and existing and historical uses. The northern portion of the site would become only Residential, and the southern portion of the site would become only Commercial.

The southern portion of the site has historically been used as a restaurant as far back as the early 1980s, which was documented in the previous land use decisions described above. The commercial use likely even predates the 1980s.

The current restaurant use currently extends to the north and west, outside of the portion of the site that is shown as Commercial on the current Comprehensive Plan map. The proposed adjustment of the designations on the site would more accurately designate the existing and historic uses of the southern portion of the site as a commercial establishment.

The retention of the northern portion of the site as Residential is also more consistent with the pattern of development in the surrounding area and is more compatible with surrounding land uses. The creation of this new parcel on the northern portion of the site, and the future proposed development of the parcel with a single family home, will provide for a buffer between the existing commercial use and the surrounding neighborhood.

Based on the history of the site and the proposed use of the northern portion of the site as a single family home, staff believes that the proposed amendment is orderly and timely. The amendment would more accurately depict the existing conditions of the site, the historic uses of the site, and would blend in with the pattern of development and uses in the surrounding area.

3) Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the access to the southern parcel from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards. Additionally, at the time of building permits, the driveway along Waggoner Drive to serve the northern parcel will be required to meet PROWAG standards.

Zone Change (ZC 1-17) Review:

There are two zone changes to review separately. The first zone change is to rezone the northern portion of the property from a mixture of R-1 (Single Family Residential) and EF-40 (Exclusive Farm Use – 40-acre Minimum) to only an R-1 zone. The review criteria relevant to this request are as follows:

1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

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Applicable Comprehensive Plan goals and policies, as well as staff's findings of whether the proposed amendment meets the goals and policies, are listed below:

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

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

Finding: A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The rezoning of the entire northern parcel as R-1 Single Family Residential will allow for the development of an additional housing opportunity on land that has remained underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities and therefore Goal V 1 and Policy 58.00 are satisfied.

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

Policy 69.00: The City of McMinnville shall explore the utilization of innovated land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Finding: As described above, the northern portion of the subject site has historically been a location that is partially vacant and underutilized. A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional residential development within the City that is also consistent and compatible with the surrounding uses. Therefore Goal V 2 and Policy 69.00 are met by this proposal.

Policy 71.06: Low Density Residential Development (R-1 and R-2) should be limited to the following:

1. *Areas which are committed to low density development and shown on the buildable lands inventory as "developed" land [...]*
3. *Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands.*

Finding: Policy 71.06 is satisfied by the proposal in that the use of the R-1 Single Family Residential zoning district, as stated in the Comprehensive Plan, should be limited to particular areas that warrant low density development. The northern parcel that is proposed to be rezoned to R-1 Single Family Residential meets two of the applicable criteria required by this Comprehensive Plan policy for the application of the R-1 zoning classification. The existing area is already primarily committed to low density residential development, as a majority of the northern parcel is already zoned R-1 Single Family Residential from a previous land use decision (ZC 12-86). Development limitations also exist on the site. A mapped stream corridor runs through the middle of the northern parcel, running north and eventually entering the North Yamhill River, which limits the actual developable area within the northern parcel.

Policy 71.07: The R-1 zoning designation shall be applied to limited areas within the McMinnville urban growth boundary. These include: [...]

Attachments:

Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

2. *Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities.*

Finding: As stated above, the use of the R-1 Single Family Residential zoning district should be limited to particular areas that warrant low density development. The northern parcel resulting from the recent partition approval and is proposed to be rezoned to R-1 Single Family Residential also meets one of the necessary criteria to satisfy this Comprehensive Plan policy. The application of the R-1 Single Family Residential zone to the entire northern parcel is warranted because the majority of the northern parcel has already been approved for such density during a previous land use decision (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). Also, the application of the R-1 Single Family Residential zone is warranted because the surrounding neighborhood and properties are also zoned R-1 and are developed as single family residential. Policy 71.07 has been satisfied by this proposal.

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

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

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

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

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

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

Attachments:

Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

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

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Attachments:

Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

2) The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

The property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". The property owner's desire to construct a single family home on the northern parcel triggers the requirement to rezone the property to a city zone from the county zoning that a portion of the site retains from the original annexation. Therefore, this zone change request is orderly and timely.

The majority of the northern parcel is already zoned R-1 Single Family Residential, which occurred after a separate annexation and rezoning process was approved by the City in 1986 (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). The small portion of this northern parcel that still retains its county zoning would be rezoned to R-1, establishing one single zoning district on the northern parcel. The classification of R-1 is consistent with surrounding zoning, as there are single family homes in existing R-1 zoned subdivisions to the north and west of the subject site. The rezoning of the northern parcel to R-1 is also consistent with the pattern of development in the surrounding neighborhood, and the use of this portion of the site as single family residential will provide for an additional buffer between the existing commercial use on the southern portion of the site and the existing residential development to the north and west.

3) Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the driveway along Waggoner Drive to serve the northern parcel was required to be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

Zone Change (ZC 2-17) Review:

The second zone change is to rezone the southern portion of the property from a mixture of R-1 (Single Family Residential), EF-40 (Exclusive Farm Use – 40-acre Minimum), and C-3 (General Commercial) to only a C-3 zone. The review criteria relevant to this request are as follows:

Attachments:

- Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Applicable Comprehensive Plan goals and policies, as well as staff's findings of whether the proposed amendment meets the goals and policies, are listed below:

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

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

Finding: Goal IV 2 and Policy 21.03 are satisfied by this proposal as the existing commercial business located on the southern parcel, which is proposed to be rezoned as entirely C-3 General Commercial on the official Zoning map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be rezoned to R-1 Single Family Residential on the Zoning map, to serve as their primary residence.

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

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

Finding: Goal IV 3 and Policy 22.00 are satisfied in that the majority of the southern parcel is zoned C-3 General Commercial on the official Zoning map. The proposed rezoning of the entire southern parcel to C-3 General Commercial will appropriately provide commercial designation on the Zoning map to accommodate existing commercial development and will allow for maximum and most efficient use of existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utilities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Attachments:

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Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

Finding: Policy 27.00 is met as while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

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

Finding: The existing commercial use on the southern parcel is not a large, intense commercial use, but it is adjacent to residential zones and uses. To be more compatible with the existing surrounding uses, staff is suggesting that a condition of approval be included to require landscaping to be provided on the north and west property lines of the southern parcel to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as is allowed by Comprehensive Plan Policy 32.00.

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

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

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

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

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

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available,*

Attachments:

Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

- 2) The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.**

Attachments:

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Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

The same issue of the county zoning being retained from the original annexation of the property exists on the southern portion of the site, as the northeast corner of the proposed southern parcel still retains an EF-40 zoning classification. The request would bring that portion of the site into a city zone, and would decrease the number of zoning districts that apply to the single parcel.

The southern portion of the site, as described above, has been functioning as a commercial establishment for many years. The existing use of the subject site as a commercial actually extends outside of the portion of the site that is shown on the Zoning Map as C-3 General Commercial. The main developed portion of the southern parcel is the actual restaurant building, which fronts onto NE 27th Street, but the parking lot for the building does extend to the north and west outside of the C-3 areas as shown on the zoning map. There is no record of when the use enlarged to this size, and it may have existed in its current footprint as long as a commercial use was conducted at the site.

Based on that existing use and the pattern of development in the area, staff believes that the request is orderly and timely. The request would rezone the entire southern parcel to a single zoning district, removing a county zoning, reducing the number of zoning districts on one parcel from three to only one, and would more accurately represent the existing and historical use of the southern portion of the subject site.

The southern parcel is primarily zoned C-3 General Commercial, so the request wouldn't change the overall development of the area. The property immediately to the west and south along NE 27th Street and Highway 99W is all zoned and used as C-3 General Commercial as well. Therefore, the proposed rezoning is consistent with the development and use of the surrounding area.

3) Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. As part of the minor partition process, the access to the southern property from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

CPA 1-17

Attachments:

Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

The Planning Department recommends that the Commission make the following motion recommending approval of CPA 1-17 to the City Council:

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 1-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

ZC 1-17

The Planning Department recommends that the Commission make the following motion recommending approval of ZC 1-17 to the City Council:

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 ZC 1-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

ZC 2-17

The Planning Department recommends that the Commission make the following motion recommending approval of ZC 2-17 to the City Council:

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 ZC 2-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

CD:sjs

Attachments:

- Exhibit A – CPA 1-17 Decision Document*
- Exhibit B – ZC 1-17 Decision Document*
- Exhibit C – ZC 2-17 Decision Document*



**City of McMinnville
Planning Department**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

MINUTES

March 16, 2017

6:30 pm

**Planning Commission
Regular Meeting**

**McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon**

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Lori Schanche, Erica Thomas, and John Tiedge

Members Absent: None

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

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None.

Chair Hall presented a gift to Wendy Stassens for over ten years of service on the Planning Commission. He introduced new Commissioners Erin Butler and Susan Dirks.

3. Approval of Minutes: February 16, 2017

Chair Hall called for action on the Planning Commission minutes from the February 16, 2017 meeting. Commissioner Geary MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 8-0.

4. Public Hearing (Quasi-Judicial)

A. Comprehensive Plan Amendment and Zone Change (CPA 1-17, ZC 1-17, & ZC 2-17) (Exhibit 2)

Request: Approval of a comprehensive plan map amendment on a portion of a parcel of land from a mixed residential and commercial designation to only a commercial designation. The applicant is also requesting a rezoning of the northern portion of the same parcel from a mixed zoning of EF-40 (Exclusive Farm Use – 40-acre

Minimum) and R-1 (Single-Family Residential) to only R-1, and a rezoning of the southern portion of the same parcel from a mixed zoning of C-3 (General Commercial), EF-40, and R-1 to only C-3. The applicant intends to construct a single family home on the northern portion of the parcel and continue to operate the existing commercial business on the southern portion of the parcel. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1 from the partition request being zoned R-1 and the proposed Parcel 2 from the partition request being zoned C-3.

Location: 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

Applicant: Creekside Homes, LLC, on behalf of Jae and Aylah Chon

Chair Hall opened the public hearing at 6:40 p.m. and read the hearing statement. He called for abstentions, objections to jurisdiction, and disclosures. There were none. He asked how many commissioners had visited the site. Most of the commissioners had.

Associate Planner Chuck Darnell presented the staff report. This was a request for a Comprehensive Plan amendment and two zone changes for 2121 NE 27th Street. He discussed the location of the subject site. A recent partition application was submitted by the property owner that had been approved. It divided the lot into two, a parcel to the north and a parcel to the south. The request was to designate the northern parcel as residential and to designate the southern parcel as commercial on the Comprehensive Plan Map and to rezone the property from a mixture of three different zones to R-1, single family residential, on the north parcel and C-3, general commercial, on the south parcel. Commercial development exists to the east and south along Highway 99W and a single family residence to the west and north.

Associate Planner Darnell explained how portions of this site were annexed into the City in 1983 and 1986 and that County zoning still existed on a portion of the site. In 1995, a survey was recorded and the existing lot became a lot of record. One of the reasons for the rezoning was to change the County zoning to a City zoning designation to allow for urban development.

Associate Planner Darnell then described the review criteria. For the Comprehensive Plan Map amendment, the change would support local businesses and commercial businesses in the City. It would also provide a variety of housing types and densities, and urban services could be sufficiently provided to the property. The amendment would be more consistent with the new property lines and existing and historical uses of the property. The residential portion of the site would be adjacent to other residentially developed properties and the commercial portion would be adjacent to 27th Street and Highway 99W and other commercial properties. Existing utilities served the southern portion of the parcel where the restaurant exists today. Access and utilities could be provided to the northern portion of the property from NE Waggoner Drive. The existing and new vehicular access points would be upgraded to meet current standards.

For the R-1 zone change request, its approval would provide for a variety of housing types at densities consistent with the surrounding area. The area to the north was committed to R-1

zoning through a previous land use decision. The property owner planned to build one single family home on the parcel, which was consistent with the development pattern of the surrounding area. There is a stream that runs through the middle of the property limiting the developable area of the residential portion of the property, which qualifies the property for low density residential as stated in the Comprehensive Plan policies. Also, the Zoning Ordinance required the rezoning from the County zoning to a City zoning designation to allow for urban development.

The C-3 zone change request would support existing businesses in McMinnville and maximize the use of existing commercial uses and commercially designated lands. Utilities could be provided to the property. The County zoning would be removed from this parcel as well. The zone change was consistent with the existing and historical uses of the property. It was compatible with the surrounding land uses and development pattern.

Associate Planner Darnell recommended approval of the comprehensive plan amendment and two zone change requests subject to the conditions in the staff report. The Planning Commission would make a recommendation to the City Council who would hear this matter at their April 25, 2017 public meeting.

Commissioner Chroust-Masin asked if any of the property was in the flood plain. Mr. Darnell said it was not.

Commissioner Schanche asked if the access road was a private road and if there was a deadline for when the plat had to be completed. Mr. Darnell said there would be a private easement over the properties to the west. There was a driveway there currently that would be shared with Parcel 1. The deadline to complete the plat was 12 months after the tentative partition plat was approved. The utility improvements had to be done and easements still had to be recorded before the final plat was approved.

Commissioner Butler asked about a nearby R-1 parcel that would be impacted by the commercial zoning. It would no longer be next to another residential zone. Mr. Darnell explained one of the conditions of approval was that before any building permits were issued for the southern parcel, landscaping would be installed on the north and west property lines to provide buffering and transitioning between the commercial use and residential use.

Mr. Darnell said the applicant was not present and had waived their opportunity to give testimony.

Proponents: David Hunn, McMinnville resident, was in favor of the request. He thought property owners should be allowed to use their properties to the full extent. They paid taxes and were part of the community. The restaurant had been there for many years and this was an opportunity for further use of the property. It would be a commercial boundary where there was already a commercial business, and would transition to residential use.

Opponents: None.

Mr. Darnell said no additional testimony had been received.

Chair Hall closed the public hearing at 7:00 p.m.

Commissioner Chroust-Masin would have liked to hear from the applicant, but thought all of the criteria had been met.

Commissioner Tiedge said straightening out the County zoning was the correct thing to do. He had no objections.

Commissioner Thomas was in favor.

Commissioner Geary thought it was disrespectful and arrogant of the applicant not to show up to the meeting, however the application was cut and dry.

Commissioner Schanche was also in favor of the application as it was more of a housekeeping issue. Commissioner Butler concurred.

Commissioner Dirks agreed that the applicant should have been in attendance, but was in favor of the application.

Chair Hall thought it was a housekeeping issue as well.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve CPA 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 2-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

B. Zoning Text Amendment (G 1-17) (Exhibit 3)

Request: Approval to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

Applicant: City of McMinnville

Chair Hall opened the public hearing at 7:05 p.m.

City of McMinnville

C404 - Privately Owned

Between 03/01/2017 and 03/31/2017

	Class Code	Permits	Bldgs	Houses	Valuation
		71	25	25	\$543,463
	Sub-Totals:	71	25	25	\$543,463
Section I - Residential HouseKeeping Buildings					
Manufactured Homes	100	1	1	1	\$0
One-Family Houses Detached	101	1	1	1	\$284,229
One-Family Houses Attached	102	2	2	2	\$395,075
	Sub-Totals:	4	4	4	\$679,305

Section III - New Non-Residential Buildings

Industrial Buildings	320	1	1	1	\$6,358,387
Structures Other than Buildings	329	1	0	0	\$96,000
	Sub-Totals:	2	1	1	\$6,454,387

Section IV - Additions & Alterations

Add or Alter Dwellings	434	2	1	1	\$33,000
Add or Alter All Other Buildings and Structures	437	4	2	2	\$314,997
	Sub-Totals:	6	3	3	\$347,997

Activity Summary Totals Report

Category: BLDG

Issued: 03/01/2017 - 03/31/2017

Type	# of Permits	Total Fees	Total Valuation
BLDCOMBO			
ACOM	4	\$10,329.96	\$314,997.00
ASFR	2	\$1,016.09	\$33,000.00
NIND	1	\$251,411.18	\$6,358,386.65
NINS	1	\$97,088.21	\$7,874,138.00
NPUB	1	\$0.00	\$231,926.24
NSFA	2	\$17,346.88	\$395,075.20
NSFR	1	\$10,026.76	\$284,229.30
BLDMAJOR			
OTHR	1	\$1,021.87	\$96,000.00
BLDMINOR			
DECK	1	\$176.26	\$8,000.00
OTHR	2	\$403.57	\$18,500.00
ROOF	4	\$1,210.52	\$121,363.00
WALL	1	\$62.09	\$1,500.00
DEMO			
PUB	1	\$0.00	\$16,690.00
FLS			
ALRM	2	\$119.25	\$4,500.00
SPRK	3	\$3,116.73	\$389,600.00
MECH			
COM	1	\$77.06	\$0.00
PUB	1	\$5,444.38	\$0.00
RES	15	\$673.70	\$0.00
MH			
RES	1	\$270.80	\$0.00
MISC			
	22	\$6,178.25	\$0.00
PLUM			
IND	1	\$201.60	\$0.00
PUB	2	\$380.86	\$0.00
RES	16	\$1,425.76	\$0.00
Total:	86	\$407,981.78	\$16,147,905.39

City of McMinnville

C404 - Privately Owned

Between 03/01/2017 and 03/31/2017

Class Code	Permits	Bldgs	Houses	Valuation
Grand-Totals:	83	33	33	\$8,025,151

C404 - Publicly Owned

Between 03/01/2017 and 03/31/2017

Class Code	Bldgs	Houses	Valuation
Section II - New Residential Non-Housekeeping Buildings			
Other Non-HouseKeeping Shelter	214	1	0 \$231,926.24
Sub-Totals:	1	0	\$231,926.24
Section III - New Non-Residential Buildings			
Schools & Other Educational Buildings	326	2	0 \$7,874,138.00
Sub-Totals:	2	0	\$7,874,138.00
Section V - Demolitions			
Demolish All Other Than Dwellings	649	1	1 \$16,690.00
Sub-Totals:	1	1	\$16,690.00
Grand-Totals:	4	1	\$8,122,754.24

Activity Summary Totals Report

Category: BLDG

Issued: 07/01/2016 - 03/31/2017

Type	# of Permits	Total Fees	Total Valuation
BLDCOMBO			
ACOM	21	\$101,865.10	\$4,664,783.00
AIND	1	\$321.22	\$16,500.00
AINS	2	\$4,696.17	\$267,000.00
APUB	2	\$25,896.37	\$3,207,711.00
ASFR	20	\$14,114.44	\$833,729.30
NCOM	3	\$31,121.14	\$3,026,800.00
NDUP	2	\$23,314.02	\$474,932.40
NGAR	1	\$305.12	\$15,598.80
NIND	5	\$322,228.67	\$8,256,947.45
NINS	1	\$97,088.21	\$7,874,138.00
NOTH	3	\$3,186.48	\$240,397.38
NPUB	1	\$0.00	\$231,926.24
NSFA	4	\$36,555.02	\$828,071.82
NSFR	41	\$388,028.77	\$11,081,007.31
BLDMAJOR			
ACOM	3	\$3,124.64	\$35,000.00
AGAR	1	\$369.54	\$20,000.00
APUB	1	\$6,785.34	\$1,100,000.00
ASFR	2	\$713.15	\$30,000.00
COM	1	\$256.79	\$12,100.00
DECK	1	\$176.26	\$7,500.00
NGAR	3	\$1,047.87	\$51,736.02
NOTH	2	\$320.29	\$13,000.00
OTHR	1	\$1,021.87	\$96,000.00
BLDMINOR			
DECK	10	\$2,133.06	\$100,610.80
FOUN	5	\$1,022.00	\$47,610.00
OTHR	21	\$4,521.97	\$289,172.00
PATI	3	\$366.29	\$13,895.24
PUB	1	\$144.05	\$5,580.00
ROOF	21	\$8,421.38	\$1,109,792.00
WALL	4	\$616.54	\$33,400.00
DEMO			
PUB	2	\$1,080.95	\$21,440.00
RES	3	\$126.26	\$6,100.00
FLS			
ALRM	12	\$2,504.27	\$152,160.90
SPRK	14	\$5,376.47	\$554,706.00

Type	# of Permits	Total Fees	Total Valuation
SUPP	1	\$87.68	\$2,424.00
MECH			
COM	39	\$10,237.36	\$0.00
PUB	3	\$5,691.90	\$0.00
RES	183	\$7,826.78	\$0.00
MH			
RES	4	\$2,030.76	\$48,883.12
MISC			
	141	\$114,120.29	\$0.00
PLUM			
COM	12	\$13,984.66	\$0.00
IND	3	\$899.89	\$0.00
INS	1	\$44.80	\$0.00
PUB	6	\$582.46	\$0.00
RES	134	\$8,353.23	\$500.00
SIGN			
MONU	1	\$95.72	\$3,000.00
POLE	3	\$883.12	\$45,500.00
Total:	749	\$1,253,688.37	\$44,819,652.78

City of McMinnville - Account Summary Report

For Post Dates 03/01/2017 - 03/31/2017

For Category: BLDG

Fee Items: 1000,1010,1020,1100,1200,1210,1220,1230,1300,1310,

Posted Amount

Account Code:	**ESCROW ACCT**	1500 STATE SURCHG-GENERAL	\$7,306.55
			\$7,306.55
Account Code:	70-4400-05	1000 PERMIT FEES-BUILDING	\$43,917.04
Account Code:	70-4400-05	1300 PLAN REVIEW-BUILDING	\$13,131.78
Account Code:	70-4400-05	1400 PLAN REV-FIRE LIFE SAFTY	\$7,221.49
			\$64,270.31
Account Code:	70-4400-10	1100 PERMIT FEES-MECHANICAL	\$8,046.85
Account Code:	70-4400-10	1310 PLAN REVIEW-MECHANICAL	\$2,726.75
			\$10,773.60
Account Code:	70-4400-15	1200 PERMIT FEES-PLUMBING	\$4,960.00
Account Code:	70-4400-15	1320 PLAN REVIEW-PLUMBING	\$447.50
			\$5,407.50

Total Posted Amount: \$87,757.96

City of McMinnville - Account Summary Report

For Post Dates 07/01/2016 - 03/31/2017

For Category: BLDG

Fee Items: 1000,1010,1020,1100,1200,1210,1220,1230,1300,1310,

Posted Amount

Account Code:	**ESCROW ACCT**	1500 STATE SURCHG-GENERAL	\$30,075.45
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Account Code:	70-4400-05	1000 PERMIT FEES-BUILDING	\$173,606.70
Account Code:	70-4400-05	1300 PLAN REVIEW-BUILDING	\$138,966.73
Account Code:	70-4400-05	1400 PLAN REV-FIRE LIFE SAFTY	\$23,013.28
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Account Code:	70-4400-10	1100 PERMIT FEES-MECHANICAL	\$39,601.35
Account Code:	70-4400-10	1310 PLAN REVIEW-MECHANICAL	\$5,659.05
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Account Code:	70-4400-15	1200 PERMIT FEES-PLUMBING	\$36,581.00
Account Code:	70-4400-15	1320 PLAN REVIEW-PLUMBING	\$2,857.00
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Account Code:	70-4400-20	1010 PERMIT FEES-MH SETUP	\$860.00
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Total Posted Amount: \$451,220.56