



231 NE Fifth Street • McMinnville, Oregon 97128 •
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January 12, 2017

McMinnville Planning Commissioners

RE: Continued Public Hearings – Staff Report Updates

Dear Planning Commissioners,

Since we had to cancel the December Planning Commission meeting due to inclement weather you will find that the Recommended Action, Findings of Fact and Conditions of Approval for each land-use decision in front of you is for the most part the same. However, there have been some slight changes to each document and the first paragraph under the “Discussion” section of each staff report will walk you through what those changes are so that you are aware of the subtle changes recommended by staff. You will also notice that we are not providing the attachments to the land-use decision since that was provided in an earlier meeting packet. In this way, we can maintain the integrity of the public record but not overwhelm you with paperwork and new information.

If you should have any questions about this format, please do not hesitate to contact me either by phone, 503-474-5107, or by email, Heather.Richards@mcminnvilleoregon.gov.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Richards', is written over a light blue horizontal line.

Heather Richards,
Planning Director

Planning Department

PHONE (503) 434-7311 FAX (503) 474-4955



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Planning Commission
McMinnville Civic Hall, 200 NE 2nd Street
January 19, 2017
6:30 p.m.

Commission Members	Agenda Items
Martin Chroust-Masin Zack Geary Roger Hall Charles Hillistad Jack Morgan Nanette Pirisky Lori Schanche Erica Thomas John Tidge	<ol style="list-style-type: none"> 1. Call to Order 2. Swearing In of New Commissioner – Lori Schanche 3. Election of Officers (<i>Exhibit 1</i>) 4. Citizen Comments 5. Approval of Minutes: November 17, 2016 (<i>Exhibit 2</i>) 6. Public Hearing (Quasi Judicial) <ol style="list-style-type: none"> A. Conditional Use & Variance (CU 8-16 & VR 2-16) (<i>Exhibit 3</i>) Continued from the November 17, 2016 Planning Commission Meeting Request: McMinnville School District is requesting approval of a conditional use permit to allow for a change in the use of the existing McMinnville High School site to accommodate a new vocational technical school, expanded athletic facilities, field improvements, and new parking areas. The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district. Location: 615 NE 15th Street and is more specifically described as Tax Lots 2600 & 3000, Section 16CA, T. 4 S., R. 4 W., W.M, and Tax Lot 1590, Section 16CC, T. 4 S., R. 4 W., W.M. Applicant: McMinnville School District #40

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.

B. Zone Change, Planned Development Amendment, & Subdivision (ZC 1-16, ZC 2-16 & S 3-16) (Exhibit 4)

Continued from the November 17, 2016 Planning Commission Meeting

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

7. Old/New Business

- Strategic Planning – *(Presentation at Meeting)*

8. Commissioner/Committee Member Comments

9. Staff Comments

10. Adjournment



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EXHIBIT 1: MEMORANDUM

DATE: January 19, 2017
TO: Planning Commission Members
FROM: Heather Richards, Planning Director
SUBJECT: ELECTION OF OFFICERS

The annual election of officers has been placed on your January 19, 2017, meeting agenda. Per McMinnville City Code, Section 2.32.040, the Planning Commission shall elect a Chair and Vice-Chair at the first meeting of each year. The Chair presides over the meeting and public hearings. The Vice-Chair will preside over the meetings and public hearings in the Chair's absence. The Planning Commission also needs to elect a Secretary per the McMinnville City Code. This person does not need to be an appointed commissioner and is usually the Planning Director.

The following outline is provided to help guide you through this election process.

1. The current Chair will ask for nominations for the position of Chair. Commissioners wishing to nominate a fellow commissioner for this position would do so at that time (more than one person can be placed for nomination).
 - o Motion: *"I would like to nominate [_____] for the position of Chair."*
2. Once it is evident that there are no further nominations, the following motion would be made:
 - o Motion: *"I move to close the floor to further nominations."*
3. A member of the Commission may then move to elect one of the nominated members to the position of Chair. If seconded, the Commission would then vote on the motion.
 - o Motion: *"I move to elect [_____] to the position of Chair."*
4. This same process is then repeated for the Vice-Chair and Secretary positions.

As an alternative to the above, the Commission could choose to elect the current slate of officers to another year of service. If that were the desire, the motion would be as follows:

Motion: *"I move to close the floor to nominations and elect the current slate of officers to the positions of Chair, Vice-Chair, and Secretary."*



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EXHIBIT 3 - STAFF REPORT

DATE: January 19, 2016
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: Public Hearing: CU 8-16/VR 2-16 – McMinnville High School Expansion

Report in Brief:

This is a public hearing to consider the McMinnville School District's application requesting approval of a conditional use permit to expand McMinnville High School on its current site to add a new vocational technical school with four additional classrooms, incorporate additional athletic facilities including an auxiliary gym, weight training facilities, and locker rooms, upgrading of Baker Field to synthetic turf, addition of walking paths and timer controlled lighting around Baker Field, and new parking areas with 46 additional parking spaces (CU 8-16). The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district (VR 2-16).

The property in question is 615 NE 15th Street and is more specifically described as Tax Lots 2600 & 3000, Section 16CA, T. 4 S., R. 4 W., W.M, and Tax Lot 1590, Section 16CC, T. 4 S., R. 4 W., W.M. The applicant is McMinnville School District represented by Ben Schonberger, Winterbrook Planning.

These applications were presented at the November 17, 2016 Planning Commission meeting. Planning Commission opened the public hearing. Staff provided their report and recommendations on the applications, and the applicant provided a presentation as well. The Planning Commission Chair asked for public testimony either in support of or in opposition to the applications, and no public testimony was given. Due to some electronic issues associated with the public noticing for this application it was not published in the local newspaper as required. The public hearing was continued to the December 15, 2016 Planning Commission meeting to allow for the required public notice to be published in the local newspaper. The December 15, 2016 Planning Commission meeting was cancelled due to inclement weather, so the public hearing was automatically continued to the next regular meeting of the Planning Commission on January 19, 2017.

Since the November 17, 2016 public hearing the City did receive one letter from a nearby resident, which has been added to Exhibit A as an attachment. The applicant has also provided updated land use drawings showing some minor changes to the site. Those changes include the addition of restroom facilities to the field house, reconfigured location of the bathroom facilities associated with Baker Field, and changes to architectural features on the new buildings being added to the site. Those updated drawings have been added to Exhibit A as an attachment.

To ensure transparency and equity in terms of information for the public hearing and testimony, the same staff report and applicant report that were provided at the November 17, 2016 Planning Commission meeting will be provided at the continued January 19, 2017 public hearing. Staff will

Attachments: List in Order

CU 8-16/VR 2-16 – McMinnville High School Expansion Exhibit A

provide an update on the new information referenced above following the original staff report that was provided during the November 17, 2016 public hearing.

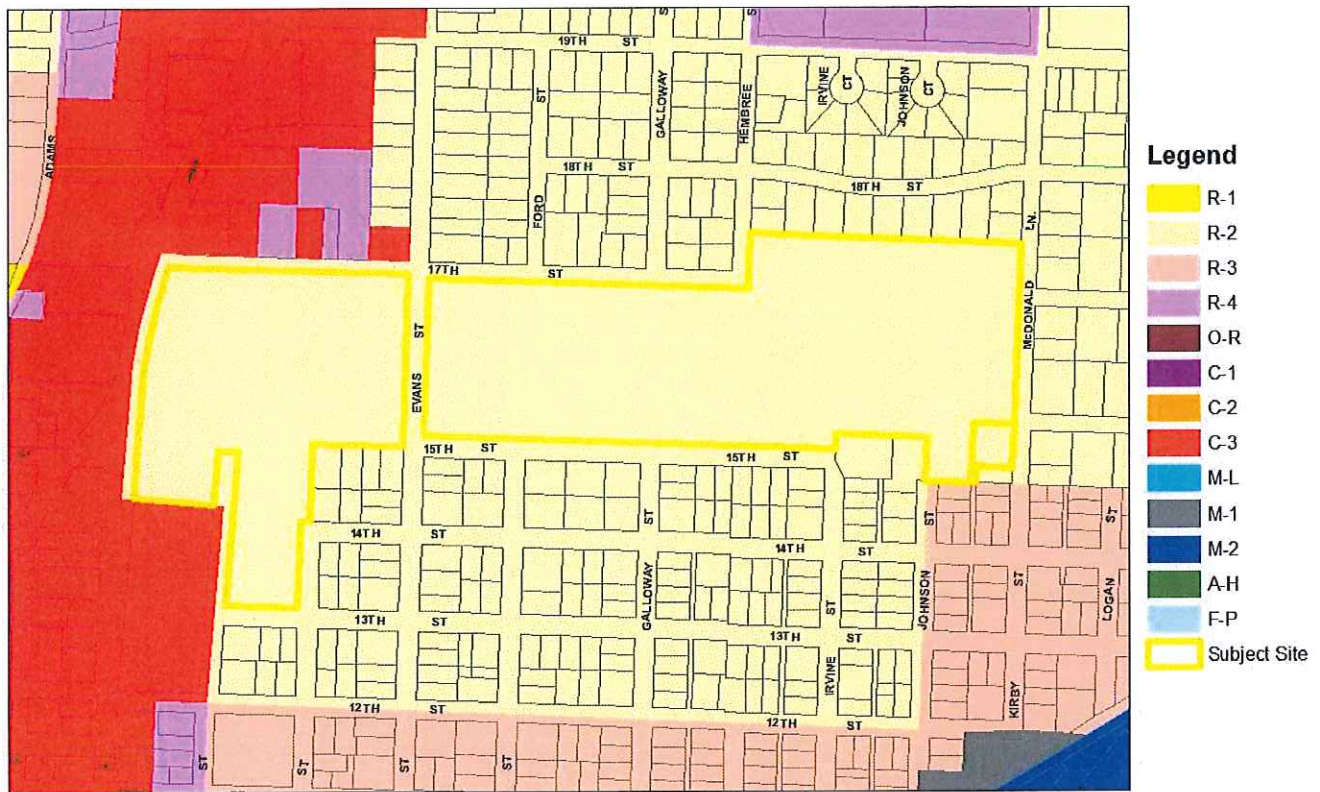
The information in this staff report is the same information that was included in the November 17, 2016 Planning Commission packet, and the same information that was presented at the November 17, 2016 Planning Commission meeting. The only changes to the staff report are the staff evaluations of the new information including the letter received from a resident and the updated land use drawings provided by the applicant, both of which have been added to Exhibit A as attachments. Staff's evaluation of the new information is provided in the beginning of the "Discussion" section of the Staff Report.

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

Background:

The subject site is located on multiple parcels, and is generally located east of NE Baker Street (Highway 99W), south of NE 17th Street, west of NE McDonald Lane, and north of NE 15th Street. The combined area of the parcels is approximately 38.42 acres, and all parcels are zoned R-2 (Single-Family Residential) and designated as Residential on the City's Comprehensive Plan Map. Properties adjacent to the subject site are mainly zoned R-2 (Single-Family Residential), with some properties north and west of the subject site zoned R-4 (Multiple-Family Residential) and C-3 (General Commercial). These multiple family and commercially zoned properties are located west of NE Baker Street (Highway 99W) and north of NE 17th Street. A visual of the subject site and a reference map showing the zoning of surrounding properties are provided below:





The site is currently developed and used as the McMinnville High School campus. Specifically, the high school building, parking lots, and football stadium are located on the parcel between NE Evans Street and NE McDonald Lane. The parcel between NE Baker Street and NE Evans Street contains other athletic fields, and the smallest parcel that fronts NE McDonald Lane near NE 16th Street currently contains a school district maintenance building.

The site is provided access by main entrances from NE 15th Street on the south side, between NE Galloway Street and NE Irvine Street, and from NE 17th Street on the north side, near NE Hembree Street.

The McMinnville High School building was originally constructed in the 1950s, and has been expanded multiple times since the original construction. The most recent expansion occurred in 2007 when a conditional use permit was granted by the Planning Commission to allow for the addition of 63,000 square feet to the existing high school to accommodate additional students. On May 27, 2016, an \$89.4 million bond measure was passed by McMinnville voters to authorize funds for capital improvements at McMinnville School District facilities. A portion of those funds are being used to expand the high school property as proposed in this request.

Discussion:

This land use review includes requests for both a conditional use permit and a variance. To move forward with this project, a conditional use permit is required because the proposed improvements would be an expansion of the existing use of the site as the McMinnville High School (MHS) campus beyond that which is currently allowed through an existing conditional use permit. A variance is required because one portion of the proposed building would be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the R-2 (Single-Family Residential) zoning district.

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 approve, approve with conditions, or deny the conditional use and variance requests.

New Information since November 17, 2016 Public Hearing:

The main changes from the information that was provided at the November 17, 2016 Planning Commission and public hearing are the site changes that have been proposed by the applicant. The changes that are being proposed to the site are the result of further design and engineering that occurred as the plans were developed into final construction plans. Specifically, those changes include:

- Relocation of the bathroom facilities associated with Baker Field from an area fronting NE 17th Street to an area fronting NE Evans Street.
- Addition of restroom facilities on the exterior of the field house located southeast of the existing stadium.
- Changes to architectural features on the south elevation of the new vocational/technical building (Technology Center) and the elevations on the new Field House.

The relocation of the bathroom facilities associated with Baker Field results in the structure being located further from adjacent residential properties than the location that was originally proposed. Therefore, the bathroom structure will have less impact on the surrounding neighborhood, the structure will meet setback requirements, and staff believes that this change is an improvement to the overall site.

The addition of restroom facilities on the exterior of the Field House was required by the Building Code, based on the proposed use of the structure. The restroom facilities have been added to the exterior of the Field House, which results in the restroom portion of the structure being located in a required rear yard setback. The Field House is being constructed on a portion of the site that is on a separate tax lot. Therefore, there are specific setback requirements for any structure being constructed on that lot.

The addition of the restroom facilities to the exterior of the structure results in that portion of the structure being located 10 feet from the rear property line, which is the west property line. However, the entire Field House has been situated on the lot so that it is as far from adjacent properties and residential uses as possible. Therefore, staff is supportive of the overall placement of the Field House and supports the smaller rear yard setback because the restroom facilities will be adjacent to other fully developed School District property and not impact the surrounding neighborhood and residential uses. The placement of the facility in this location can be allowed as part of the design of the site through the conditional use process by establishing a special yard area as a condition of approval. This is allowed when the establishment of a special yard area will avoid a detrimental impact to the surrounding area and protects the best interest of the surrounding area (Section 17.74.040(B)).

The final proposed changes to the site are the changes to the south elevation of the Technology Center and the elevations on the Field House. Due to costs, windows were removed from the south elevation of the Technology Center and each elevation on the field house. In place of windows on the south elevation of the Technology Center, the applicant is proposing to locate signage on the upper portion of the structure and to include alternate patterns and colors of metal paneling above the windows and doors on the main floor of the structure. The placement of the signage breaks up the solid metal panel wall and the alternate metal panel treatments above the windows and doors provide for more interest and articulation in the façade.

In place of windows on the Field House, the applicant is proposing to add additional signage to the building, as well as carry over the alternate patterns and colors of metal paneling that will be installed on the south elevation of the Technology Center. Similar to the Technology Center, the placement of the signage breaks up the solid metal panel wall and the alternate metal panel treatments above the doors and on the north elevation provide for more interest and articulation in the façade. Therefore,

staff is supportive of the proposed changes to the elevations of the Technology Center and Field House.

The letter that was received from a resident as testimony, which is included in Exhibit A as an attachment, refers primarily to concerns with student driving speed and carelessness, and concerns about the safety impacts of an increase in student traffic on NW 12th Street. In regards to the concerns about driving speed and carelessness, staff believes that this issue is outside the purview of the Planning Commission and not necessarily related to the specific request to expand the existing high school. Based on the statements provided in the resident's letter, the disregard for traffic laws is an existing condition and the slight expansion of the high school as proposed would not directly cause any increase in students not following traffic laws. Realizing that this is a concern of the neighborhood, staff will forward the comments received about the disregard of traffic laws to the Police Department, and they can determine how best to proceed with enforcement.

The applicants have provided evidence that the expansion of the high school can occur without impacting the safety or functionality of the surrounding street network. The expansion of the high school could accommodate 100 additional students, but the School District does not envision that growth actually occurring in the near future. Regardless, in the transportation study that was provided with the application the applicant demonstrated that the increase of 100 additional students, which resulted in an increase of 43 trips in the morning, 29 trips in the afternoon, and 13 trips in the evening, could be accommodated by the surrounding street network. After incorporating those additional trips, the only impacts on the surrounding street network were that three intersections had a slight increase in delays in the morning peak hour, and one intersection's delay period actually improved in the afternoon peak hour.

Conditional Use Review:

In reviewing a conditional use request, the Planning Commission must weigh the proposed uses appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed.

The improvements to the MHS site are being proposed to improve high school facilities and programs on the existing high school site, rather than building a second high school facility or expanding facilities off-site. The proposed improvements include:

- New vocational/technical building (Technology Center) to be located west of the existing stadium.
- Centralized athletic complex that will replace the main gymnasium, auxiliary gym, locker rooms, and yoga/dance facilities.
- Replacement classrooms in the central high school building.
- New field house to be located southeast of the existing stadium.
- Improvements to Baker Field, located between NE Evans Street and NE Baker Street, including installation of field turf, timer controlled lighting, restrooms, and new pathways.
- Expanded parking lot west of the stadium and north of the Technology Center to accommodate more parking and improve bus and vehicular flow through the site.

The plan to expand the current MHS site came out of the School District's Long Range Facilities Task Force, which had determined that there is not a sufficient student population to justify two separate high schools and had recommended these improvements to the MHS site instead. The expansion of the existing MHS site is also being proposed because the current high school is centrally located and easily accessible for students throughout the school district.

The School District has conducted a public outreach process to make property owners in the immediate vicinity of the high school aware of potential activities that could be occurring on the existing MHS site. The School District has maintained a mailing list of about 300 property owners, all of whom were invited to open public meetings in September 2016. The purpose of these open public meetings was to discuss the proposed improvements included in this conditional use and variance request, and a total of 47 people attended two separate meetings. Some key land use-related issues that were raised by attendees of those meetings included construction phasing, parking supply, vehicular circulation and bus access, and building aesthetics.

Evaluation of Review Criteria:

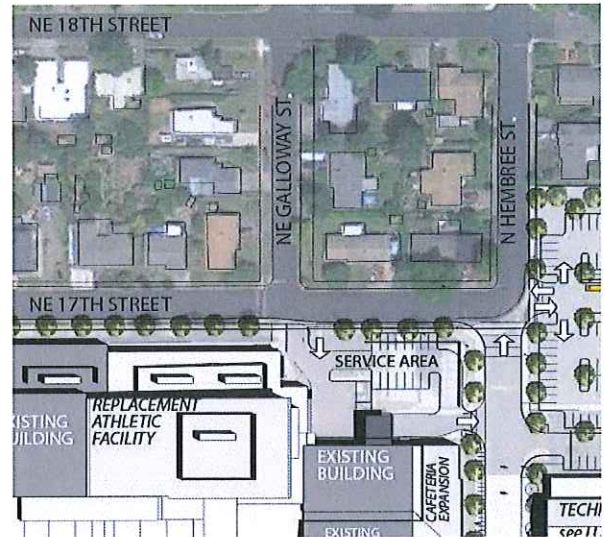
The potential impacts of a proposed conditional use on the abutting properties and surrounding neighborhood should be minimized through the design, location, and operating characteristics of the proposed development. In order to ensure that the proposed use and development is appropriate and has minimal impacts on the surrounding neighborhood, the Planning Commission must find that the following criteria are being met:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

Comprehensive Plan Policies: A number of Comprehensive Plan goals and policies relate to the proposed development. In particular, Comprehensive Plan Chapter III (Cultural, Historical, and Education Resources) includes goals and policies applicable to this request. Those goals and policies, which are identified and explained in detail in the Findings of Fact in Exhibit A, state that the City of McMinnville shall allow future community center type facilities to locate in appropriate areas, and that the City of McMinnville shall cooperate and coordinate with the McMinnville School District in planning for school facilities.

Zoning District Requirements: The property in question is located in the R-2 (Single-Family Residential) zone, and the proposed use, a school, is allowed as a conditional use in the R-2 zone (Section 17.15.020).

The lot size is greater than the minimum lot size in the R-2 zone and the existing buildings comply with all applicable setbacks with one exception. One portion of the main building does encroach into the required 20 foot rear yard setback in the R-2 zone (Section 17.15.040). The north side of the building is setback only 17 feet from the north property line, and this area is treated as the rear yard. However, because the building was constructed prior to adoption of the current setback requirements of R-2 zone, this portion of the building would be considered legally nonconforming. There are two additional structures on the north side of the property, between NE Galloway Street and NE Hembree Street, which are also nonconforming because they do not meet the required 20 foot rear yard setback. These structures include a greenhouse and storage shed, but they will be removed during the proposed expansion. The greenhouse will be relocated to an area east of the site of the proposed Technology Center. These modifications will ultimately decrease the number of nonconforming structures on the site. All new buildings being proposed will be built to meet required setbacks or within existing building envelopes. The buildings being removed or relocated are shown below, with existing conditions on the left and the same area after the proposed improvements are completed on the right:



The new athletic facility that will replace the existing gymnasium, auxiliary gym, locker rooms, and yoga/dance facilities is proposed to be constructed at a maximum height of 53 ½ feet. The maximum building height in the R-2 zone is 35 feet (Section 17.15.050), so the proposed athletic facility portion of the MHS site would require approval of a variance request which is part of the application currently before the Commission and will be discussed in greater detail below.

Parking Requirements: Parking on the site is proposed to be increased to better accommodate parking for high school activities to be conducted on the site. The school currently has 421 parking spaces, which is 41 more than the minimum required to meet parking standards for the existing high school building on the MHS site. The following tables describe the parking that will be required for the proposed expansion and the total amount of parking being proposed by the applicant:

	Quantity	Spaces Required*
New Classrooms	4	4
New Administrative Employees	0	0
New Students	100	17
New Spaces Required		21

	Quantity
Spaces Required Before Expansion	380
Existing Spaces	421
Spaces Required After Expansion	401
Additional Spaces Proposed	46
Total Proposed Spaces	467

*Section 17.60.060 (B)(10) requires that a senior high school provide one space per classroom plus one space per administrative employee plus one space per each six students

All other design and access requirements of the McMinnville Zoning Ordinance are being met with the proposed parking area design (Section 17.60.080 (A) – (C)). The parking areas are being reconfigured to allow for the additional spaces and the construction of the new Technology Center building, which is being constructed in an area that is currently occupied by a parking lot. To accommodate the new building and the additional parking spaces, parking lots will be reconstructed north of the Technology Center building in an area that is currently used as open practice fields. The new parking areas can be seen below, with existing conditions on the left and the same area after the proposed improvements are completed on the right:



While the parking areas are being located closer to property lines and therefore closer to adjacent properties, the School District is proposing to design the parking areas in such a way as to minimize potential impacts to surrounding properties and uses. The parking area on the north side of the site, between NE Hembree Street and the existing stadium, will be set back 32 feet from the property line. Extensive landscaping will be installed in that setback area to provide screening between the parking area and the surrounding uses. This landscaping, as proposed, will include 10 Tupelo trees, 38 Shore Pine trees, 81 Viburnum, as well as a continuous five foot tall evergreen hedge. The parking area on the south side of the site, between the Technology Center and NE 15th Street, will remain as it is currently being used today and as approved in the conditional use permit from 2007, which is separated from the property line with an existing landscaped setback area 17-feet in width.

- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;

Harmony in Scale, Bulk, Coverage, and Density: The existing McMinnville High School site is quite large, at approximately 38.42 acres. The proposed improvements would, for the most part, be constructed within portions of the site that are already developed and used for school activities. The amount of open space and greenspace on the site is generally consistent with the development pattern and building coverage of the surrounding residential development, but at a larger scale because of the size of the site. The one area of proposed improvements that would not be constructed within existing developed portions of the site is the new parking area that would be constructed north of the Technology Center. This will be replacing existing open space and practice fields, but is being designed in such a way as to reduce the aesthetic impacts to abutting properties. A large buffer area is being provided between the parking area and the property line, with extensive landscaping to provide screening. The interior and other edges of the parking area are also being landscaped to provide additional screening and buffering.

The School District is also proposing some changes to the site that would reduce impacts to abutting properties and the surrounding neighborhood. As mentioned previously, two structures on the north

side of the property, between NE Galloway Street and NE Hembree Street, are legally nonconforming because they do not meet the required 20 foot rear yard setback. These structures include a greenhouse and storage shed, but they will be removed during the proposed expansion, therefore reducing the impacts and encroachments into areas near abutting properties. On the southeast corner of the site, the School District will be removing an existing maintenance facility and replacing it with a field house. The removal of the existing maintenance facility is possible because the school district is in the process of acquiring property in a more industrial area to centralize their maintenance activities; the Commission may recall their recent review of CU 7-16 in August, 2016, approving this use for property located on NE Lafayette Avenue. The new field house will be constructed to meet all required setbacks, and this use will be less impactful on abutting properties and the surrounding neighborhood. The field house should not have as much traffic and noise as the existing maintenance facility, as it will be used mainly for school athletic programs and athletic equipment storage.

The main expansion components of the proposed improvements that will impact scale and bulk include the Technology Center and the replacement athletic facility, which is the proposed 53 ½ foot tall portion of the building. The Technology Center will be constructed on an inner portion of the overall MHS site, which results in the new building incorporating and blending into the existing development of the site. It will be centrally located and easily accessible from both parking areas and the central high school building. The replacement athletic facility will be constructed within the existing central high school building envelope. It is proposed to be constructed to a maximum of 53 ½ feet in height, which is about 22 feet taller than the tallest point of the existing building. However, the athletic facility will have a shed roof, with only the northern portion of the building being 53 ½ feet in height, and the remainder of the building transitioning back down to the existing building height. The height of the proposed replacement athletic facility will require a variance, so the building height will be discussed in more detail below.

Availability of Public Facilities and Utilities: Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the proposed utilities on the site associated with the expansion.

Traffic, Circulation, and Parking: The School District did complete a transportation analysis to account for the additional 100 students that could be accommodated on the site after the expansion. The analysis showed that the existing street network could easily accommodate the anticipated traffic from the proposed expansion. The site will still be accessed from the same primary locations, from NE 15th Street on the south side, between NE Galloway Street and NE Irvine Street, and from NE 17th Street on the north side, near NE Hembree Street. However, internal circulation within the site will be improved. A dedicated bus lane will be provided through the new parking areas on the north side of the site, keeping bus traffic and vehicle traffic separated.

The parking areas on the site were described in detail above, and actually exceed the minimum requirements of the McMinnville Zoning Ordinance. The School District will be providing 46 new parking spaces as part of the proposed expansion. The total number of parking spaces required after the completion of the proposed expansion is 401 spaces, and after incorporating the additional 46 spaces, the School District will be providing 467 parking spaces throughout the site. While it may not alleviate the entire issue, the 46 new parking spaces being provided on the site should reduce on-street parking in the areas surrounding the high school.

- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;

The McMinnville High School campus has existed in its current location since the 1950s and is established in its current location and within the existing neighborhood. There have been multiple successful expansions and modifications completed in the past. With this currently proposal the School District has provided evidence of a substantial effort being placed on mitigating potential issues between the school and the surrounding neighborhood, which the District remains committed to continue into the future.

The main impacts of the school on the surrounding area, as evident in the types of questions that arose at the September 2016 public meetings, are construction impacts, impacts from sporting events, and on-street parking on the surrounding public streets during school operations. The School District is proposing to complete the proposed improvements over a 2 ½ year period beginning in February 2017. The construction activities will be coordinated to occur, as much as possible, during the summer months when the use of the school is much lower than the school year. Some construction will need to take place during the school year, but by completing much of the construction during the summer, impacts to the surrounding neighborhood should be minimized.

The School District has provided evidence of their efforts in mitigating other impacts from sporting events and on-street parking on surrounding public streets. The stadium lights have been improved with timers that shut lights off at consistent times in the night. All lighting associated with the proposed improvements will be designed to be directed away from surrounding residential uses, and will be hooded to focus and direct light to the athletic fields and parking areas.

The School District, as described above, has kept in contact with a list of about 300 property owners in the surrounding neighborhoods. Various high school student groups have also begun to work on community outreach. A yard trash removal program has been initiated by the high school, with multiple student groups policing and picking up trash around the school property. The Associated Student Body Leadership Group, which consists of about 40 students, has also started to provide outreach to the community, including a neighborhood leaf raking program, door-to-door communication of high school activities, and communication of future heavy parking events that will occur at the school. City staff acknowledge that the School District has taken the initiative to address the major impacts that the neighborhood has brought forward in the past.

- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

The site and the proposed buildings have been designed in such a way as to blend in with the existing development of the site and the existing structures. The School District is also proposing to make improvements to the site where possible. As described in more detail above, nonconforming structures are being removed, heavier uses (maintenance facility) are being relocated off-site, and buffering and landscaping are being incorporated into the site to provide space and screening between the high school and the surrounding neighborhood. The new buildings associated with this expansion will be constructed to blend in with the existing buildings on the site. The Technology Center will include a brick veneer along the south elevation that will be most visible from off-site, but will also incorporate more modern building materials such as anodized aluminum windows and metal wall panels. The replacement athletic facility will be constructed of materials consistent with other portions of the central high school building.

- E. The proposal will preserve environmental assets of particular interest to the community;

There are no city-inventoried environmental assets within the site. In past conditional uses analyses, this criteria was deemed to not be applicable.

- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The School District has intent and capability to develop the land as proposed. The district is committed to completing the proposed improvements in a timely manner, and given the passage of the 2016 bond measure, has the financial capacity to complete the proposed improvements.

Variance Review:

One of the main improvements being proposed is the replacement of existing athletic facilities in the central campus building with a new athletic facility. The School District is attempting to use space within the existing MHS site as efficiently as possible. The incorporation of all of the athletic facilities on the site in one updated athletic facility allows the high school to retain all of the athletic facilities on one campus, while still providing space for other necessary activities, such as the new Technology Center, improved athletic fields, and additional parking spaces.

The School District is also attempting to expand the school within the existing building envelope as much as possible, so as not to expand outward and closer to abutting properties. The proposed replacement athletic facility would be constructed in the location of existing athletic facilities in the central high school building, near the north side of the site. In order to accommodate all of the required athletic facilities, including indoor basketball courts, training areas, locker rooms, and weight training facilities, in one central location, the School District is proposing to construct a building that is taller than the maximum allowable height in the R-2 zone.

The maximum height allowed in the R-2 zone is 35 feet (Section 17.15.050). The replacement athletic facility is proposed to be constructed at 53 ½ feet. However, a special exception to building height is permitted for public buildings, which includes educational institutions and schools. Under this exception, a school may be erected to a height not exceeding 60 feet, provided that required yards are increased one foot for each one foot of additional building height above the height regulations for the zone (Section 17.54.040(A)). Under this exception, the proposed 53 ½ foot building would be permitted if the required yard could be increased by 18 ½ feet. The rear yard setback in the R-2 zone is 20 feet (Section 17.15.040), and would need to be increased by 18 ½ feet to 38 ½ feet to allow for the proposed 53 ½ foot tall building.

The existing central high school building currently does not meet the required 20 foot rear yard setback because it was constructed prior to the adoption of the current setback requirements for the R-2 zone. Therefore, the School District does not have the ability to increase the yard setback to provide for the taller building. This situation has led to the request for the variance, which is to allow for the construction of the 53 ½ foot building without increasing the required rear yard setback to 38 ½ feet.

Evaluation of Review Criteria:

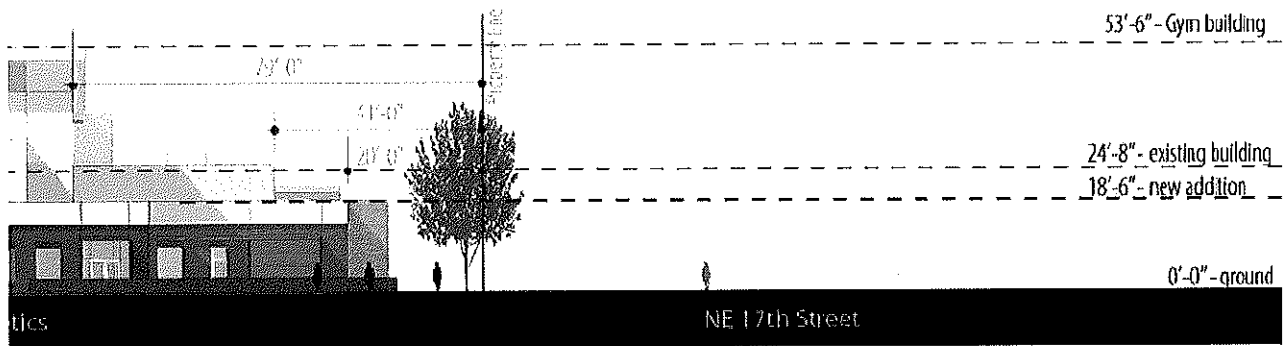
In reviewing variance requests, the Planning Commission must determine whether, owing to special and unusual circumstances related to a specific piece of property, strict application of the McMinnville Zoning Ordinance would cause an undue or unnecessary hardship. In order to grant a variance, the Planning Commission must show that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;

McMinnville High School is the only high school site in the City of McMinnville and is fully established in its current location. The high school was also originally constructed prior to the adoption of the McMinnville Zoning Ordinance, and therefore was not constructed with any knowledge of what the required setbacks would be in the zoning district. These characteristics represent extraordinary circumstances that do not generally apply to other properties in the vicinity.

The construction of the building prior to the adoption of the McMinnville Zoning Ordinance also creates a situation in which the required yard cannot be increased to allow for the taller building that is being proposed. The norther portion of the building, which is existing single story classroom space, is currently setback only 17 feet from the rear property line. In order to create the 38 ½ foot yard setback that would be required to construct a 53 ½ foot tall building, the existing single story building would need to be removed. This is not possible because the space is needed to meet the high school’s programmatic needs.

Also, an exceptional circumstance exists in that the portion of the building that is being proposed to be constructed at 53 ½ feet in height is actually setback a greater distance from the property line and would meet the required yard setback if constructed on its own. The wall of the proposed taller portion of the building is actually set back 79 feet from the rear property line. This is more than double the yard setback that would be required to allow the 53 ½ foot tall building on its own. As described above, the existence of the existing single story building, which was constructed before the McMinnville Zoning Ordinance was adopted, is located in the area that would be used for the increased yard setback and is not able to be removed. A visual of the proposed 53 ½ foot tall building and the setbacks is provided below:



- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;

The existing use of the property as a high school is allowed under previous conditional use permits that have been granted to the School District. The McMinnville Zoning Ordinance states that a conditional use shall become a property right (Section 17.74.060(A)). The School District, in planning for growth and incorporation of additional school activities, had a reasonable expectation that they could continue to use the existing MHS site based on the property right granted to them in the form of the previous conditional use permits. In order to preserve that property right, the School District is arguing that the height variance will be necessary and will allow them to provide necessary facilities at a location in which significant investment and planning has occurred.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

The purpose of the McMinnville Zoning Ordinance, in general, is to encourage appropriate and orderly physical development in the city and to promote public health, safety, and general welfare. The School District has provided many arguments for how the proposed development is appropriate and orderly, as described in more detail in the conditional use review above. Staff believes that the proposed 53 ½ foot tall portion of the building has been designed in such a way as to be incorporated effectively into the existing site, therefore not conflicting with public health, safety, or welfare.

The replacement athletic facility is proposed to be located centrally within the site and within the envelope of the existing central high school building. The portion of the building that will be constructed at 53 ½ feet in height will be setback 79 feet from the property line. This will provide for adequate space, light, and air between the taller building and any other building located on abutting property, and will not create an environment in which the tall building is encroaching on abutting properties. The building will also be constructed with a stepped design that would transition from the tallest portion of the building down towards the property line. This will assist in relieving any potential aesthetic impact of the taller portion of the building. The School District has provided visual examples to better reflect the impact of this stepped design, and a rendering showing the proposed 53 ½ foot tall building from NE 17th Street is provided below:



D. The variance requested is the minimum variance which would alleviate the hardship.

The School District has provided details on the proposed construction of the replacement athletic facility. The building has been designed to be only as tall as necessary to accommodate the activities that will need to occur within the building. The building will include indoor basketball courts, training areas, locker rooms, and weight training facilities. A certain roof height is required for each type of facility within the building. However, in order to minimize the overall height of the building, the facilities within the building have been organized so that the 53 ½ foot tall roof is not required over the entire building. This results in a building with a shed roof. The shed roof at its tallest point is 53 ½ feet tall where roof heights must be provided for locker rooms and the indoor basketball courts, but the roof height transitions down to the west to better blend in to the existing structure and minimize the variance being requested.

Based on the observations and arguments described above, and the findings of fact and conclusionary findings attached as Exhibit A, staff is recommending that the conditional use permit and variance be approved with the following conditions:

1. That prior to the release of building permits for the proposed development, the School District shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
2. That any outside lighting shall have hoods or shoebox-type fixtures to direct light both downward and away from the nearby residences and any public right-of-way.
3. That the School District shall coordinate with McMinnville Water and Light on electric and water service to the property. If the proposed expansion requires the addition/extension/relocation of any water main, water meters, fire lines, or fire hydrants an Extension Agreement and engineered drawings will be required between McMinnville Water and Light and the School District. All costs will be at the School District's expense.
4. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

Based on the observations and arguments described above, and the findings of fact, conditions of approval and conclusionary findings attached as Exhibit A, staff is recommending that the conditional use permit and variance be approved.

Suggested Motion: “I move to approve the McMinnville School District’s application for a conditional use permit (CU 8-16) and variance request (VR 2-16) per the Findings of Fact, Decision, Conditions of Approval, and Conclusionary Findings in Exhibit A.”

CD:sjs

EXHIBIT A

FINDINGS OF THE MCMINNVILLE PLANNING COMMISSION FOR MCMINNVILLE HIGH SCHOOL FOR APPROVAL OF A CONDITIONAL USE PERMIT AND VARIANCE REQUEST

- DOCKET:** CU 8-16 & VR 2-16
- REQUEST:** The applicant is requesting approval of a conditional use permit to allow for a change in the use of the existing McMinnville High School site to add a new vocational technical school with four additional classrooms, incorporate additional athletic facilities including an auxiliary gym, weight training facilities, and locker rooms, upgrading of Baker Field to synthetic turf, addition of walking paths and timer controlled lighting around Baker Field, and new parking areas with 46 additional parking spaces. The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district.
- LOCATION:** The property in question is located at 615 NE 15th Street and is more specifically described as Tax Lots 2600 & 3000, Section 16CA, T. 4 S., R. 4 W., W.M, and Tax Lot 1590, Section 16CC, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site is designated as Residential on the McMinnville Comprehensive Plan Map, and is zoned R-2 Single Family Residential.
- APPLICANT:** McMinnville School District
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** November 17, 2016. Meeting held at the Civic Hall, 220 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. As of the date of completion of this report, no comments in opposition to this application had been received from these agencies.

DECISION AND CONDITIONS OF APPROVAL

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Conditional Use Permit (CU 8-16) and Variance Request (VR 2-16) for the McMinnville High School **subject to the conditions of approval below.**

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

1. That prior to the release of building permits for the proposed development, the School District shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
2. That any outside lighting shall direct light both downward and away from the nearby residences and any public right-of-way.
3. That the School District shall coordinate with McMinnville Water and Light on electric and water service to the property. If the proposed expansion requires the addition/extension/relocation of any water main, water meters, fire lines, or fire hydrants an Extension Agreement and engineered drawings will be required between McMinnville Water and Light and the School District. All costs will be at the School District's expense.
4. That a special yard area be established on the lot that the Field House will be constructed upon. That lot is more specifically described as Tax Lot 3000, Section 16CA, T. 4 S., R. 4 W., W.M. The special yard area will apply to the west property line, which is treated as the rear property line, and will allow for the Field House and associated restroom facilities to be located 10 feet from the west property line to avoid a detrimental impact on the surrounding area and protect the best interest of the surrounding area.
5. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

COMMENTS

Copies of the application and requests for comment were forwarded to all necessary public agencies and other city departments. The City Engineer and Community Development Department responded and did not have any comments or suggested conditions of approval for either the conditional use or variance request. McMinnville Water and Light provided the following comments:

- Applicant should contact McMinnville Water and Light to discuss electric service to new buildings and upgrades to existing electric services if necessary.
- Applicant should contact McMinnville Water and Light for exact water main sizes around the McMinnville High School, as well as all the different water meters and fire lines serving all of the facilities. If this project requires the addition/extension/relocation of any water main, water meters, fire lines, or fire hydrants an Extension Agreement and engineered drawings will be required between McMinnville Water and Light and the owner. All costs will be at the owner's expense.

McMinnville Water and Light also provided some comments related to the proposed landscaping that may be in conflict with water and electric utilities. They have stated that some of the species of trees being proposed may cause problems with overhead power lines at full maturity. Staff is suggesting that the landscape plan be reviewed in detail by the Landscape Review Committee, and the species of trees could be modified if necessary to allow for planting of species that would not conflict with utilities at full maturity.

Notice of the conditional use and variance request was also mailed to property owners within 1,000 feet of the subject site. As of the date this report was written, no written comments had been received by the Planning Department.

ATTACHMENTS:

1. Applications for Conditional Use and Variance
2. Applicant Narrative, including:
 - a. Lighting Specifications
 - b. Transportation Impact Study
3. Project Drawings, including:
 - a. Existing High School Context Site Plan
 - b. Proposed Circulation Plan
 - c. Proposed Building Expansion Plan (Schematic)
 - d. Proposed Building Elevations (Schematic)
 - e. Proposed Building Elevations
 - f. Proposed Building Elevations
 - g. SE Axonometric View (Schematic)
 - h. SW Axonometric View (Schematic)
 - i. Landscape Plan (West)
 - j. Landscape Plan (East)
 - k. Existing Conditions (West)
 - l. Existing Conditions (East)
 - m. Site Plan West (detailed)
 - n. Site Plan East (detailed)
 - o. Proposed Parking and Circulation Plan (detailed)
 - p. Existing Utility & Easements
 - q. Proposed Utility & Easements
 - r. Partial Site Plan Photometric Calculations
 - s. Partial Site Plan Electrical
4. List of Property Owners to Whom Notice Was Sent
5. Vicinity Map
6. Affidavit of Publication
7. Letter Submitted by Mr. David Vicksta, Dated November 7, 2016
8. Updated Project Drawings

FINDINGS OF FACT

Goals and Policies from the McMinnville Comprehensive Plan which are applicable to the request are as follows:

CHAPTER III CULTURAL, HISTORICAL, AND EDUCATIONAL RESOURCES

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.

Policies:

- 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.

GOAL III 3: TO PROVIDE FOR THE EDUCATIONAL NEEDS OF McMinnville THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.

Policies:

- 18.00 The City of McMinnville shall cooperate with the McMinnville School District in the planning for future schools.

CHAPTER VI TRANSPORTATION SYSTEM

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

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 rights-of-way as transportation routes.

CHAPTER VII COMMUNITY FACILITIES AND SERVICES

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

Sanitary Sewer System 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.

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.

CHAPTER VIII ENERGY

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

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.

CHAPTER X CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

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.

The following sections of the McMinnville Zoning Ordinance are applicable to this request:

GENERAL PROVISIONS

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title 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, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

ZONING

17.15.020 Conditional uses. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- J. Public or private school;

17.15.040 Yard requirements. In an R-2 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 seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet.

17.15.050 Building height. In an R-2 zone, a building shall not exceed a height of thirty-five feet.

PARKING

17.60.060 Spaces—Number required.

B. Institutional land use category:

10. Senior high school: One space per classroom plus one space per administrative employee plus one space per each six students or one space per four seats or eight feet of bench length in the main auditorium or gymnasium, whichever is greater.

GENERAL REGULATIONS

17.54.040 Exceptions to Building Height. The following exceptions to building height are permitted.

- A. Public Buildings. Public, quasi-public or public-service buildings, hospitals, educational institutions or schools may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when permitted in a zone with lower height regulations, provided that required yards are increased one foot for each foot of additional building height above the height regulations for the zone.

CONDITIONAL USE

17.74.030 Authorization to Grant or Deny Conditional Use. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

17.74.040 Placing Conditions on a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

VARIANCE

17.74.100 Variance-Planning Commission Authority. The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

17.74.110 Conditions for Granting Variance. A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

CONCLUSIONARY FINDINGS OF APPROVAL

The subject requests comply with the applicable McMinnville Comprehensive Plan Goals and Policies, as well as with the applicable McMinnville Zoning Ordinance regulations. The applicant has submitted a detailed set of findings relative to this request, and staff has completed a thorough review of the proposal in relation to the review criteria established in the McMinnville Zoning Ordinance for conditional uses and variances. Staff supports approval of the conditional use and variance requests, based on the analyses and findings described in the staff report, and the conclusionary findings as follows:

1. The requests satisfy the applicable McMinnville Comprehensive Plan Goals and Policies as follows:
 - a. Goal III 1 and Plan Policy 13.00 are satisfied in that the proposed expansion of the existing school will allow for the enhancement of the existing facility in an appropriate area and will mitigate any potential impacts on surrounding land uses through the design of the site and efficient integration of additional school activities on the existing site.
 - b. Goal III 3 and Plan Policy 18.00 is satisfied in that the McMinnville School District has coordinated with the City of McMinnville and is proposing to expand the existing high school to accommodate additional education needs of the students in the City of McMinnville and the McMinnville School District. The site has been designed to integrate into the existing buildings and site, and will provide additional facilities to more efficiently handle school activities on the existing site.
 - c. Goal VI 1 and Plan Policies 126.00 and 127.00 are satisfied in that the School District will be providing parking spaces in excess of the minimum number required by the McMinnville Zoning Ordinance, which should reduce the amount of on-street parking in the areas surrounding the high school.
 - d. Goal VII 1 and Plan Policies 136.00, 142.00, 144.00, and 147.00 are satisfied in that the existing high school site is adequately served by public and private utilities, and the proposed expansion can either be accommodated by the utilities that currently serve the site or, if necessary, it is possible to upgrade utilities to accommodate the expansion.
 - e. Goal VIII 2 and Plan Policy 178.00 is satisfied in that the School District will be expanding the existing high school facilities in their current location and therefore be developing in a compact urban development pattern to provide for conservation of all forms of energy.
2. The requests satisfy the applicable McMinnville Zoning Ordinance regulations as follows:
 - a. Section 17.03.020 is satisfied for the reasons described in conclusionary finding number 1 related to the applicable Comprehensive Plan Goals and Policies.
 - b. Section 17.15.020 is satisfied because the proposed and existing use is permitted as a conditional use in the R-2 Single Family Residential zone, subject to receiving approval of the conditional use permit request.
 - c. Section 17.15.040 is satisfied in that all new buildings will be constructed within existing building envelopes on the site or will meet required yard setbacks. Two nonconforming structures that currently do not meet required setbacks will be either relocated or removed as part of the expansion improvements.
 - d. Section 17.15.050 will be satisfied, subject to receiving approval of the variance request to allow for the taller building within a portion of the existing central high school building on the site.
 - e. Section 17.60.060 will be satisfied in that the School District is providing 46 additional parking spaces on the site, which exceeds the minimum of 21 spaces that would be required for the expansion improvements. The total number of parking spaces required after the expansion is 401 and the School District will be providing 467 spaces, which shows a significant effort to provide for additional parking to reduce on-street parking in the surrounding neighborhood.
 - f. Section 17.54.040 will be satisfied, subject to the approval of the variance, in that the portion of the building that is being constructed at 53 ½ feet in height will be located within the existing

- building envelope and the wall of the taller building will be 79 feet from the property line, which is more than double the required setback of a 53 ½ foot tall educational building under the building height exception requirements.
- g. Section 17.74.030 will be satisfied in that the proposed expansion of the existing high school site will be consistent with Comprehensive Plan policies, particularly because the additional educational facilities will be in an existing school site which is an appropriate area for such facilities to be located. The design of the proposed expansion improvements will mitigate any potential impacts on the abutting properties and surrounding neighborhood through building design, building within existing building envelopes where possible, constructing new buildings to meet setback requirements, providing landscaping and buffering spaces, and improving vehicular and pedestrian circulation within the site. The proposed improvements will be attractive and will be incorporated into the existing site and will complement the existing buildings on the site. The applicant also has a bona fide intent to develop and use the land as proposed, as the bond measure provided the funding necessary to complete the proposed expansion improvements.
 - h. Section 17.74.040 is satisfied in that the conditions recommended by staff will ensure that the site is developed as proposed, and the conditions will also protect the best interest of the surrounding area and the community as a whole.
 - i. Sections 17.74.100 and 17.74.110 are satisfied in that the applicant has demonstrated that special and unusual circumstances related to the specific property in question result in a hardship and the need for a variance. The subject site is the only established high school in the City of McMinnville, and the original building was constructed prior to the adoption of the current R-2 requirements of the McMinnville Zoning Ordinance. This creates a difficulty in providing all necessary educational activities within the existing building envelope and still meet all zoning regulations. The variance would preserve a property right that the School District has to continue to operate the site as a high school, as was previously allowed with prior conditional use permits. The taller building that is being proposed will be incorporated into the existing building envelope of the central high school building, and the wall of the tallest portion of the building will actually be constructed 79 feet from the property line. This taller building would greatly exceed the required yard setback if the older portion of the building did not exist, and the overall building will be designed to step down toward the property line to still provide adequate air, space, and light between buildings on abutting properties. The taller portion of the building has also been designed as a shed roof to only be as tall as necessary to accommodate the required activities within the building, therefore creating a situation in which the minimum variance is being requested.

CD:sjs

McMinnville Planning Dept.

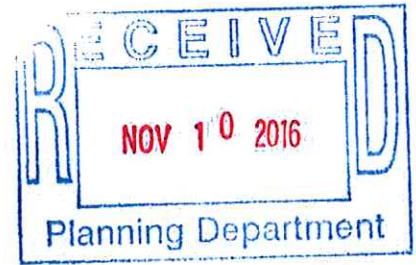
231 NE 5th St.

McMinnville, OR 97128

Attn. Heather Richards

Re: MSD Expansion Project Hearing on Nov. 17, 2016

Dear Ms. Richards:



My family owns the property at 247 NW 12th St. After reading the Application Narrative, I am concerned that not enough consideration was given to the impact on surrounding, not adjacent, neighborhoods.

Of the five listed neighborhood concerns, only two, stadium lights and trash, have been addressed. Specifically, I am concerned about student driving speed and carelessness and the safety impact an increase of student traffic on NW 12th St would bring to our neighborhood. Neighbors have complained to the police about the student road rally down 12th St. when school or events let out and nothing is done about it, even though there is an elementary school just around the corner. It is no secret to anyone who walks downtown or has tried to do 30 mph down Baker St or Adams St., that the Mc Minnville Police Dept. has little appetite for enforcing speed limits or vehicle noise control laws. It's simply not a priority and McMinnville is not a quiet town any more.

Therefore, my support for this project is contingent on some plan to also control student driving behavior on the area streets, like 12th St., omitted from the Application Narrative. Such a plan must include a written commitment from the Police Dept. to enforce speed limits and vehicle noise control laws in a broader area around the proposed project. Physical measures for 12th St and others like speed bumps, more stop signs, or lowering the speed limit from 25 to 20mph or less during certain hours would also be appropriate. In any case, a commitment to enforce these laws is absolutely imperative. Thank you.

David J. Vicksta

David J. Vicksta
11-17-2016



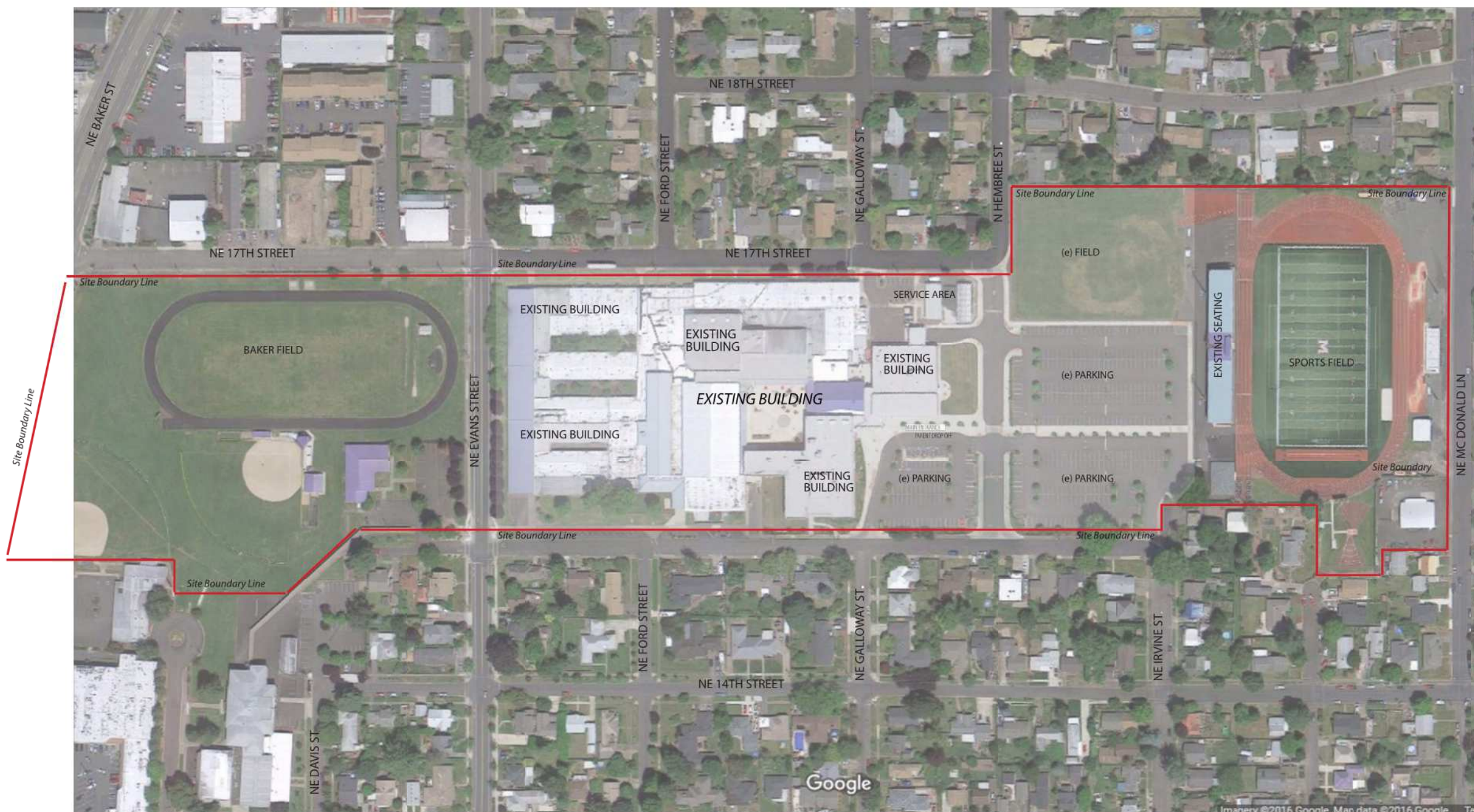
MCMINNVILLE
SCHOOL DISTRICT

1500 NE Baker Street McMinnville, OR 97205
tel 503 565 4000 fax 503 565 4030
www.msd.k12.or.us



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Architects, Inc.

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tel 503 226 6950 fax 503 273 9192
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McMinnville High School Addition and Remodel
McMinnville School District
 615 NE 15th Street, McMinnville, OR 97228
 t: (503) 565.4000
 f: (503) 565.4030

key plan	
phase	LAND USE
date	10/07/16
revisions	

project # 16029

EXISTING HIGH SCHOOL CONTEXT SITE PLAN

LU1.1.1



EXISTING HIGH SCHOOL CONTEXT

SCALE: 1" = 40'-0"

— SITE BOUNDARY LINE



McMINNVILLE SCHOOL DISTRICT

503 NE Baker Street McMinnville, OR 97128
tel 503.565.4000 fax 503.565.4030
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Addition and Remodel
McMinnville School District
615 NE 15th Street, McMinnville, OR 97128
t: (503) 565.4000
f: (503) 565.4030

key plan

phase LAND USE

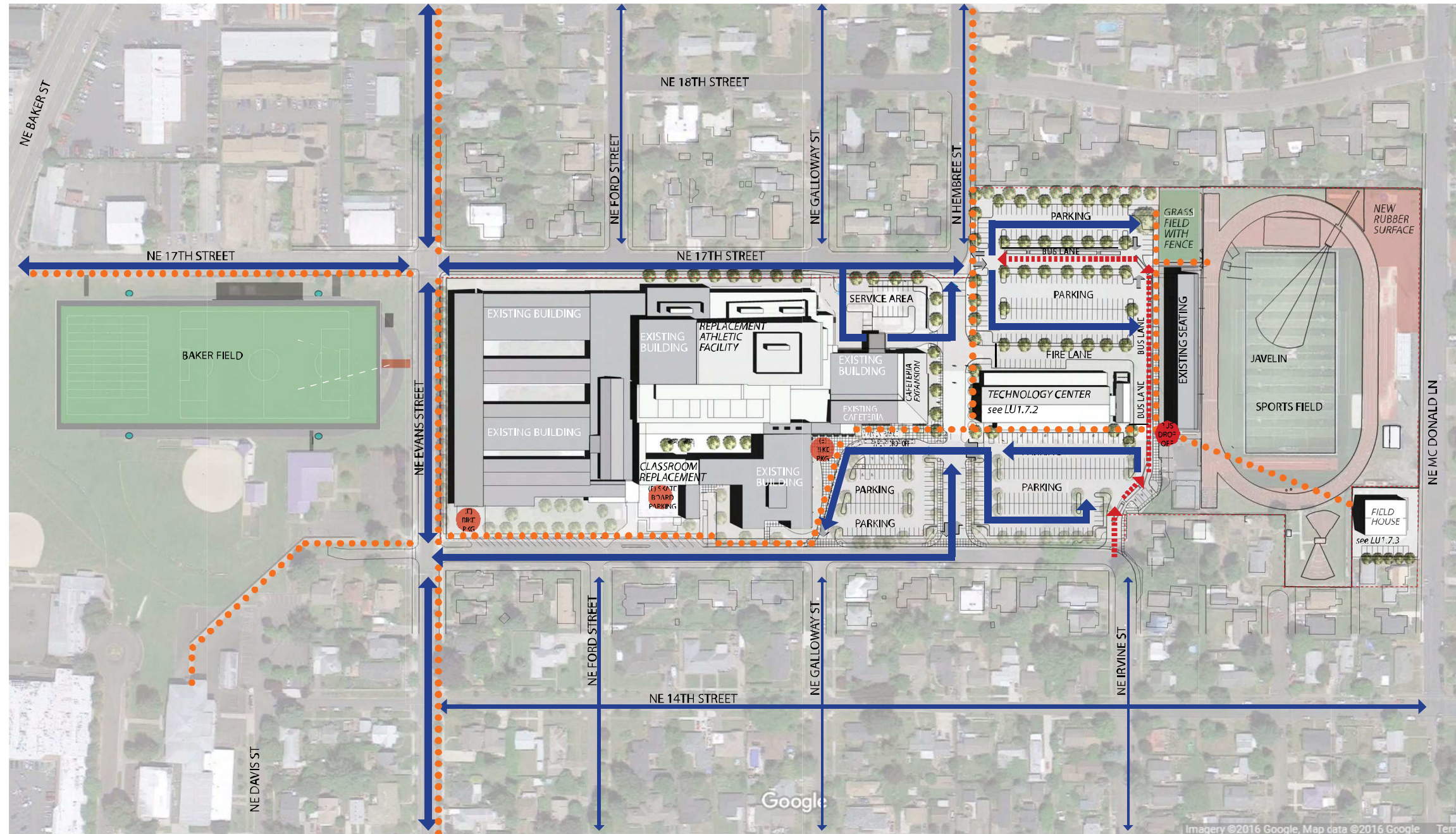
scale 1/3/16

revisions 01/03/17

project # 16029

TRANSPORTATION
CIRCULATION PLAN

LU1.2.1



CIRCULATION SITE PLAN

SCALE: 1" = 10'-0"

- PEDESTRIAN CIRCULATION
- BUS CIRCULATION
- VEHICLE CIRCULATION
- EXISTING BUILDING
- PROPOSED BUILDING
- SITE BOUNDARY LINE

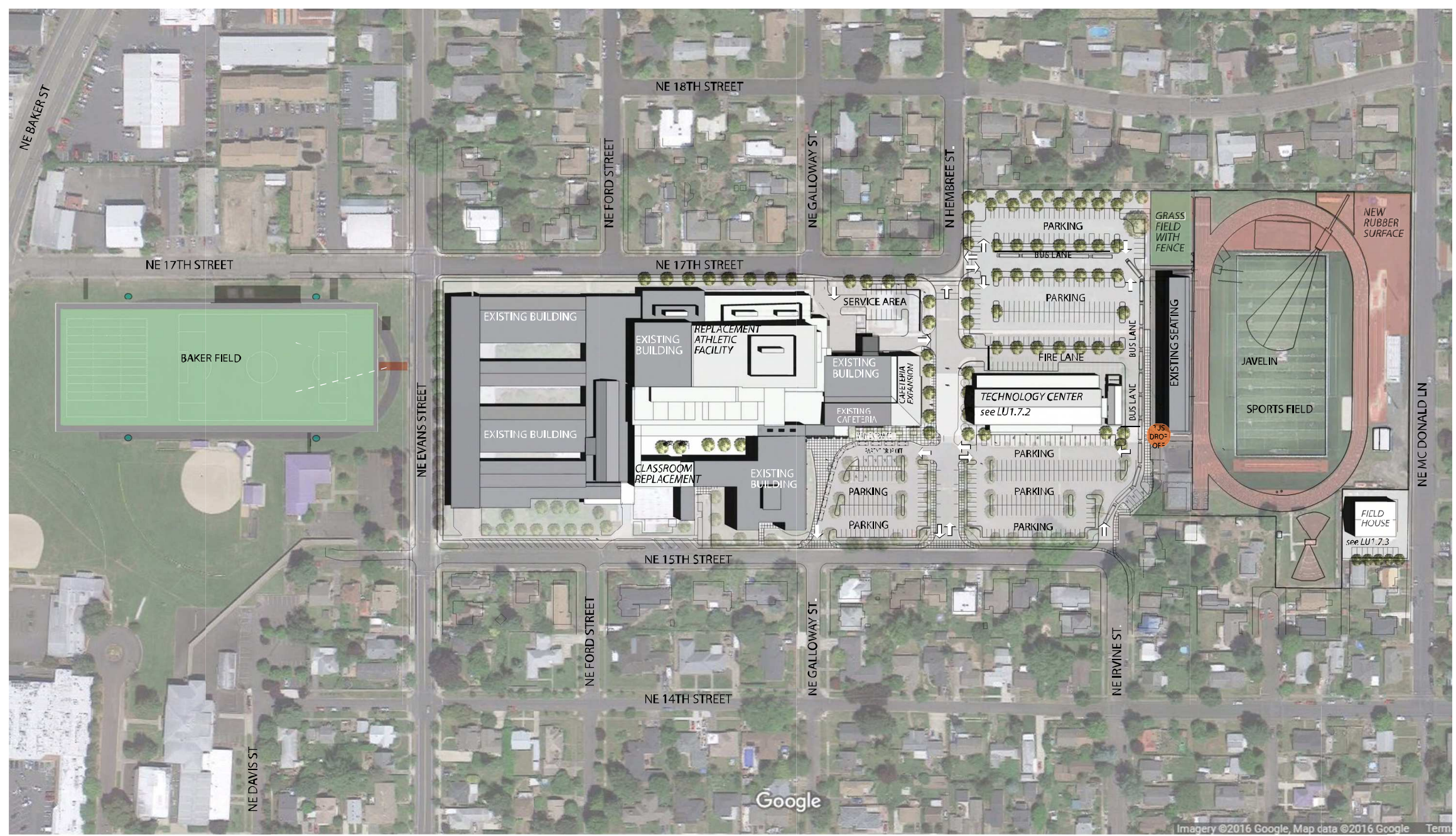


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 Architects, Inc.

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McMinnville School District
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PROPOSED BUILDING EXPANSION

SCALE: 1" = 10'-0"

EXISTING BUILDING
 PROPOSED BUILDING
 SITE BOUNDARY LINE

key plan	
phase	LAND USE
scale	1/3/16
revisions	01/03/16

project # 16029
PROPOSED BUILDING EXPANSION PLAN

LU1.5.1



MCMINNVILLE SCHOOL DISTRICT
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 tel 503 565 4000 fax 503 565 4030
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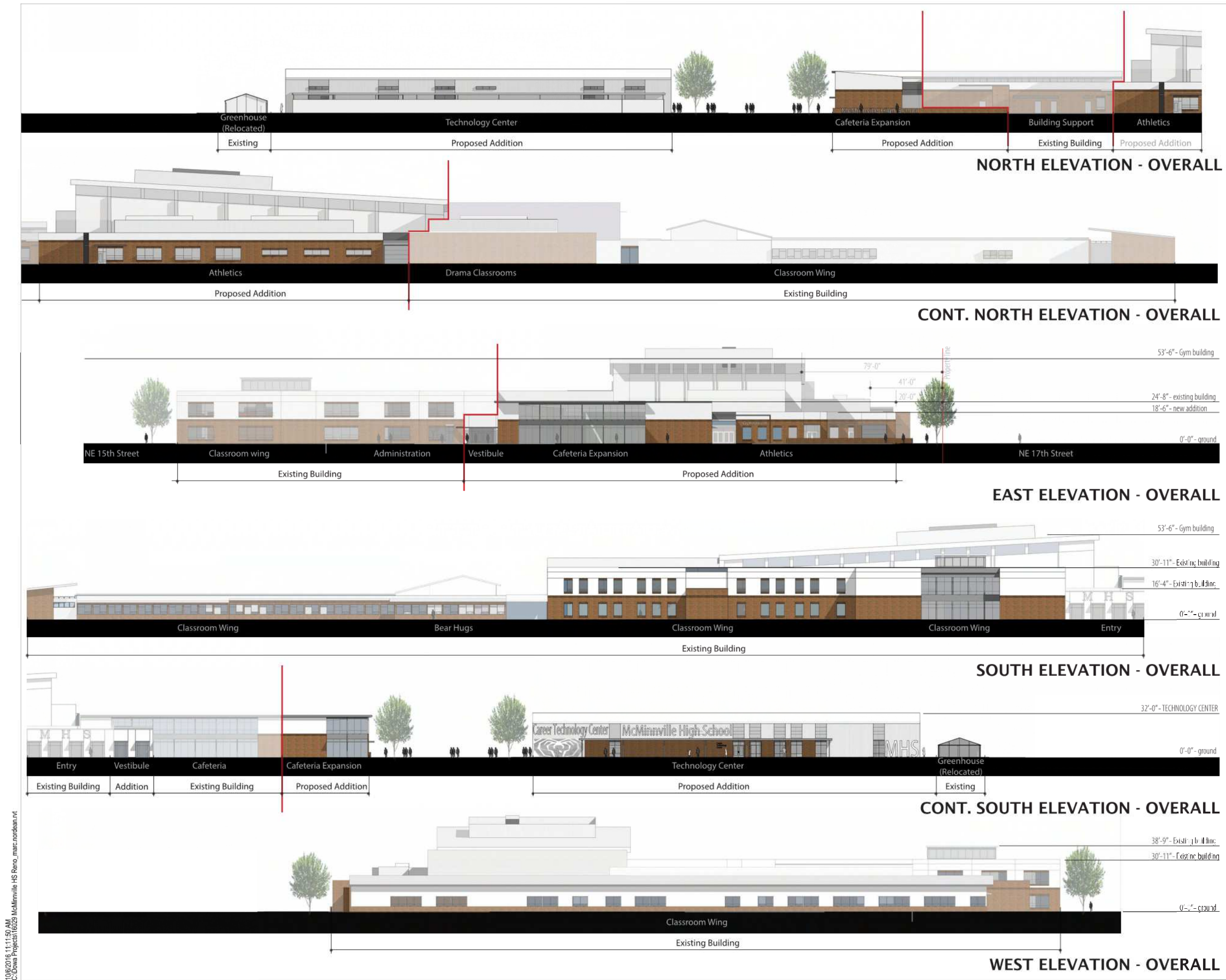
loua | IBI
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 907 SW Stark Street Portland, OR 97206 USA
 tel 503 226 0950 fax 503 273 9192
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key plan	
phase	LAND USE
date	10/07/16
revisions	
project #	16029
PROPOSED BUILDING ELEVATIONS	

LU1.7.1



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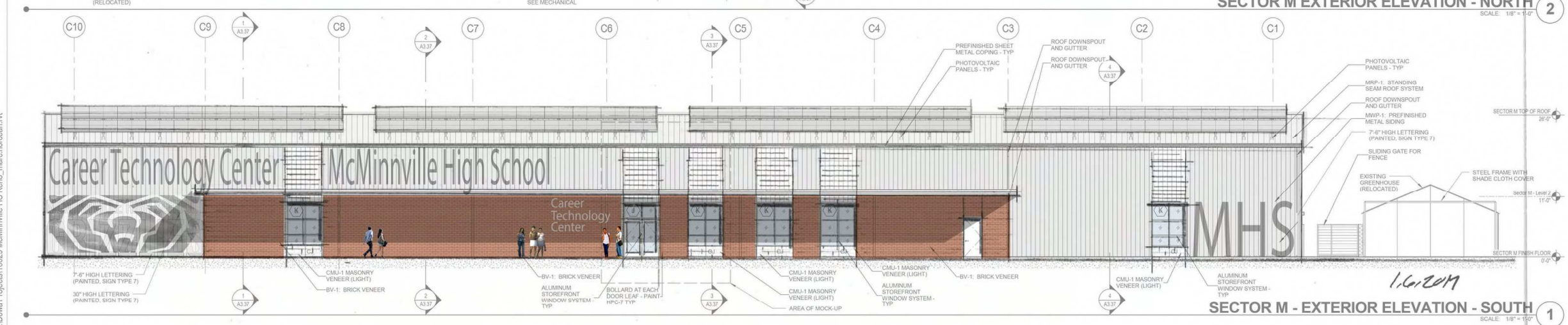
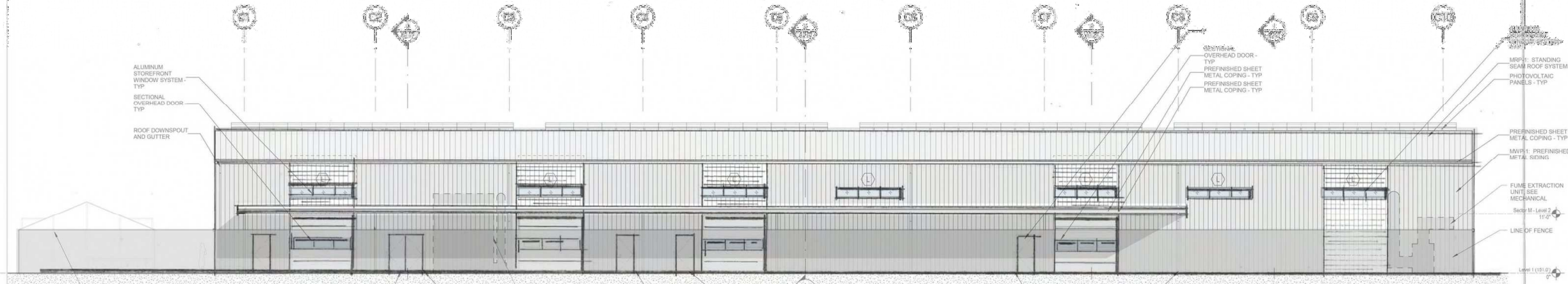
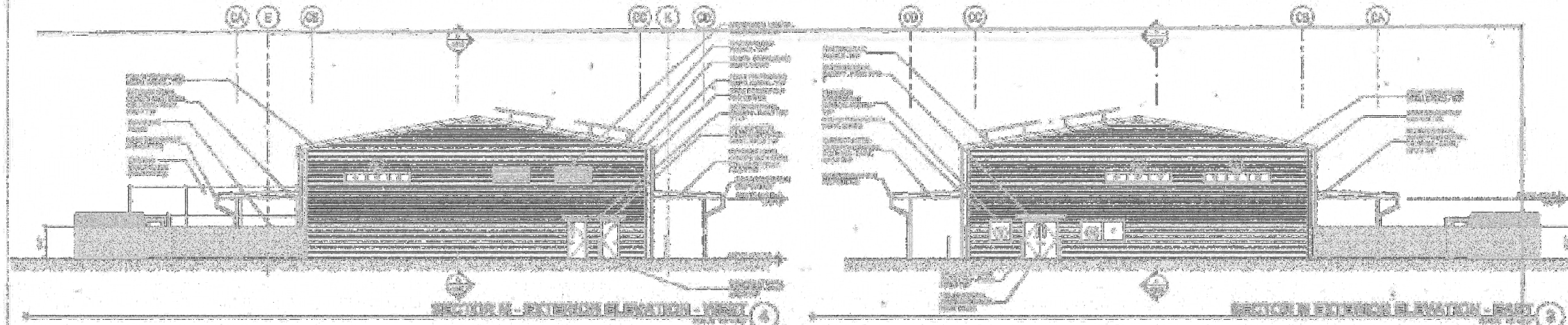
397 SW State Street Portland, OR 97206 USA
 tel: 503.223.9850 fax: 503.223.9182
 www.dull-olson-weekes.com www.ibe.com

EXTERIOR ELEVATION NOTES:

1. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.
2. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.
3. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.
4. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.

LEGEND:

	1. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.
	2. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.
	3. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.
	4. 1/2" - 1/8" REINFORCED CONCRETE ALL EXTERIOR WALLS.



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McMinnville High School Addition and Remodel
McMinnville School District
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key plan	
phase	LAND USE
date	10/07/16
revisions	
project #	16029
PROPOSED BUILDING ELEVATIONS	

LU1.7.2

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SCHOOL DISTRICT
1503 NE Baker Street McMinnville, OR 97128
tel: 503.565.4000 fax: 503.565.4030
www.mcmville.k12.or.us

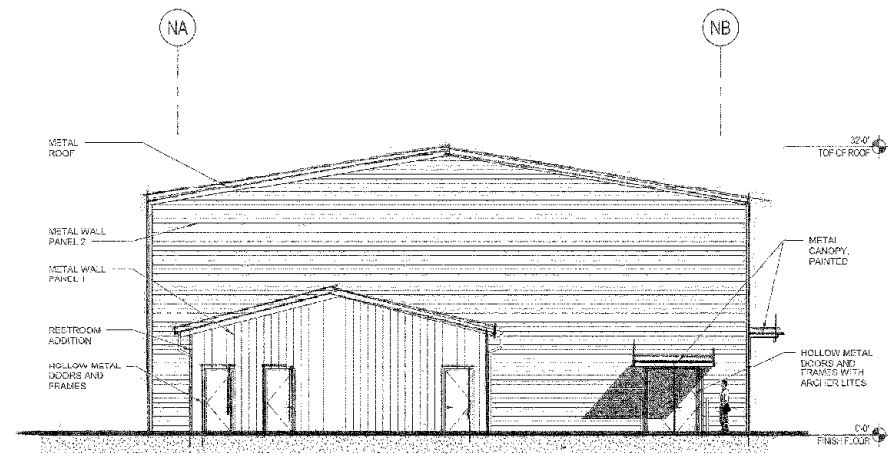
Iowa | **IBI**
Dull Olson Weekes - IBI Group
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337 SW State Street Portland, OR 97204 USA
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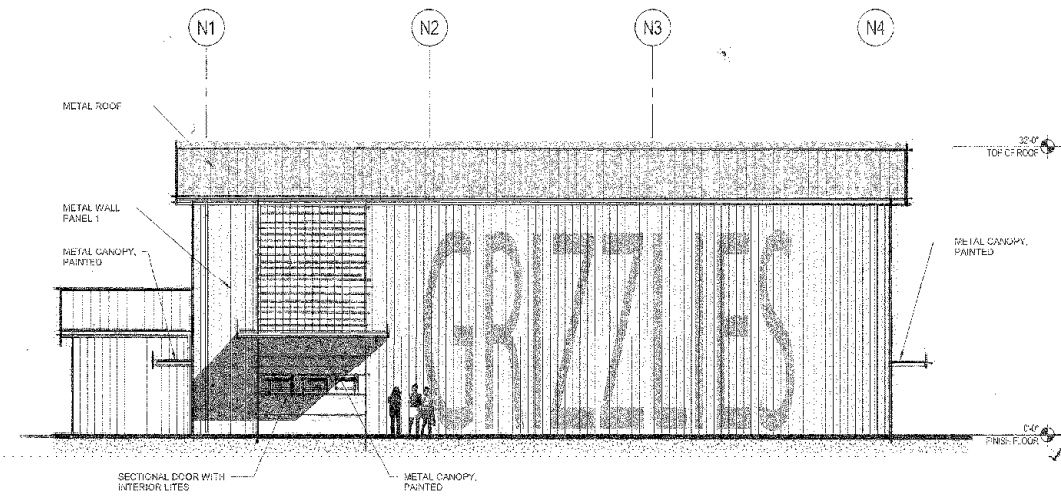
McMinville High School
Addition and Remodel
McMinville School District
615 NE 15th Street, McMinnville, OR 97128
t: (503) 565.4000
f: (503) 565.4030

key plan	
phase	LAND USE
date	1/30/16
revisions	
project #	16029
PROPOSED BUILDING ELEVATIONS	

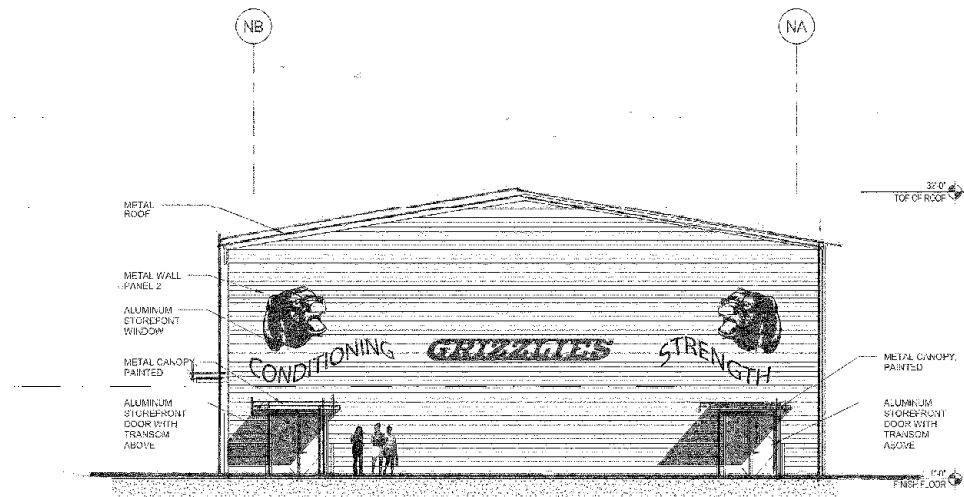
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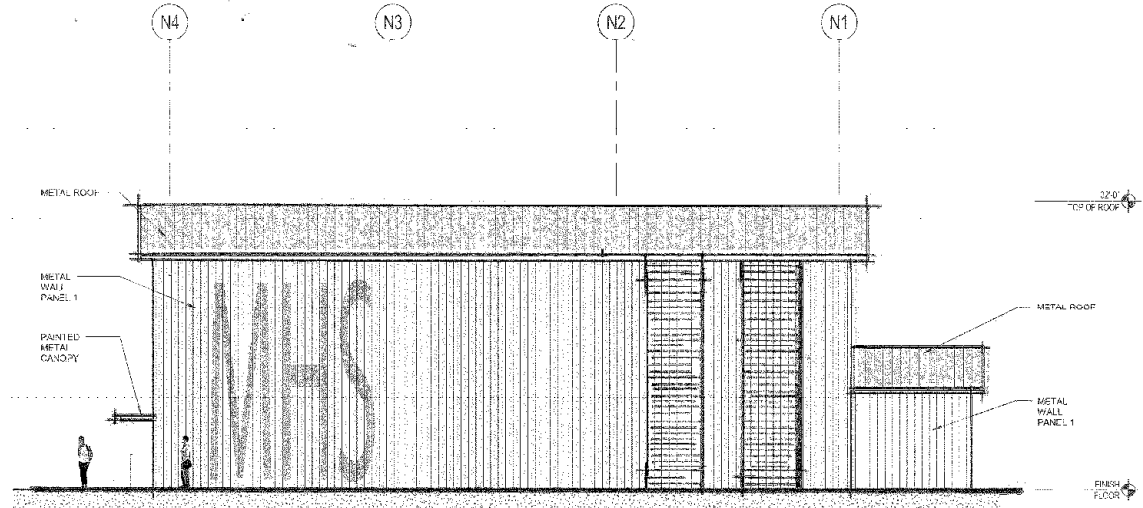
FIELD HOUSE EXTERIOR ELEVATION - WEST 4



FIELD HOUSE EXTERIOR ELEVATION - SOUTH 3



FIELD HOUSE EXTERIOR ELEVATION - EAST 2



FIELD HOUSE EXTERIOR ELEVATION - NORTH 1

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MCMINNVILLE SCHOOL DISTRICT

1500 NE Baker Street McMinnville, OR 97205
tel 503 565 4000 fax 503 565 4030
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McMinnville School District
615 NE 15th Street, McMinnville, OR 97128
t: (503) 565,4000
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key plan

phase LAND USE

date 11/07/16

revisions 01/03/16

project # 16029

PROPOSED BUILDING MASSING

LU1.7.4



EXISTING BUILDING
PROPOSED BUILDING

SE AXONOMETRIC VIEW



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McMinnville School District
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key plan
 phase LAND USE
 date 10/07/16
 revisions 01/03/16

project # 16029
 PROPOSED BUILDING MASSING

LU1.7.5



SW AXONOMETRIC VIEW

EXISTING BUILDING
 PROPOSED BUILDING



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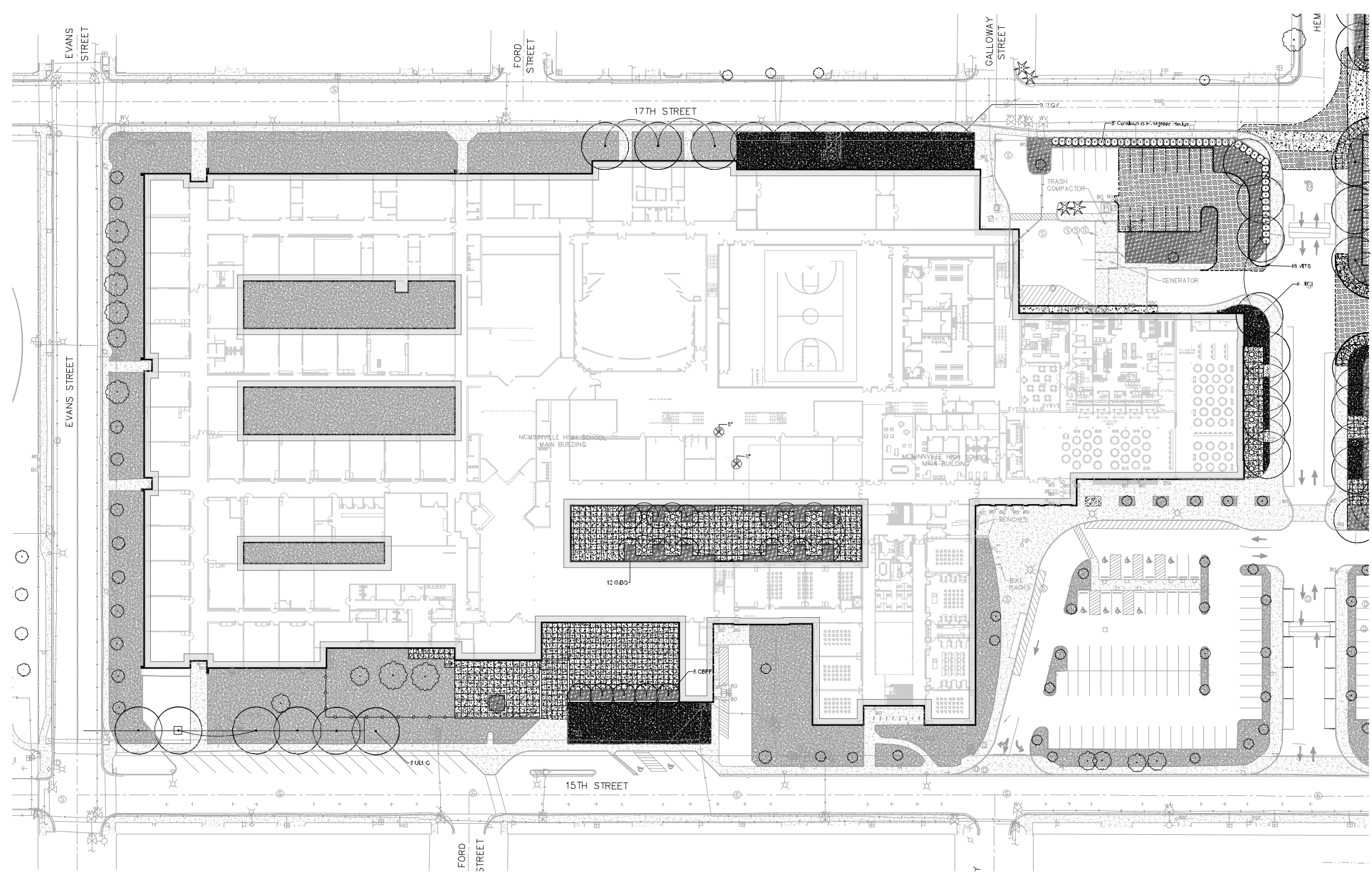


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McMinnville High School Addition and Remodel
McMinnville School District
 615 NE 15th Street, McMinnville, OR 97128
 t: (503) 565-4000
 f: (503) 565-4030



Landscape Legend

- Propose Concrete Paving
- Propose Asphalt Paving
- Propose Rubber Track Surfacing
- Propose Landscape Area (Shrub)
- Propose Landscape Area (Lawn)
- Existing Concrete Paving
- Existing Landscaping to Remain

- Existing Tree to Remain
 - Existing Tree to be Removed
(Size as indicated)
10 trees to be removed 8" DBH and larger. Trees removed smaller than 6" not shown. See plan for locations.
- | Quantity | Size |
|----------|------|
| 6 | 8" |
| 3 | 6" |
| 1 | 10" |
- Land Use Zone: R-2
 Percentage Landscape Area Required: None
 Parking Landscape Area Required: 7%
 New Parking Area: 107,000 s.f.
 Required Parking Landscape Area: 7490 s.f.
 New Parking In-kind Landscaping Proposed: 10,500 s.f.

PLANT LIST

KEY TREES	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	COUNT
CEJA	Cercidiphyllum japonicum	Katsura Tree	2"	30'	4
ACRS	Acer rubrum 'Red Sunset'	Sunrise Maple	2"	30'	5
CFPP	Carpinus lucidus 'Frank Fontaine'	Frans Fok is Bru Hornbeam	2"	5'	5
ZLGV	Zelkova serata 'Green Vase'	Green Vase Zelkova	2"	30'	9
GBO	Ginkgo biloba 'Priceton Sentry'	Priceton Sentry Ginkgo Tree	2"	5'	13
LILI	Liriodendron tomentosum	Tulip Tree	2"	30'	20
NYSY	Nyssa sylvatica	Tupelo	2"	30'	34
PILO	Pinus strobus	Shore Pine	6"	10'	37
ULHO	Ulmus 'Homesead'	Homesead Elm	2"	30'	6
VITS	Viburnum tomentosum 'Spring Bouquet'	Spring Bouquet Laurusilus	5 gal.	5'	147

key plan

phase	LAND USE
date	10/07 16
revisions	
project #	16029

SHEET TITLE
L1.00

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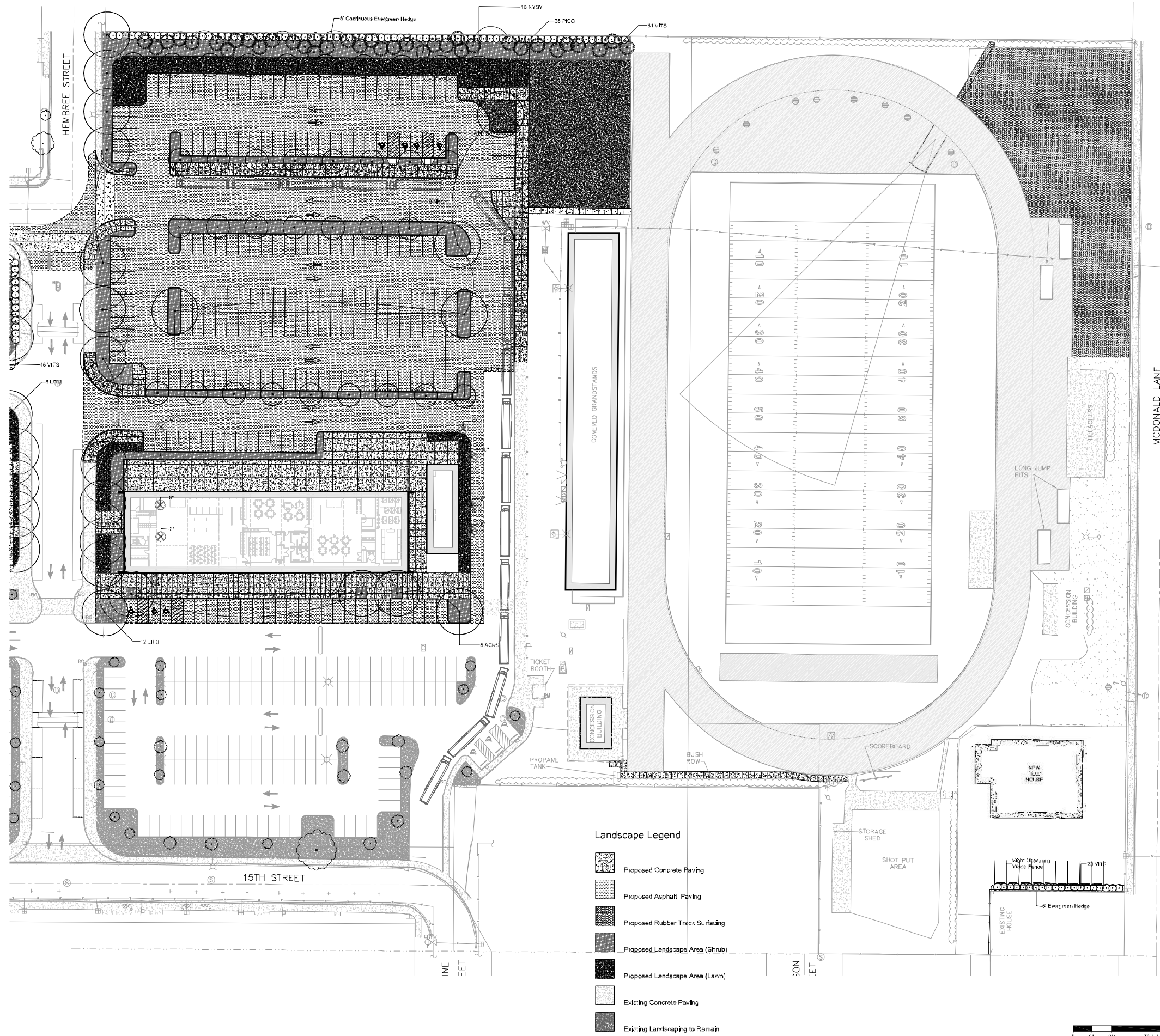
McMinnville High School Addition and Remodel
McMinnville School District
 615 NE 15th Street, McMinnville, OR 97128
 t: (503) 565,4000
 f: (503) 565,4030

key plan

phase	LAND USE
date	10/07 16
revisions	12-22-16

project # 16029
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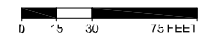
L2.00



Landscape Legend

- Proposed Concrete Paving
- Proposed Asphalt Paving
- Proposed Rubber Track Surfacing
- Proposed Landscape Area (Shrub)
- Proposed Landscape Area (Lawn)
- Existing Concrete Paving
- Existing Landscaping to Remain

(See Detailed Legend on Sheet L1.0)





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 1500 NE 3rd Street McMinnville, OR 97128
 Tel: (503) 565-4000 Fax: (503) 565-4056
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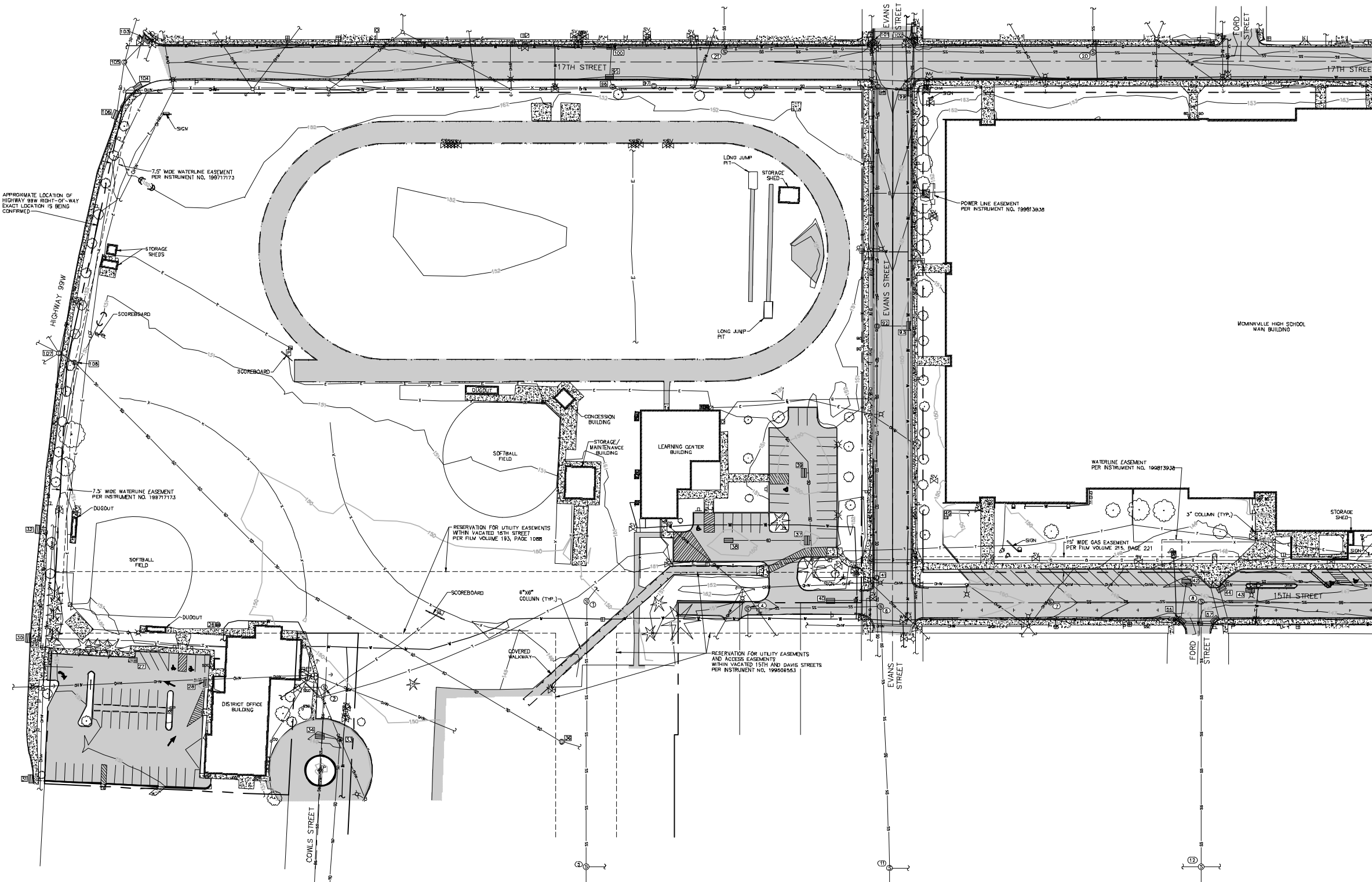


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McMinnville High School Addition and Remodel
McMinnville School District
 6115 NE 15th Street, McMinnville, OR 97128
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- LEGEND:**
- | | | | | | |
|--|--------------------------------------|--|---------------------------|--|------------------------------|
| | - EXISTING ASPHALT | | - SANITARY SEWER CLEANOUT | | - SPRINKLER VALVE |
| | - EXISTING CONCRETE | | - STORM DRAINAGE CLEANOUT | | - GAS VALVE |
| | - EXISTING RUBBER TRACK SURFACE | | - FLAG POLE | | - GAS METER |
| | - EXISTING GRAVEL | | - UNKNOWN CLEANOUT | | - HVAC UNIT |
| | - STORM DRAINAGE LINE | | - SANITARY SEWER MANHOLE | | - IRRIGATION STANDPIPE |
| | - SANITARY SEWER LINE | | - STORM DRAINAGE MANHOLE | | - WATER SPIGOT |
| | - UNDERGROUND TELECOMMUNICATION LINE | | - CATCH BASIN | | - FIRE HYDRANT |
| | - UNDERGROUND ELECTRIC LINE | | - AREA DRAIN | | - FIRE DEPARTMENT CONNECTION |
| | - UNDERGROUND WATER LINE | | - ELECTRICAL VAULT | | - UTILITY POLE |
| | - UNDERGROUND GAS LINE | | - COMMUNICATIONS VAULT | | - GUY ANCHOR |
| | - OVERHEAD WIRE | | - WATER VAULT | | - STREET LIGHT/UTILITY POLE |
| | - FENCE | | - UNKNOWN VAULT | | - LIGHT POLE |
| | - DECIDUOUS TREE | | - ELECTRICAL METER | | - GROUND LIGHT |
| | - CONIFEROUS TREE | | - ELECTRICAL RISER | | - SIGN |
| | | | - COMMUNICATIONS RISER | | - MAILBOX |
| | | | - ELECTRIC JUNCTION BOX | | - BOLLARD |
| | | | - WATER METER | | - HANDICAPPED PARKING SPACE |
| | | | - WATER VALVE | | |



VERTICAL DATUM:
 BENCHMARK: 1
 DATUM: NAVD 88
 DESCRIPTION: 1-1/4" COPPER DISK INSCRIBED "BLUEDOT" SET IN THE NORTHEAST CORNER OF THE EASTERLY CONCRETE PAD, LOCATED APPROXIMATELY 23 FEET SOUTH OF THE SOUTHERLY CURB OF 17TH STREET.
 ELEVATION: 151.756'

UTILITY STATEMENT:
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE PAINT MARKINGS TIED IN THE FIELD SURVEY AND AS-BUILT DRAWINGS PROVIDED BY UTILITY COMPANIES. THIS SURVEY DOES NOT SHOW ANY PAINT MARKINGS PROVIDED AFTER THE FIELD SURVEY WAS COMPLETED. AS-BUILT DRAWING INFORMATION THAT WAS NOT PROVIDED IS NOT REFLECTED ON THIS SURVEY. AS-BUILT INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE. IF NO LOCATE PAINT MARKINGS WERE PROVIDED, AS-BUILT INFORMATION WAS USED TO HORIZONTALLY LOCATE THE UNDERGROUND UTILITIES.
 THIS SURVEY MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE OF ALL SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION AS NOTED ON THIS SURVEY, BUT ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. MARKINGS OTHER THAN SANITARY AND STORM SEWER WERE IDENTIFIED BY MANHOLE LIDS AND MAY NOT BE LABELED CORRECTLY.
 UTILITY LOCATIONS SHOULD BE VERIFIED BY OREGON UTILITIES NOTIFICATION CENTER IMMEDIATELY PRIOR TO ANY EXCAVATION.

key plan

phase	LAND USE
date	10/07/16
revisions	
project #	6029
EXISTING CONDITIONS	
LU1.01	

8/20/2016 2:30:00 PM
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 User: mshs



McMINNVILLE SCHOOL DISTRICT
 1502 NE State Street McMinnville, OR 97128
 Tel: (503) 565-4000 Fax: (503) 565-4000
 www.msnv.k12.or.us



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 307 SW State Street Portland, OR 97205 USA
 Tel: (503) 223-3300 Fax: (503) 275-1152
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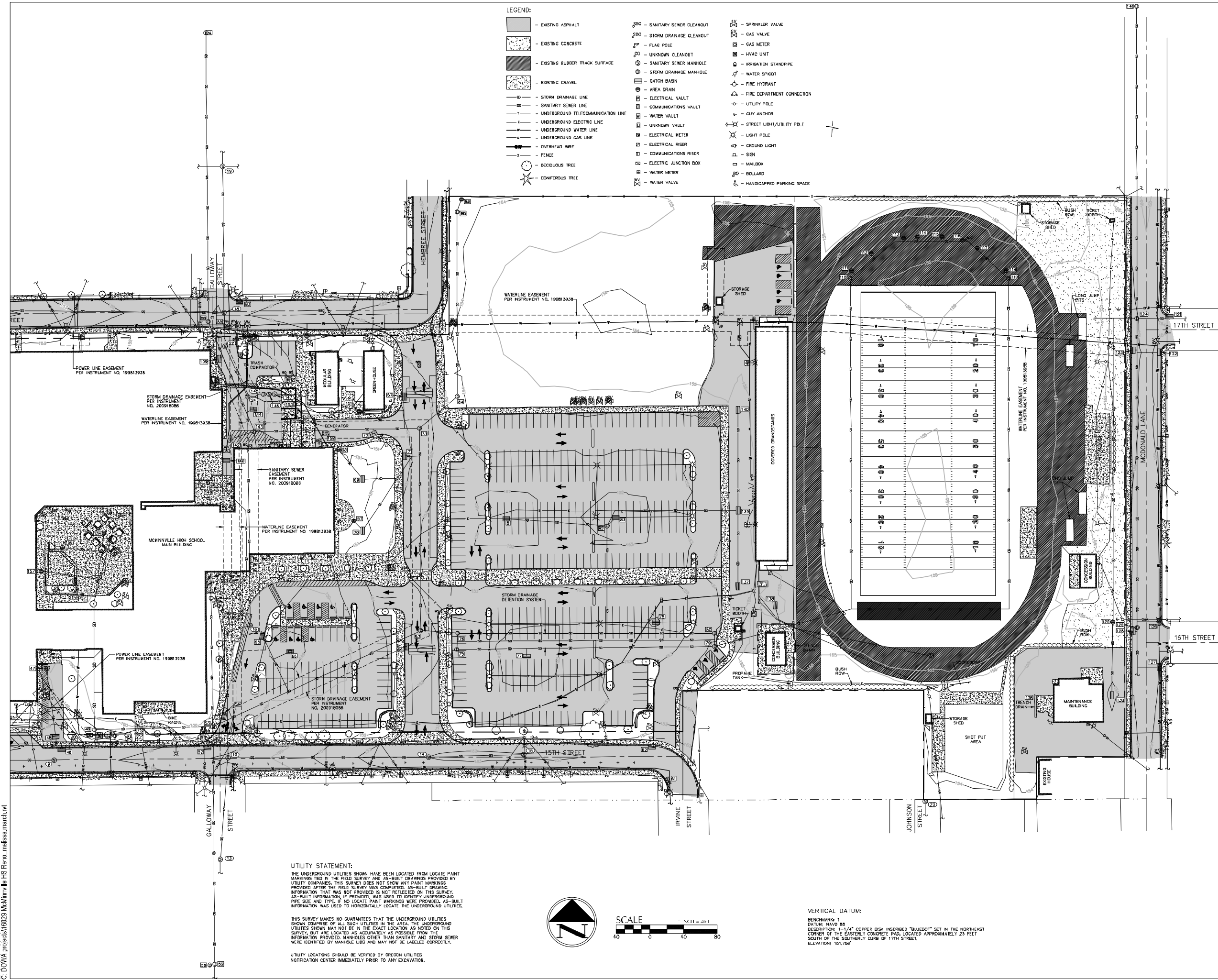
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McMinnville High School Addition and Remodel
McMinnville School District
 615 NE 15th Street, McMinnville, OR 97128
 t: (503) 565.4000
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key plan

phase	LAND USE
date	07/16
revisions	
project #	16029
EXISTING CONDITIONS	
LU1.02	

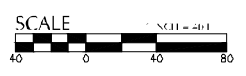
- LEGEND:**
- EXISTING ASPHALT
 - EXISTING CONCRETE
 - EXISTING RUBBER TRACK SURFACE
 - EXISTING GRAVEL
 - STORM DRAINAGE LINE
 - SANITARY SEWER LINE
 - UNDERGROUND TELECOMMUNICATION LINE
 - UNDERGROUND ELECTRIC LINE
 - UNDERGROUND WATER LINE
 - UNDERGROUND GAS LINE
 - OVERHEAD WIRE
 - FENCE
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - JSC - SANITARY SEWER CLEANOUT
 - SDC - STORM DRAINAGE CLEANOUT
 - FP - FLAG POLE
 - UC - UNKNOWN CLEANOUT
 - SM - SANITARY SEWER MANHOLE
 - SDM - STORM DRAINAGE MANHOLE
 - DB - DATCH BASIN
 - AD - AREA DRAIN
 - EV - ELECTRICAL VAULT
 - CV - COMMUNICATIONS VAULT
 - WV - WATER VAULT
 - UV - UNKNOWN VAULT
 - EM - ELECTRICAL METER
 - ER - ELECTRICAL RISER
 - CR - COMMUNICATIONS RISER
 - EJB - ELECTRIC JUNCTION BOX
 - WM - WATER METER
 - WV - WATER VALVE
 - SV - SPRINKLER VALVE
 - GV - GAS VALVE
 - GM - GAS METER
 - HL - HVAC UNIT
 - IS - IRRIGATION STANDPIPE
 - WS - WATER SPIGOT
 - FD - FIRE HYDRANT
 - FDC - FIRE DEPARTMENT CONNECTION
 - UP - UTILITY POLE
 - GA - GUY ANCHOR
 - SULP - STREET LIGHT/UTILITY POLE
 - LP - LIGHT POLE
 - GL - GROUND LIGHT
 - S - SIGN
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 - W - WATER METER
 - B - BOLLARD
 - HP - HANDICAPPED PARKING SPACE



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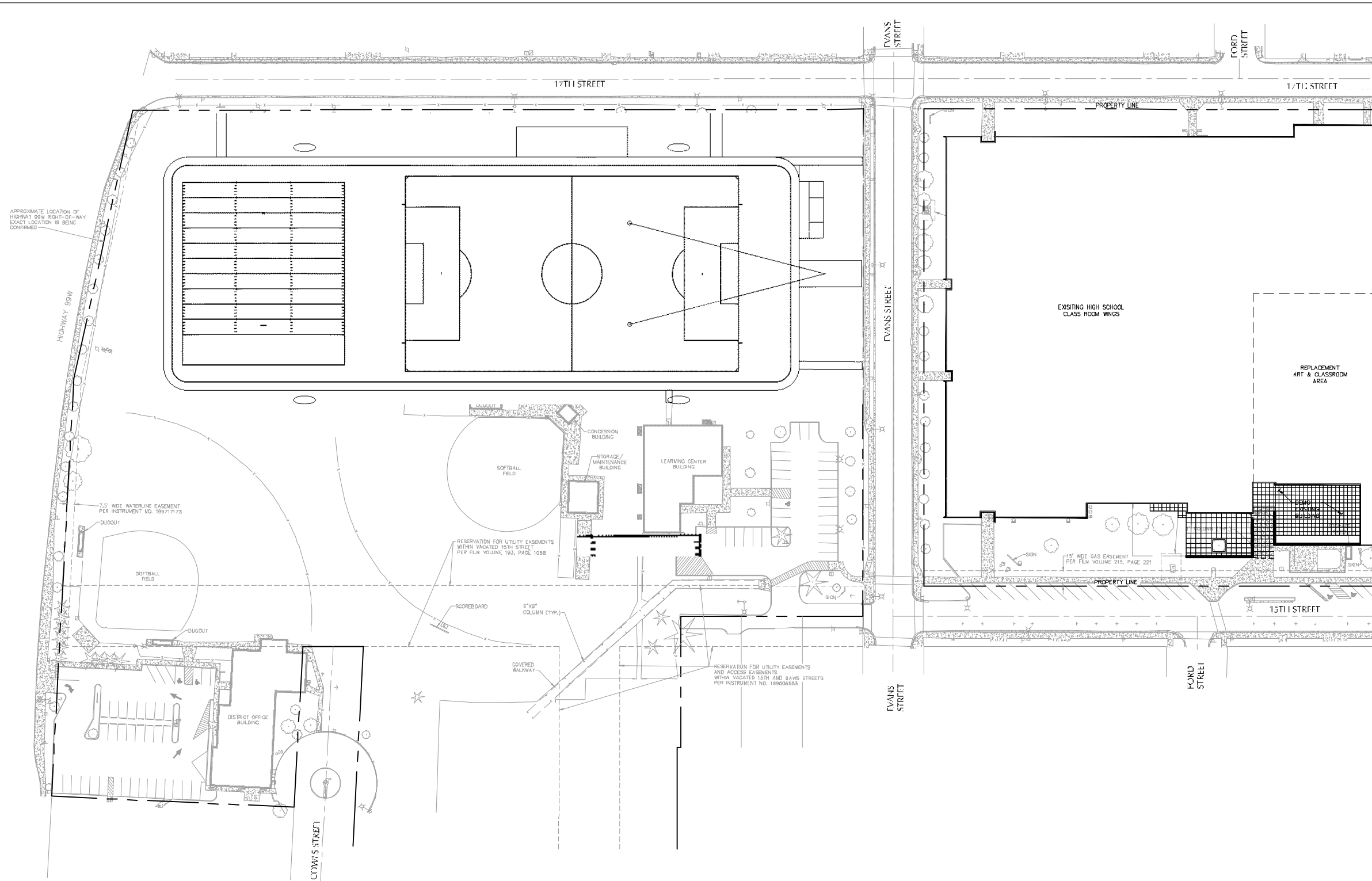
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 DATUM: NAVD 88
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 ELEVATION: 151.756'

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McMINNVILLE SCHOOL DISTRICT
 1500 NE 24th Street McMinnville, OR 97128
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 www.mvssd.net



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 tel: (503) 228-4300 fax: (503) 275-1152
 www.doww.com www.ibi-usa.com

NOT FOR CONSTRUCTION

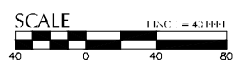
McMinnville High School Addition and Remodel
McMinnville School District
 615 NE 15th Street, McMinnville, OR 97128
 t: (503) 565.4000
 f: (503) 565.4030

key plan

phase	LAND USE
date	07/16
revisions	
project #	6029

SITE PLAN - WEST

LU2.01





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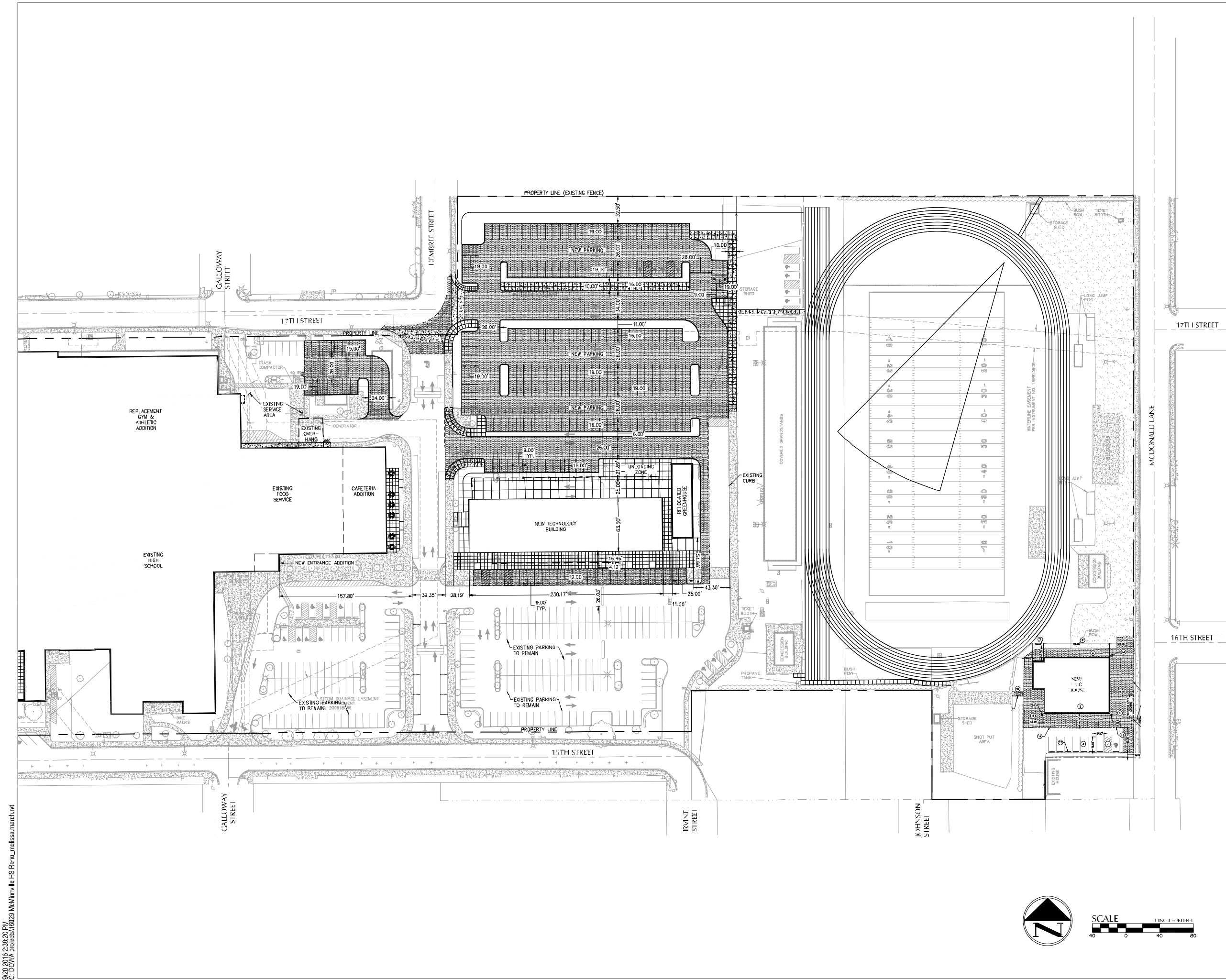
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McMinnville High School Addition and Remodel
McMinnville School District
 6115 NE 15th Street, McMinnville, OR 97128
 t: (503) 565.4000
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key plan	
phase	LAND USE
date	10/07/16
revisions	12-22-16

project # 16029

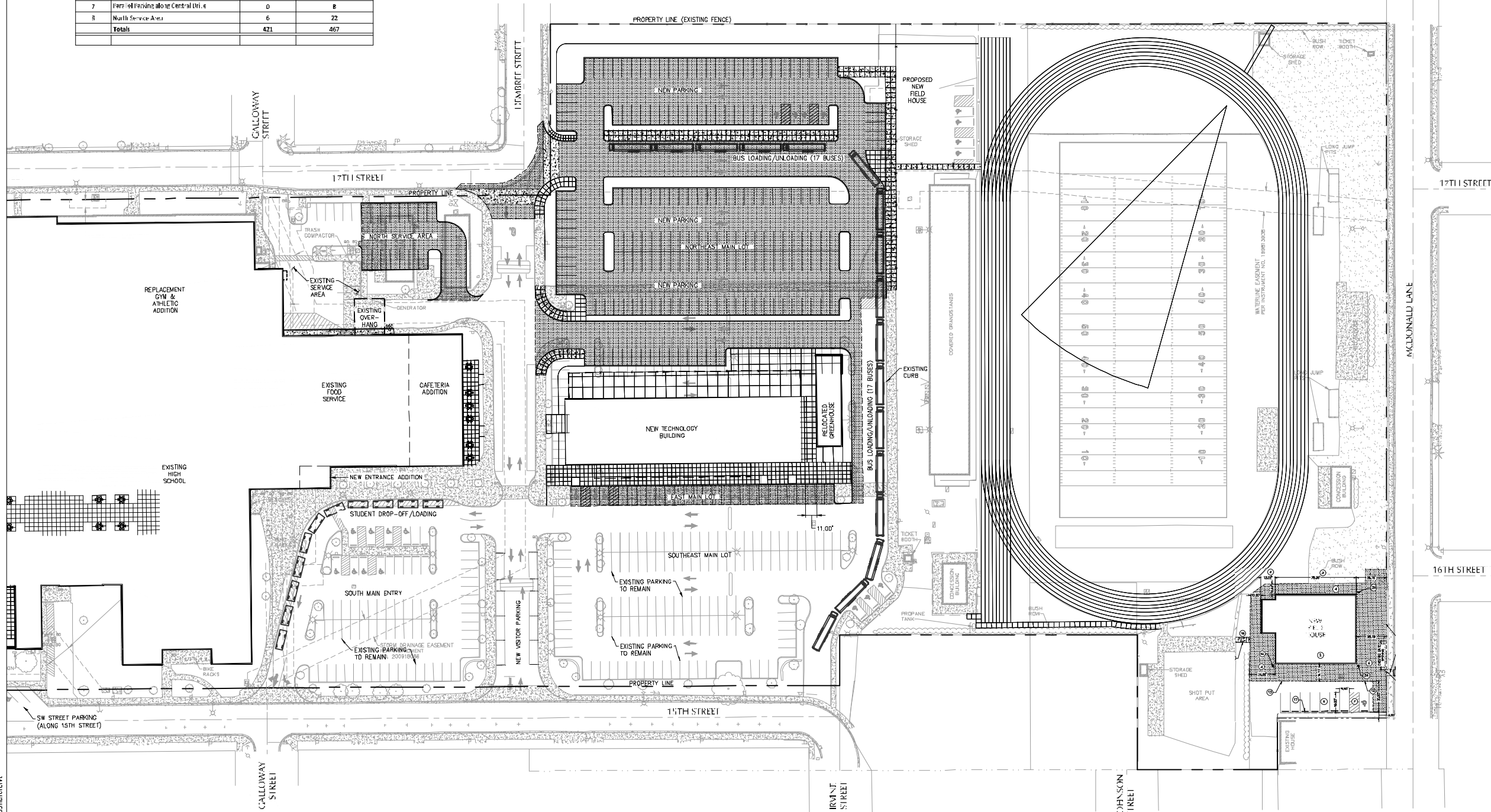
SITE PLAN - EAST
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McMinnville High School Required Parking (per City of McMinnville Zoning Ordinance Chapter 17.60, Para 17.60.060-B10)			
Description	Count	Required Parking Stalls	
1 One Space Each Classroom	70	70	
2 One Space Per Administrative Staff	25	25	
3 One space for each student body	2100	950	
Totals		445	

McMinnville High School Parking Count			
Site Area	Description	Existing Stalls	Proposed Stalls
1	SW Street Parking (Along Street)	22	22
2	South Main Entry Parking	70	70
3	Southeast Main Lot (east side of site)	128	128
4	East Main Lot (east side of site)	186	41
5	Northeast Main Lot (east side of site)	5	168
6	Maintenance Building (off-site)	4	8
7	Paved Area along Central Drive	0	8
8	North Service Area	6	22
Totals		421	467



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McMinnville High School Addition and Remodel
McMinnville School District
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key plan	
phase	LAND USE
date	10/07/16
revisions	12-22-16

project # 16029
PARKING & CIRCULATION PLAN

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McMinnville High School Addition and Remodel
McMinnville School District
 615 NE 15th Street, McMinnville, OR 97128
 t: (503) 565.4000
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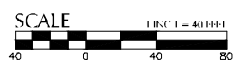
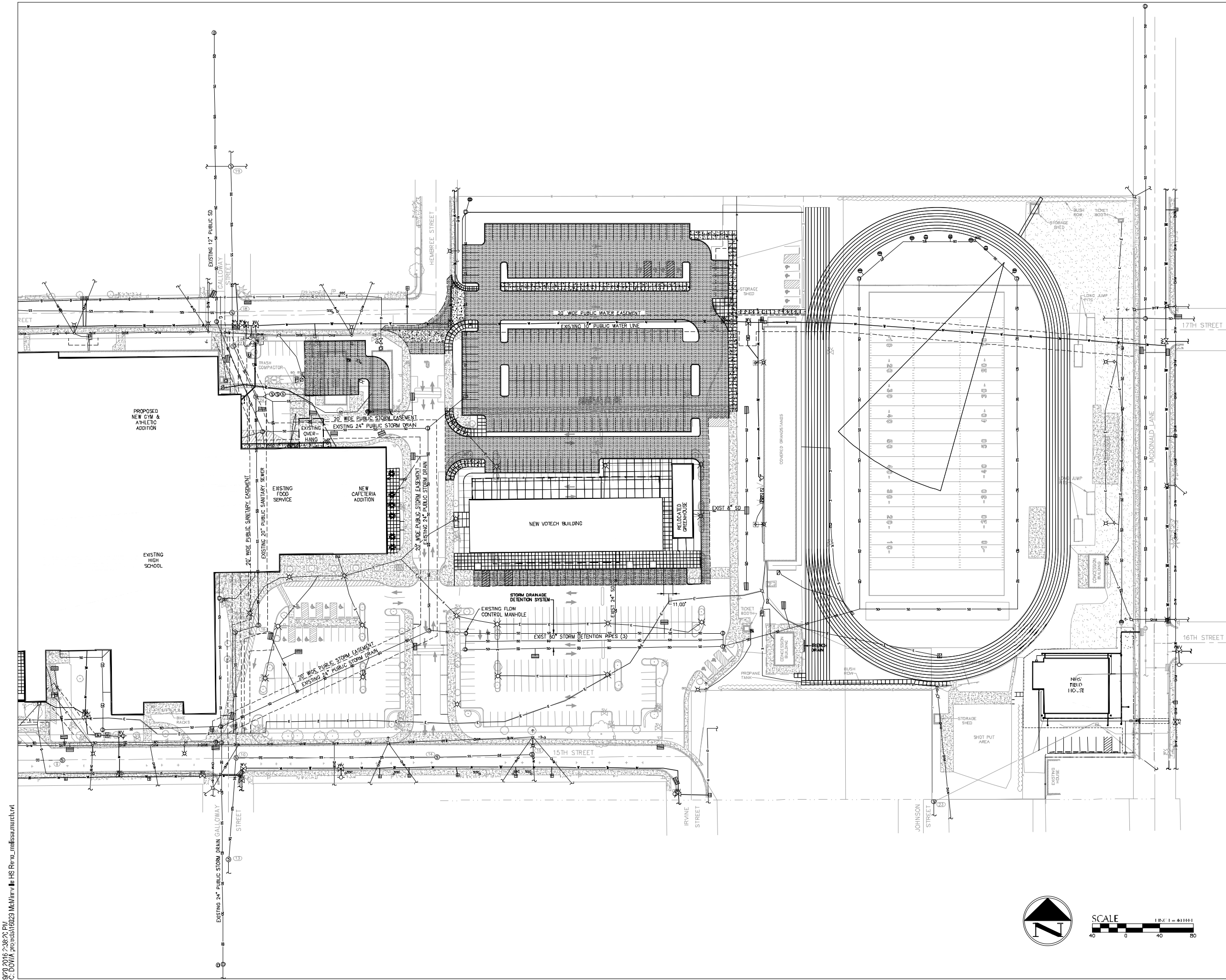
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phase	LAND USE
date	10/07/16
revisions	12-22-16

project # 16029

EXISTING UTILITY & EASEMENTS

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McMINNVILLE SCHOOL DISTRICT
 502 NE Park Street McMinnville, OR 97128
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McMinnville High School Addition and Remodel
McMinnville School District
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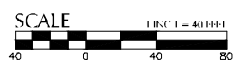
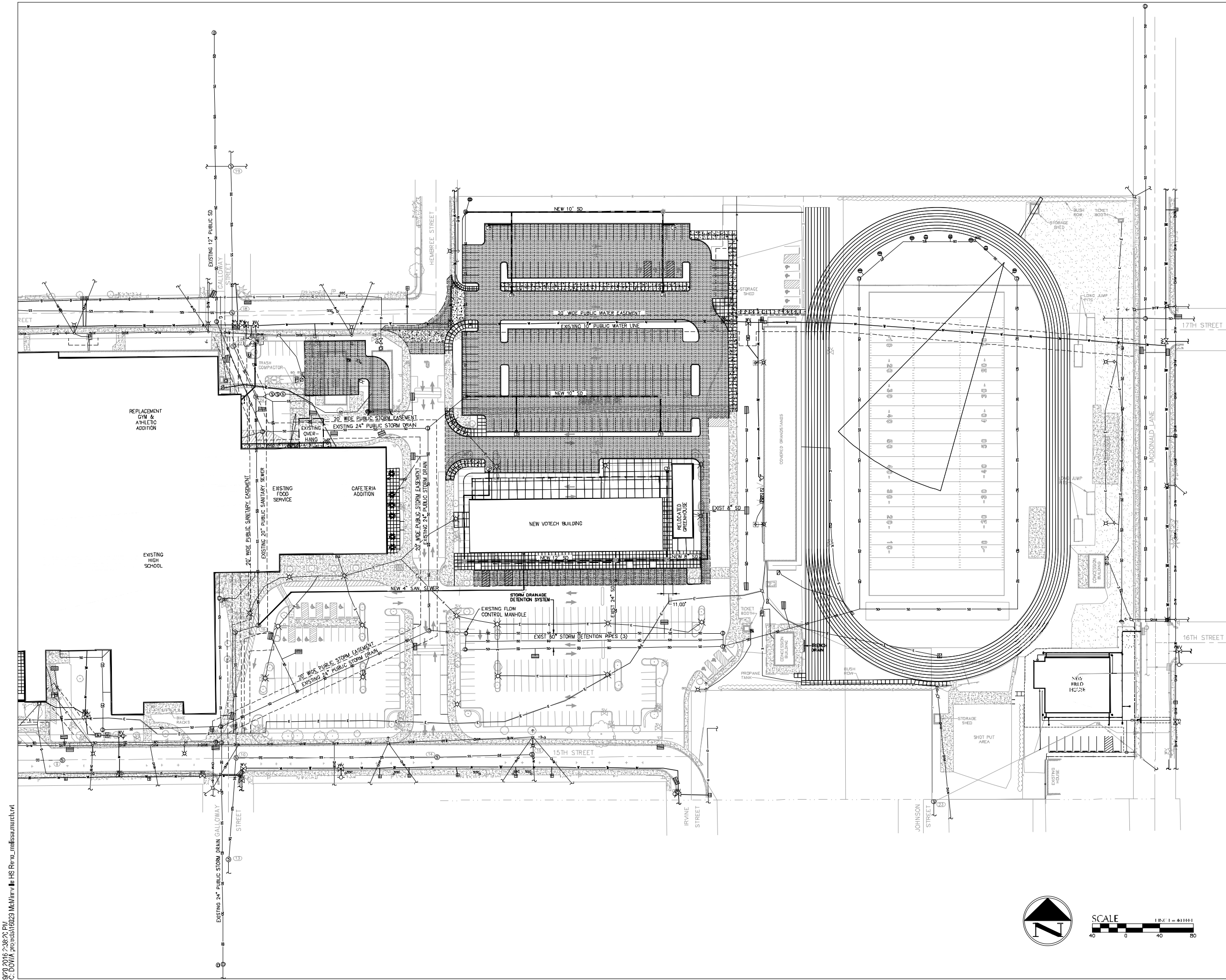
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phase	LAND USE
date	07/16
revisions	12-22-16

project # 16029

PROPOSED UTILITY & EASEMENTS

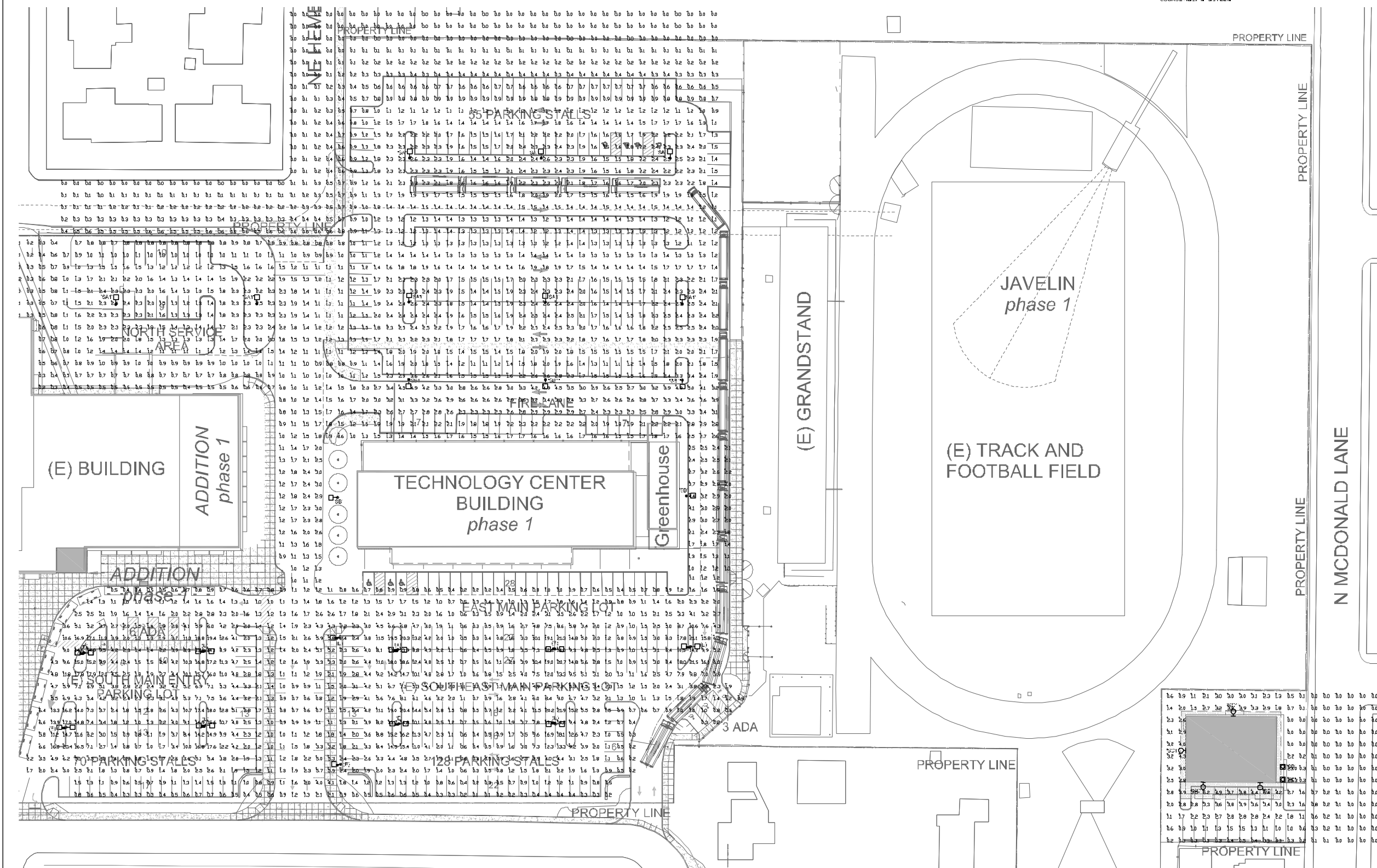
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 HS Remodel.dwg

Label	CalcType	Units	Avg	Max	Min	Avg/Min
East Drive Aisle	illumiance	Fc	2.30	4.4	1.0	2.30
Existing South Parking Lot	illumiance	Fc	3.82	21.9	0.1	38.20
Field House	illumiance	Fc	2.44	25.3	0.0	N.A.
North Neighbors	illumiance	Fc	0.00	0.0	0.0	N.A.
North Parking Lot	illumiance	Fc	1.59	3.6	0.0	N.A.
North VoTech Parking	illumiance	Fc	2.50	5.0	1.0	2.50
North-South Drive Aisle	illumiance	Fc	1.46	3.0	0.8	1.83
Northwest Drive Aisle	illumiance	Fc	0.74	2.3	0.0	N.A.
Northwest Parking Lot	illumiance	Fc	1.51	2.5	0.7	2.16
Northwest Streets	illumiance	Fc	0.20	0.6	0.0	N.A.
West Road	illumiance	Fc	0.65	0.8	0.0	N.A.

- LUMINAIRES:**
- 1- PL 30" TYPE II 4.000K 1600 LUMENS LED, 137 WATT, SOURCE #123-15 FEET.
 - 1- PL 30" TYPE II 4.000K 1600 LUMENS LED, 137 WATT, SOURCE #123-15 FEET.
 - 1- PL 30" TYPE II 4.000K 1600 LUMENS LED, 137 WATT, SOURCE #123-15 FEET.
 - 1- PL 30" TYPE II 4.000K 1600 LUMENS LED, 137 WATT, SOURCE #123-15 FEET.
 - 1- PL 30" TYPE II 4.000K 1600 LUMENS LED, 137 WATT, SOURCE #123-15 FEET.
 - 1- PL 30" TYPE II 4.000K 1600 LUMENS LED, 137 WATT, SOURCE #123-15 FEET.



1 PARTIAL SITE PLAN - PHOTOMETRIC CALCULATIONS
 SCALE: 1/32" = 1'-0"

McMINNVILLE SCHOOL DISTRICT
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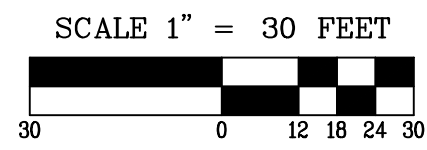
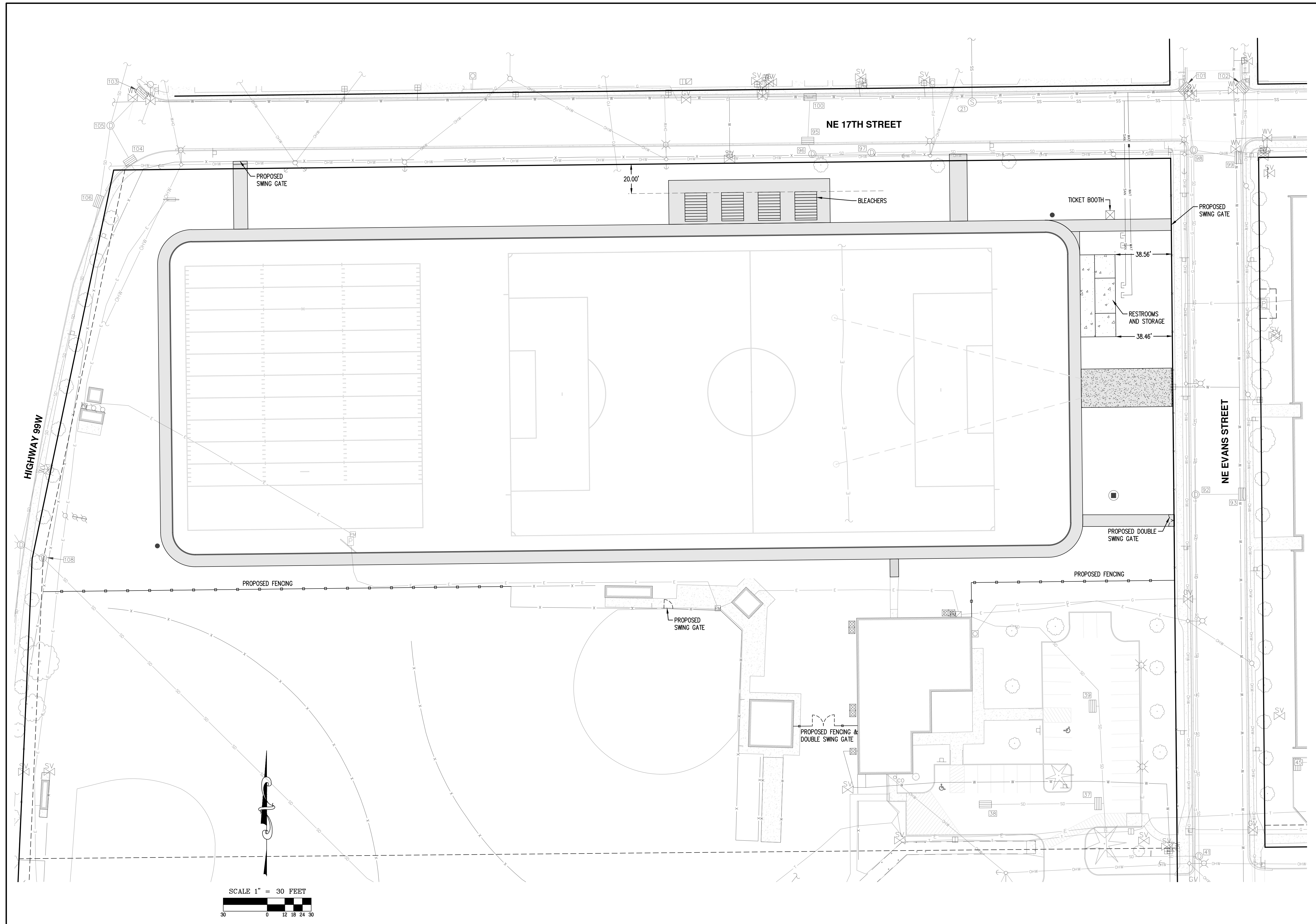
key plan

phase	LAND USE
catd	09/30/16
revisions	

projec: # 16029
PARTIAL SITE PLAN - PHOTOMETRIC CALCULATIONS
E100

PROJECT: 2016-0347
 CONTRACT: K&S/IBI
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AKS DRAWING FILE: 5469 SITE PLAN TO OTHERS.DWG | LAYOUT: C300 SAN.WAT



AKS
 AKS ENGINEERING AND FORESTRY, LLC
 12965 SW HERMAN RD
 SUITE 100
 TUALATIN, OR 97062
 PHONE: 503.563.6151
 FAX: 503.563.6152
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MCMINNVILLE HIGH SCHOOL
615 NE 15TH STREET
MCMINNVILLE OREGON
 YAMHILL COUNTY TAX MAP 4S 4W 16
 TAX LOT 1590

SITE PLAN

DESIGNED BY: WJD
 DRAWN BY: WJD
 CHECKED BY: CEG
 SCALE: AS NOTED
 DATE: 01/12/2017

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

REVISIONS

JOB NUMBER
5469

SHEET
1



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

503-434-7311

www.mcminnvilleoregon.gov

EXHIBIT 4 - STAFF REPORT

DATE: January 19, 2017
TO: Planning Commission Members
FROM: Ron Pomeroy, Principal Planner
SUBJECT: Baker Creek Development ZC 1-16/ZC 2-16/S 3-16

Update:

This request (ZC 1-16/ZC 2-16/S 3-16) was scheduled for a December 15, 2016, public hearing before the Planning Commission. Due to inclement weather, the December 15th Planning Commission meeting was postponed until Thursday, January 19, 2017. Since the issuance of the staff report in preparation for the December 15, 2016, public hearing additional written testimony has been received by the Planning Department. A synopsis of that testimony and staff's response has been added on pages 21 - 29 of the Observations section of this report. This recent testimony is also added as items 17 through 23 to the list of Attachments on pages 9 and 12 of Exhibit A of this report.

Additionally, conditions of approval 37, 38 and 41 have been modified relative to street trees and the forming of a neighborhood Home Owners Association (HOA) and restrictive covenants. Language added to these three conditions is identified with a **bold underlined** font.

Report in Brief:

This is a public hearing to consider Baker Creek Development, LLC's application requesting approval for a zone change, a planned development amendment and a tentative subdivision approval 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.

Attachments:

Exhibit AL Decision, Findings of Fact and Conclusionary Findings for
Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion

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 Findings of Fact, Decision, Conditions of Approval, Comments, Attachments and Conclusionary Findings.

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%

Subject Site:

The subject site is located in northwest McMinnville and, generally, south of NW Baker Creek Road and west of NW Hill Road. The site includes two distinct areas that are proposed to be added to an existing Planned Development (Ord. No. 4626). The applicant has also proposed a tentative subdivision plan for the two undeveloped areas of the potentially expanded Planned Development. To aid the Commission in reviewing this proposal, the applicant has separately identified the two distinct areas proposed for development as follows.

The western portion (referred to by the applicant as Baker Creek West) is approximately 17.29-acres in size and is adjacent to both NW Baker Creek Road and NW Hill Road. This land is located west and southwest of the Shadden Claim 2nd Addition residential subdivision. South of this portion of the applicant’s site is land owned by the McMinnville School District for potential future school development. The eastern portion of the site (referred to by the applicant as Baker Creek East) is

approximately 23-acres in size and is located south of and adjacent to the Shadden Claim and Shadden Claim 1st Addition residential subdivisions and west of a portion of the Michelbook Golf Course. A north-south oriented Bonneville Power Administration (BPA) easement, including a portion of the Northwest Linear Park, in addition to other undeveloped land currently separate the east and west portions of the subject site. The site has historically been farmed and there are no structures or other improvements presently located on it.

Background:

The subject site was originally part of a larger property owned by Michelbook Farms II. This property consisted of some 230 acres stretching southward from Baker Creek to the Starr Mill Race (the north edge of the Park Meadows 5th Addition subdivision) and from NW Hill Road eastward to the western edge of the Michelbook golf course and the Michelbook 4th Addition subdivision. In 1995, the City approved the original Shadden Claim residential subdivision tentative plan on 18.3 acres of land. The following year, in 1996, the City approved subdivision and zone change applications on 26.8-acres of land for development of a phased single-family residential subdivision including a 3.8-acre multiple-family site. Portions of that plan were subsequently constructed and platted as the Shadden Claim 1st and 2nd Addition residential subdivisions. Other land located in the southern part of the original Michelbook Farms II holding has since been developed as the Michelbook Meadows residential subdivision and phases of the Park Meadows and Cottonwoods residential subdivisions.

Description of Request:

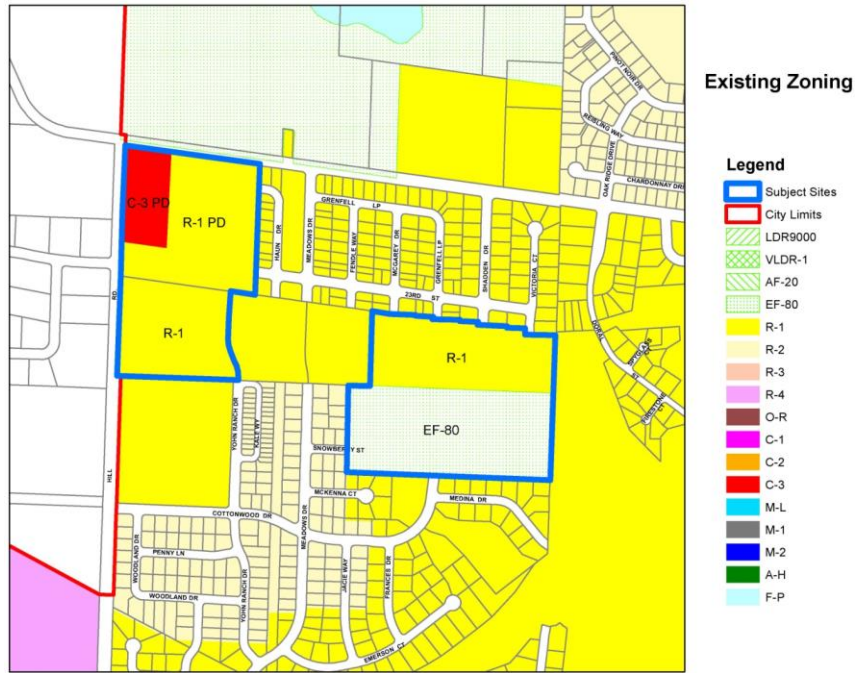
- The applicant has submitted a proposal comprised of three land use requests: a zone change request, a planned development amendment request, and a tentative residential subdivision plan. A brief description of each request follows:
 1. Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):

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.

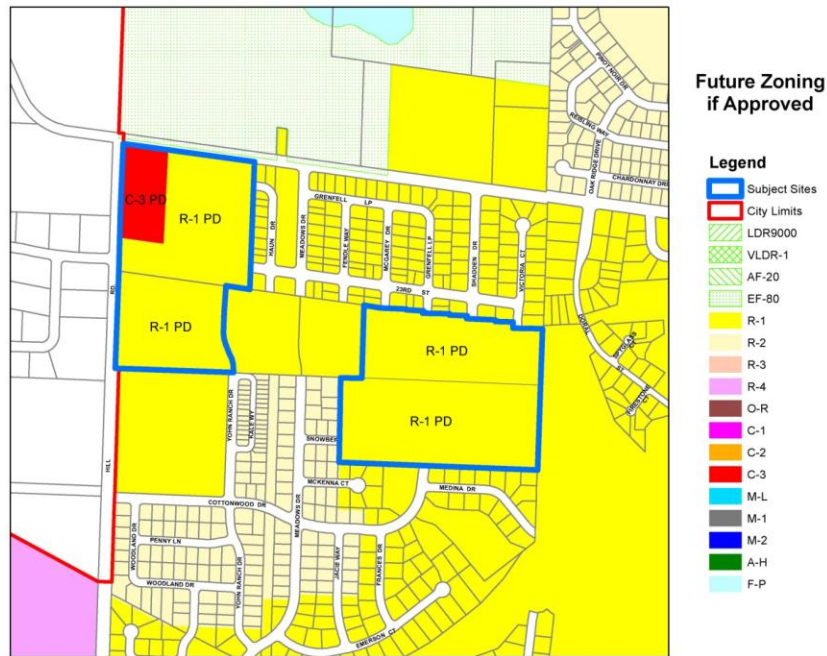
Attachments:

*Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion*

Current Zoning



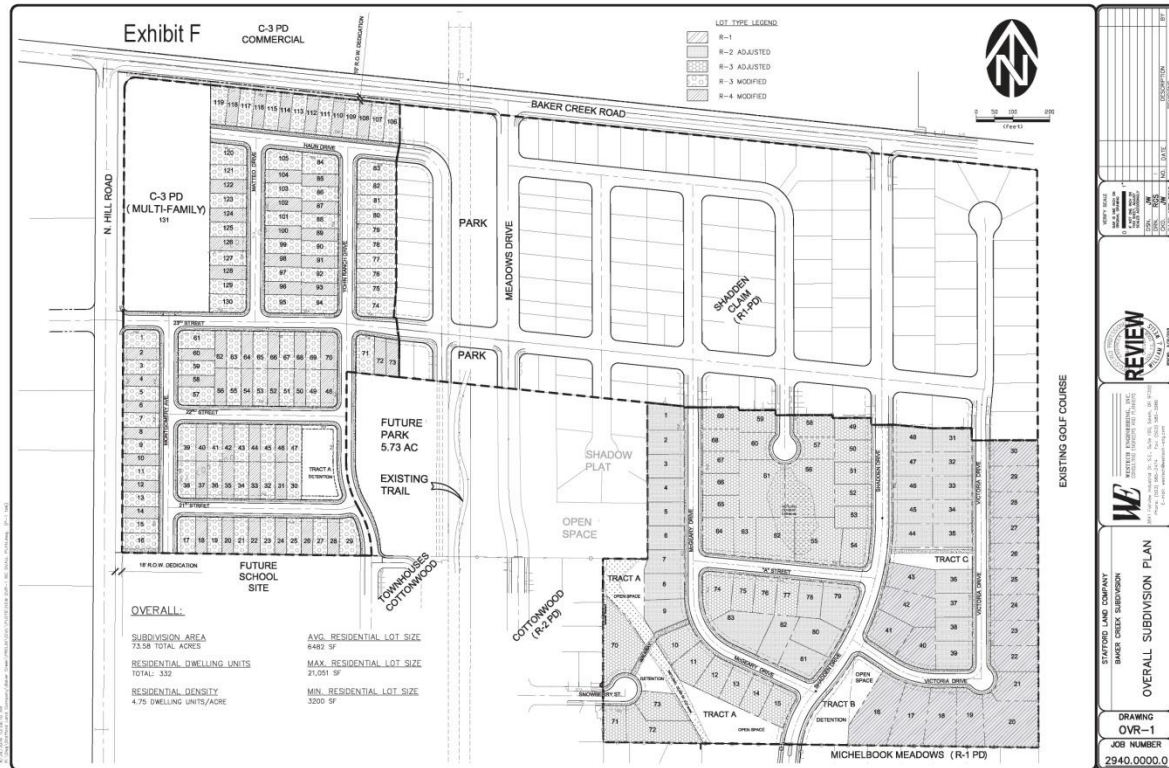
Future Zoning if approved



- 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.



- If approved, the subject site would be developed in two phases. The development plan for phase one would include all elements of the residential subdivision plan except for development of the multiple-family site. Phase two is proposed to be the development of the multiple-family site located at the south-east quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The submitted tentative subdivision application states that the applicant proposes to complete subdivision platting during the fall season of 2017.

It is instructive to note that in response to Question 2 (“Briefly describe the proposed subdivision”) on page 2 of their submitted subdivision application the applicant describes the project as “214 lots in two phases, one of which is for future multi-family, the other 213 are single-family detached lots on small and large lots.” In Attachment 3(c) the applicant provides an overview of the proposal and states, in part, that they are applying for a phased subdivision approval. However, the applicant alternatively responds to Question 17 (“If applicable, explain how the subdivision will be phased?”) on page 3 of the application which asks how the subdivision will be phased by answering “None at this time.” In communication with the applicant, and given the balance of application materials, staff understands that this proposal will be constructed in two phases and this staff report reflects that understanding.

- 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 and their practical definitions are provided below:

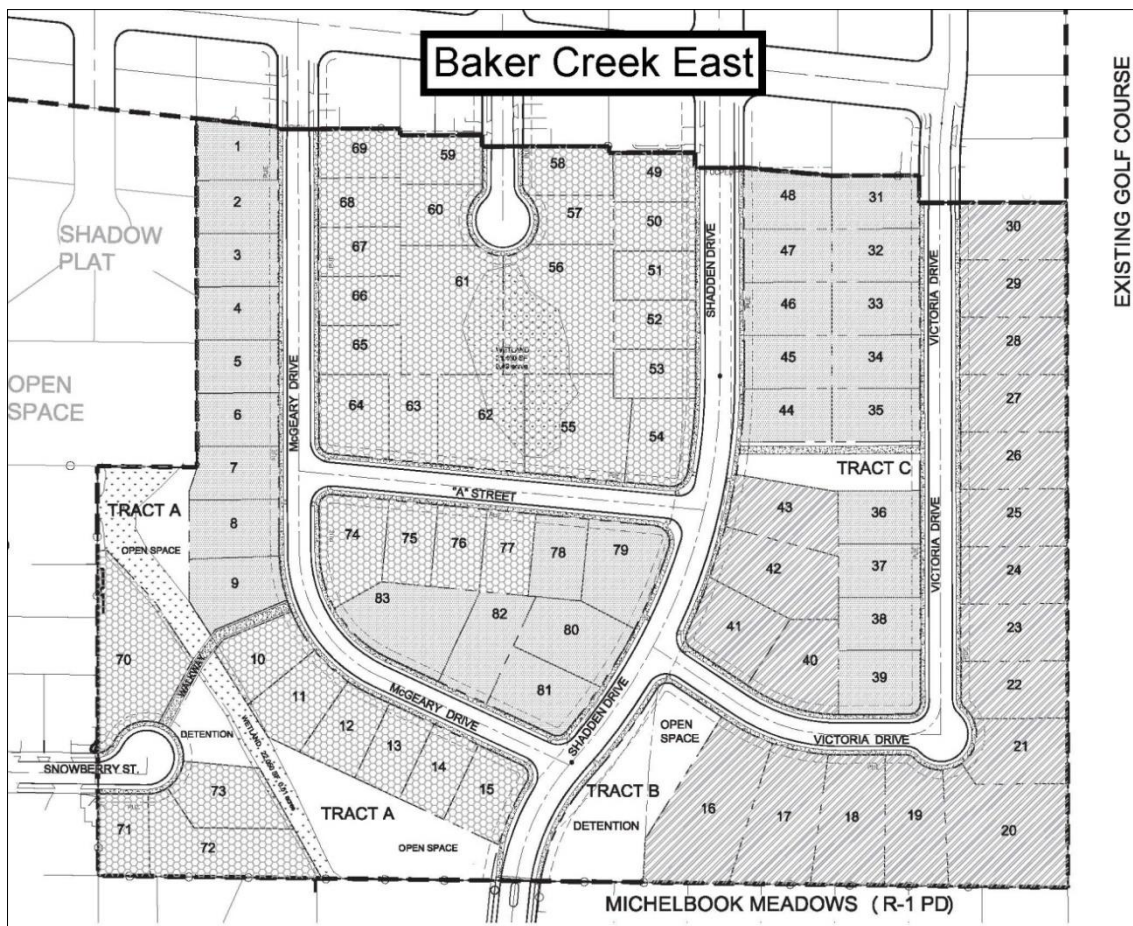
- BCE – Baker Creek East
- BCW – Baker Creek West
- Adjusted Lots – Lots with reduced side yard setbacks; either 3-feet or 5-feet in width
- Modified Lots – Lots proposed to be either 32-feet wide or 40-feet wide

Discussion – 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.



- 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.

Attachments:
 Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
 Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion

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.

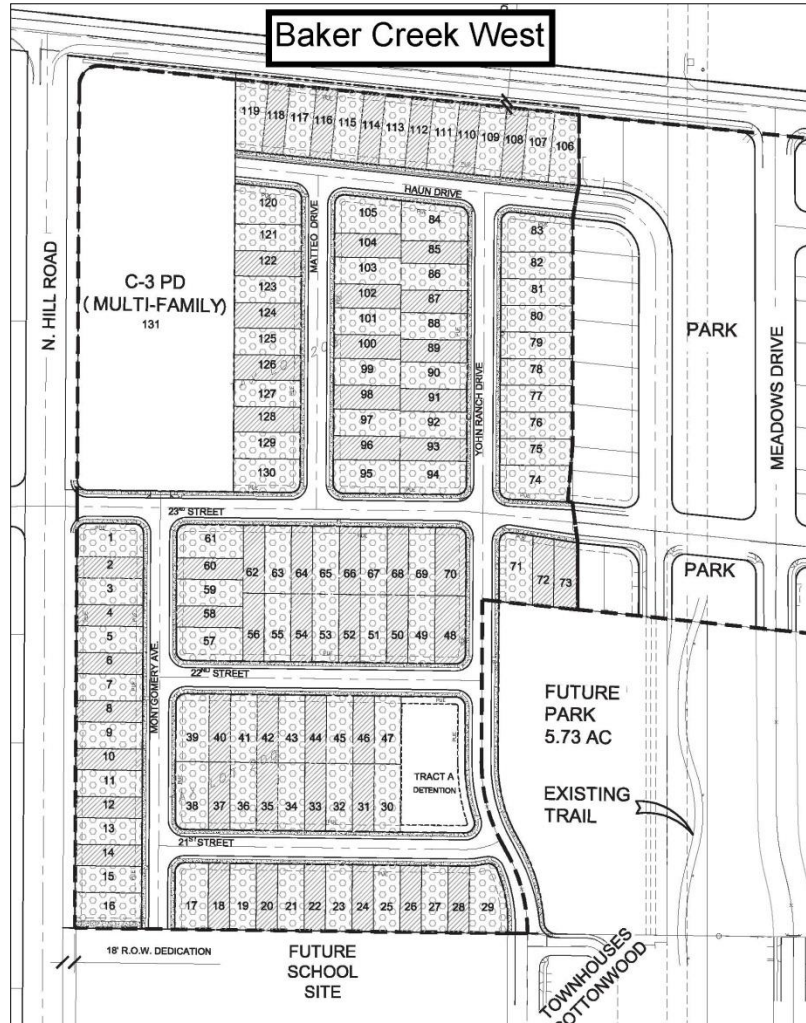
Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGeary Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGeary Drive to Shadden Drive and is identified as "A" 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).

Attachments:

*Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion*



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 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. 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 allowed for multiple-family development with no unique limitation relative to residential density.

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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.

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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 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

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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 and 40 feet apart dependant 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.

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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.

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- 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.
- The Findings of Fact and Conclusionary Findings for ZC 1-16/ZC 2-16/S 3-16 are attached as Exhibit "A" to this report and are by this reference herein incorporated.

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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 - 10, and 17 - 23).
- Letter - Sandra Ferguson, dated November 5, 2016, and received by the Planning Department on November 8, 2016, (Attachment 7).

While the full text of this letter is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. It is important for the Planning Commission to carefully consider the long term effects of the proposed type of growth brought to the community and its impact on surrounding property owners.

Staff response:

Staff concurs with Ms. Ferguson in that the merits of this proposal must be carefully considered and weighed against the requirements of the governing ordinances that are represented in this report and attached Findings document.

2. Of significant concern are the proposed reductions in setback sizes from front and side yards and potential reductions in lot sizes.

Staff response:

The requested reductions in setbacks and lot sizes for the majority of the proposed lots is directly related to the adopted policies of increased residential density in locations zoned for residential use and that are located within ¼ mile of identified transit routes; in this instance, NW Hill Road and NW Baker Creek Road. While these requested reductions in lot size and setback result in development that would be different from that currently found in the three existing phases of the Shadden Claim development, neighborhood development designs of this nature are what is envisioned by the City through adoption of policies supportive of increased residential densities.

3. Once a community like this is established, the effect of cars in the street and anything else left outside adds to an atmosphere of outdoor clutter.

Staff response:

Local residential streets, such as those proposed to serve this development, are intentionally designed to accommodate vehicles parked along of the public street. Matters related to the storing of material outside in residential areas can be directed to the McMinnville Police Department and addressed under current nuisance regulations.

- Letter – Ronald and Sally Hyde, dated November 8, 2016, and received by the Planning Department on November 10, 2016, (Attachment 8).

While the full text of this letter is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

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1. Some home purchasers in the existing phases of the Shadden Claim neighborhood were informed by agents of the original developer that the remaining vacant “Shadden Claim” land would develop similarly to the existing neighborhoods. This intent was “fortified” by the City when the Shadden Claim right-of-way improvements (i.e., fencing and landscaping) were extended along Baker Creek Road to its intersection with Hill Road.

Staff response:

The improvements put in place along NW Baker Creek Road by the original developer were installed in the mid 1990s according to plans approved at that time. Since then, the tentative subdivision approval applicable to the remaining portion of the original plan has since expired and land ownership has changed hands. Since that time the City has also adopted new housing and land development policies that encourage the types of density proposed by this current application. This plan is fairly different from that originally approved but future development of this area cannot, and should not, be legally held to standards that are now contrary to more current land development policies adopted by the City.

2. The authors describe concerns related to multi-story apartments in the middle of more expensive homes without adequate infrastructure or commercial support, street sizes and ability to accommodate traffic. That author also provides that the current proposal does not fit a logical growth pattern. The authors encourage denial of the request.

Staff response:

With respect to the concerns shared and the effort invested in providing this testimony staff offers that this current proposal is supported by the McMinnville Comprehensive Plan and Zoning Map and is further emblematic of the type of development envisioned for locations such as this by the City’s adoption of the standards and policies addressed in this report and Findings document.

- Email – John Hutt, December 7, 2016, (Attachment 9).

While the full text of this email is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. With some 500 new residential units proposed by the development, there will be a need for increased city services. Current city staffing and budget shortages are a concern as well as are any potential increase in taxes to fund additional personnel. It would be 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.

Staff response:

This project proposes the construction of 278 residences, inclusive of the multiple-family site. Funds to support city services are derived in two ways from new developments: 1) additional annual tax revenue paid in property taxes from each individual lot that helps to pay for public safety and general city services; and 2) system development charges which are paid for each residential building built in the City of McMinnville at the time of construction to help pay for the impacts a project will have on the City’s infrastructure (e.g., sanitary sewer, streets, parks).

- Letter – David StLouis, dated December 8, 2016, and received by the Planning Department on December 8, 2016, (Attachment 10).

While the full text of this letter is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. The proposed setback adjustments are extreme compared to standard R-1 setbacks.

Staff response:

The setbacks proposed for most of the lots in this development vary in numerous ways from standard setbacks commonly found in adjacent neighborhoods. Nineteen (19) of the lots in BCE are proposed to meet the standard setbacks of the R-1 zone.

2. Numerous questions were raised relative to the capacity of the sanitary sewer basin to accommodate expected flows resulting from this proposed development.

Staff response:

The Engineering Department has considered the sanitary sewer service question relative to affected basin and trunk line adequacy and capacity and finds no conflict or service constraint. Please refer to comments provided by the Engineering Department above.

3. Lot sizes (as small as 3,200 square feet) are proposed for many of the lots are far below the minimum lot sizes of the R-1 zone.

Staff response:

This is correct and yields a residential density higher than that of the R-1 zone. The comprehensive plan policies and findings noted in the Findings portion of this report (Exhibit A) address the varied lots sizes and proposed density.

4. Is such a large high-density development justified and in the best interest of the community?

Staff response:

The density proposed is supported by McMinnville’s Comprehensive Plan in a variety of ways as described in the Findings of Fact.

- Letter – Gene and Deanna White, dated December 5, 2016, and received by the Planning Department on December 12, 2016, (Attachment 17).

While the full text of this letter is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. The proposed setback reductions are too great and too numerous.

Staff response:

Chapter 17.51 (Planned Development Overlay) of the McMinnville Zoning Ordinance provides that 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. The applicant has requested approval, and provided justification, to utilize the provisions of this chapter for approval of the proposed subdivision. McMinnville Zoning Ordinance Chapter 17.74 also provides review criteria for determining compliance with a Planned Development request. Specific findings to these ordinance requirements are located below on pages 25 through 28 of Attachment A of this report. Based on the material provided by the applicant, and observations and findings provided by staff, it is recommended that these amendments be approved.

2. This proposal would change the residential character of the area. Would duplex or townhouse development with standard setbacks be preferable?

Staff response:

While approval of duplex and/or townhouse type dwellings could have been requested by the applicant, a development plan proposing single-family detached residential development with amended setbacks and an apartment site was proposed and is what is being reviewed as part of this land-use decision. The Planning Commission needs to review the application as presented and determine whether or not the application meets the City of McMinnville’s Comprehensive Plan and Zoning Ordinance.

3. Is the size of this development justified by a demonstrated public need?

Staff response:

The subject site is currently within the city limits based upon a housing land needs analysis for future community growth. It was approved as part of the McMinnville urban growth boundary in 1981 and designated as Residential land on the McMinnville Comprehensive Plan Map (1981). Those actions were approved after the City identified and justified the need for this land to accommodate future residential development designed and constructed to urban standards.

- Letter – Susan Dirks and Kent Stevens, dated December 13, 2016, and received by the Planning Department on December 13, 2016. (Attachment 18).

While the full text of this letter is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. The proposed density for BCW is too high and not supported by enough amenities.

Staff response:

Per the McMinnville Comprehensive Plan, residential development on McMinnville’s west side should achieve six units per acre with higher density residential development located in the area between Hill Road and Baker Creek Road. Although the BCW area exceeds the six units per acre, when averaged with other west side residential development in this planned development area the density average is 5.85 dwelling units per acre. And the higher density acreage is located in the area between Hill Road and Baker Creek Road per the policies of McMinnville’s Comprehensive Plan. Public facilities/amenities (sewer, water, transportation and parks) for this area of McMinnville were planned based upon the density policies of the comprehensive plan. Staff has also recommended a condition of approval requiring the provision of a park at least 6,000 square feet in size to be located within the BCW portion of the development to provide more open space where the housing development is the most densely developed.

2. More park space is needed in the BCW portion of the development

Staff response:

The amount of public park space required in a developed area of McMinnville is determined by McMinnville’s Park Master Plan and the levels of service required in that plan. The new six acre neighborhood park being developed in this area as well as the close proximity of

McMinnville's Westside Bicycle and Pedestrian Corridor located within the nearby BPA easement achieves that level of service. However, as noted in the staff response to item number 1, above, an additional park space with a minimum size of 6,000 square feet is recommended to be required as a condition of approval in the BCW to provide more open space where the housing development is the most densely developed.

3. There should be more meaningful pedestrian connections.

Staff response:

McMinnville's Comprehensive Plan and Zoning Ordinance require pedestrian connectivity to major destination points. The applicant has proposed pedestrian connections to the planned public park, Baker Creek Road, Hill Road and future school sites.

4. Infrastructure costs will be high for this development and the developer should pay the absolute maximum fees to cover these costs. Hill Road will no longer be a minor arterial street but instead will become a major street. The Engineering Department needs to carefully review the requirements and costs of providing storm drainage infrastructure and charge the developer accordingly for the full cost. Will the tax revenue from the new households be sufficient to provide for necessary police services to this area? Will the McMinnville School District be able to serve these additional students?

Staff response:

The City's many departments review land use applications, such as this, and provide comment as appropriate that are taken into account and provided to the reviewing body(ies) for their consideration as part of the land use decision making process. Beyond these comments, each department is also charged with administering associated policies, standards, requirements and laws governing all aspects of development, service provision, policing and emergency services. While the question of full cost recovery for development is a policy matter under the direction of the City Council, McMinnville administers formulaic system development charges (SDCs) that help defer the cost of public infrastructure and maintenance of these systems.

McMinnville's public facility plans all planned for the future development of this site at the proposed Comprehensive Plan densities, thus the city's capital improvement plan accounts for the costs of the infrastructure to support the development. System development charges imposed by the City of McMinnville strive to recover the costs of that infrastructure burden at a pre-determined level by the McMinnville City Council. After that level has been determined, the City cannot charge more or less than what has been determined.

In regards to the transportation network, the Transportation System Plan took into account the development of this property at the Comprehensive Plan's goal of housing density. Street classifications in the Transportation System Plan were determined by future build-out and not existing conditions. Hill Road's street classification will not change based upon this development project.

Public safety services are a derivative of property taxes and are the same levy rate across the City of McMinnville for residential development, and are not proportional to future service levels as that is impossible to ascertain neighborhood to neighborhood. However, many studies demonstrate that higher density residential development generates higher tax revenue per square foot of land relative to service needs.

Attachments:

Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
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And, just as the city needs to plan for future public infrastructure and amenities based upon the density policies of the city's comprehensive plan and future growth projections, the McMinnville School District also plans for future school development and needs based upon the same planning data.

The comprehensive plan policies and zoning ordinance support those planning efforts which is the basis for the criteria that is used to review this application. The City will levy all fees and charges commensurate with this development as outlined by established adopted procedures and practices.

- Letter – Peter M. and Linda C. Enticknap, dated December 14, 2016, and received by the Planning Department on December 14, 2016, (Attachment 19).

While the full text of this letter is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. The authors encourage the City to insist on a comprehensive Fiscal Impact study before approving this project.

Staff response:

In Oregon, determining the fixed fiscal impact of new development, (infrastructure development such as sewer, water, transportation and parks) is prescribed by state law governing public facility planning. All urban areas of the state need to develop comprehensive plans that pre-determine the city's planned growth for residential and commercial development and the maximum densities allowed in those areas so that the city can plan for future infrastructure costs to support that growth. That public facility planning leads to a capital improvement plan which forecasts the costs of infrastructure and then the city is allowed to collect impact fees of new development through System Development Charges. This entire process is governed by state law and is a comprehensive process involving the public with final decisions by the city council.

Additional indirect costs of development are harder to pre-determine and assign to development, such as public safety. Those costs are typically governed by performance metrics determined by the community and city council and funded through property taxes and other programs as the city determines. At this time, there are no additional programs authorizing fees and taxes for these services in McMinnville outside of property taxes. If imposed, they would be imposed on all residential development throughout the city since these costs are broadly programmatic and systemic and not directly proportional to isolated developments. Sometimes a city can choose to impart an additional fee on special users that are proven to utilize services at a higher level than the norm, but the City of McMinnville does not currently have that fee structure and it does not generally apply to single family dwelling units.

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?

Staff response:

As described in the response to item 4 related to the Susan Dirks and Kent Stevens letter (Attachment 18) noted above, all public infrastructure and facility planning has accounted for the development of this property at the residential density described in the comprehensive plan and the comprehensive plan policies and zoning ordinance support those planning efforts which is the basis for the criteria that is used to review this application.

Attachments:

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3. The authors provide two references for a quote by Jeffrey H. Dorfman stating “In not a single instance did residential development generate sufficient revenue to cover its associated expenditures.”: references provided are 1) 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; and, 2) The Fiscal Impact Handbook: Estimating Local Costs and Revenues of Land Development, by Robert W. Burchell, David Listokin, CUPR/Transaction Publishers, August 31, 2012.

Staff response:

Many communities have evaluated their land-use economics, meaning what types of land-uses generate enough tax base to pay for desired public service levels wanted by the community since 2006, and have determined that high-density commercial and industrial development are the most efficient land-use for generating tax revenue for public services. Second to high-density commercial and industrial development is high-density residential development, which is why many communities are choosing to require higher density residential development. The large-lot residential developments typically found in R-1 and R-2 zones are typically the least efficient urban land-use for generating tax base to pay for public services. These are very nuanced and complicated discussions, but simplistically large lot residential development covers a larger geographic area that is more costly to serve in terms of infrastructure and public safety response and has less structural improvements generating tax base per square foot. This type of study has not been conducted in McMinnville and is not part of the criteria determined by the city to evaluate development applications.

4. The project violates minimum lot sizes, minimum setback requirements and maximum total density as defined by the McMinnville Comprehensive Plan, regulations and zoning.

Staff response:

Exhibit A of this staff report, “Decision, Findings of Fact and Conclusionary Findings” describe how this development meets the criteria of McMinnville’s Comprehensive Plan and Zoning Ordinance or what conditions of approval need to be implemented to achieve compliance.

5. There is repeated storm drain flooding in the vicinity of Michelbook Country Club. This proposed development will only exacerbate an already serious flooding risk in this community.

Staff response:

The McMinnville Engineering Department is aware of the existing storm drainage system capacity in this area. This proposal, if approved, will be required to provide an engineered system to adequately serve the subject site and to connect with the adjacent storm drainage system without resulting in negative impacts. The proposed system improvements will be thoroughly reviewed prior to acceptance by the Engineering Department.

- Email – Gene White, December 14, 2016, (Attachment 20).

While the full text of this email is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. Home Owners Associations (HOAs) do not typically have sufficient funds to take a noncompliant property owner to court. As the author anticipates that this development would have an unusually high number of rental units, any forthcoming HOA should have the ability to sue a noncompliant property owner and recover all associated court costs.

Attachments:

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Staff response:

Number of rental units versus homeownership is not a criteria of review in the McMinnville Comprehensive Plan or Zoning Ordinance, and therefore is not part of the land-use decision. .

- Email – Morgan Will, Applicant, December 14, 2016, and received by the Planning Department on December 15, 2016, (Attachment 21).

While the full text of this email is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. The original narrative and supporting exhibits accidentally included additional area in the PD amendment’s density calculation. The correct density of the Amended PD is 336 dwelling units.

Staff response:

As two of the platted lots in the Shadden Claim 2nd Addition residential subdivision are considered as one lot through a covenant agreement filed with the McMinnville Building Department, staff calculates a total of 335 dwelling units (one dwelling unit less than the new figure provide by the applicant). This yields a combined residential density of 5.85 dwelling units per acre when averaged over the entire 57.63-acres Planned Development site.

2. A public pedestrian access easement and concrete sidewalk is planned to connect Haun Drive to Baker Creek Road along the eastern edge of the multiple-family site but was inadvertently not shown on the original submittal.

Staff response:

This was previously noted in the observations portion of this report.

3. The previous submittal’s open space calculations for the project should be amended to reflect an additional 0.95 acres of open space within BCE and 0.46 acres of additional open space for BCW.

Staff response:

The applicant notes that, in the original plan for this development (1996), there was no additional open space planned for Phase III. While that is accurate, it is instructive to note that Phase III was conceptual only and did not receive subdivision approval by the City. The applicant also refers to the identification of future park space on that conceptual plan; this vision was eventually realized through the City’s development of the Westside Bicycle and Pedestrian Corridor. This information goes to the history of the area and does not impact the size or number of open spaces proposed in this current plan.

The applicant notes that they had inadvertently utilized the area of Lot 70 in BCE (17,291 square feet) for the open space tabulation rather than the area of Tract A (58,365 square feet). The results in an increased open space area of 41,071 square feet (0.94 acres) above that previously stated for BCE.

The applicant also indicates that the portion of the Westside Bicycle and Pedestrian Corridor that exists in the already developed Shadden Claim 2nd Addition subdivision is 1.98 acres in size whereas the tentative plan approval (1996) for this subdivision envisioned this area to be 1.75 acres in size (0.23 acres, or 10,019 square less than was actually developed as part of the greenway corridor).

Attachments:

*Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
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The applicant contends that these adjustments result in the open space calculation for the 57.48-acre Planned Development site is actually 4.64 acres in total area rather than the 3.69 acres previously identified in their earlier narrative resulting in a corrected increase of 0.95 acres of additional open space.

Staff supports the adjustment of the open space calculation regarding BCE as identified above. However, staff does not support the corrected/increased open space calculation regarding the Shadden Claim 2nd Addition subdivision as this land is under public ownership and part of the Westside corridor park system.

The meaningful take-away from this is that these adjusted calculations, even with full staff support, do not have an appreciable land use impact on the relationship between the relationship between the proposed residential development plan and open spaces, and staff's determination that an additional park space is needed within BCW.

- Letter – Patty O'Leary, dated January 2, 2017, and received by the Planning Department on January 3, 2017, (Attachment 22).

While the full text of this letter is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. Ordinances 4506 and 4626 are being utilized to justify changing the five-acre C-3 parcel to a 3.8-acre C-3 PD parcel. Additionally, that the McMinnville Zoning Ordinance section 17.33.020(F)(5) limits overlaying multiple-family development onto a C-3 zone is limited to the, generally, downtown area.

Staff response:

Ordinance 4506, adopted by the McMinnville City Council on December 10, 1991, designated a 5-acre site located on the southeast quadrant of the intersection of Hill Road and Baker Creek Road as C-3 (General Commercial). Multiple-family development is listed as a permitted use in the C-3 zone. Some five-years later, on July 9, 1996, the City Council adopted Ordinance 4626 that, in part, reduced the 5-acre site to 3.8-acres in size. This is the same 3.8 acre site that is identified in this current application for multiple-family development.

The zoning ordinance reference noted by Ms. O'leary refers to a conditional use opportunity for multiple-family development proposed within McMinnville's downtown core that could potentially be allowed to be constructed to a higher density than normally allowed in the R-4 (Multiple-Family Residential) zone. That code reference is not applicable in this application or review.

2. The author of this letter notes that the 2013 McMinnville Economic Opportunities Analysis (EOA) projections were partially based on the continued expansion of employment opportunities at the Evergreen Museum Campus. Since local population growth has not kept pace for the first portion of the EOA projection period, it is implied that the result are lower employment projections for the community; e.g., Cascade Steel has cut approximately 70 positions in recent years. Large population based employers, Linfield College, McMinnville School District, Willamette Valley Medical Center, etc., may particularly be affected by this trend. The author suggests an alternative, lower, housing demand figure for the community than that supported by the Council's adoption of the EOA should be considered. Additional information is provided to demonstrate support for alternative, lower, housing demand and job growth figures. This goes to the opinion that the proposed residential development is, generally speaking, too large.

Attachments:

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Staff response:

McMinnville's Comprehensive Plan policy for residential density in this area of McMinnville was developed in 2003 based upon the state acknowledged Housing Needs Analysis and Economic Opportunity Analysis and was not amended with the city adoption of the 2013 Economic Opportunity Analysis. This land-use application needs to be reviewed by the city's current Comprehensive Plan policies and respective zoning ordinances.

If the community wants to revisit the city's population projections and housing needs analysis, that is a future strategic discussion that will necessitate a substantial analysis and public process and is not part of this land-use decision.

3. While a key point 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. What steps will the developer take to insure that the units will not be used as rental units.

Staff response:

Affordable housing and the proportion or relationship between owner-occupied and rental housing units is not a criterion in McMinnville's Comprehensive Plan and Zoning Ordinance and consequently this land use decision.

4. On-street parking in the proposed development will not be similar to the on-street parking situation in the Cypress Townhome development as suggested by staff.

Staff response:

Staff makes the same point as the letter's author in that parking in the Cypress Townhome development works well, in part because of the orientation of homes on adjacent streets (i.e., no curb cuts along the east side of this portion of Cypress Street). This goes to staff's recommendation that residential driveways in the BCW portion of the proposed development be paired as much as possible to increase parking opportunities along these streets.

5. With minimal parking being provided by the City to serve the barrier-free park being developed adjacent to the east edge of BCW, on-street parking will be in demand.

Staff response:

Any potential on-street parking impact on adjacent neighborhoods resulting from establishment of a public amenity, in this case the barrier-free public park, should not, and legally cannot, fall on adjacent developers as their responsibility to address.

6. As a Tree City, it is reasonable to expect that an outside developer would adhere to the same type of local tree planting requirements as other developers.

Staff response:

Conditions of approval are attached for the Commission's consideration that require street tree planting consistent with the City's street tree planting and spacing requirements (McMinnville Zoning Ordinance Chapter 17.58 – Trees). Additionally, the applicant will be required to coordinate street tree planting along NW Hill Road consistent with the Hill Road public improvement plan currently under City design. All street tree planting plans are required be reviewed and approved by the McMinnville Landscape Review Committee prior to the installation of any such trees.

Attachments:

Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
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7. Is staff’s recommendation to approve the lot size variations or the number of lots?

Staff response:

Staff’s recommendation is for approval, with conditions, of both the number and design of the proposed lots based upon compliance with McMinnville’s Comprehensive Plan and Zoning Ordinance.

8. Any Commission approval should be delayed until a new layout plan reflecting staff’s recommendations can be provided.

Staff response:

The recommended conditions of approval will require, in part, submittal of a revised tentative plan for review and approval prior to issuance of related permits for construction of the subdivision. The conditioned approval provides the applicant with assurance and guidance that they can move forward with an amended plan.

9. Staff’s requirements for open space, pathways, etc., would increase overall residential density.

Staff response:

Staff’s recommendation for one additional park space to be located within BCW will not appreciably alter, and would actually lower, the resulting density within the proposed site. The other amenities discussed elsewhere in the staff report are already proposed by the applicant and depicted on the proposed subdivision tentative plans.

- Email – Doug Larson, January 6, 2017, (Attachment 23).

While the full text of this email is provided as an attachment to this report, the general concerns are summarized below in order for staff to provide written response:

1. The setbacks for the proposed lots should remain the same as those in nearby developments. Also, lots should be no less than 8,000 square feet in size. We do not want the community to look like row housing. There should also be no multifamily apartments in this area.

Staff response:

McMinnville’s Comprehensive Plan and Zoning Ordinance have policies and criteria that encourage and allow higher density residential development in this area of McMinnville. Land-use applications need to be reviewed against these policies and criteria as described in Exhibit A, “Decision, Findings of Fact, Conditions of Approval and Conclusionary Findings”.

Modifications to Conditions of Approval

- Since the issuance of the December 15, 2016 staff report, staff has amended three of the recommended conditions of approval.

Specifically, condition of approval number 37, as originally drafted, requires that the applicant submit copies of the proposed restrictive covenants prepared for the development. The modification to this condition requires that a copy of the covenants be provided to the Planning Director allowing for review prior to final plat approval. Additionally, the phrase “long-term durability” has been added to the description of fencing qualities for this development.

Condition of approval number 38, as originally drafted, requires that documents creating a homeowner's association for the subdivision be provided to the Planning Director for review and approval prior to recording. The modification to this condition requires that the City be made a party to the Covenants, Conditions and Restrictions (CC&Rs) to help assure that the Homeowners Association maintains and repairs needed improvements as necessary.

Condition of approval number 41, as originally drafted, addresses street tree planting within curbside planting strips associated with this development proposal. The modification to this condition adds that specifications for the street trees to be planted along Hill Road and Baker Creek Road will be provided to the applicant by the City. This addition is relative to the transportation improvement project currently underway along the northern part of Hill Road and its intersection with Baker Creek Road and will help to ensure compatibility and coordination between street tree location and species and the planned improvements along these rights-of-way.

RECOMMENDATION

Due to the long land use history, this site is one of the more difficult and challenging for large-scale residential development that McMinnville has seen. Yet, the applicants have crafted a subdivision plan that meets all applicable requirements, as conditioned, while also providing for a range of housing types at varying price points to aid in meeting the residential needs of this growing community. Staff supports the general concept proposed for this site, including the location of the multi-family development, and the provision of higher density single-family residential development to be located within ¼ mile of minor arterial streets and public transit routes. The applicant proposes a development plan in which single-family lot sizes are arranged to provide a transition from the adjacent moderately sized lots of the Shadden Claim subdivision to the development multiple-family dwellings located at the intersection of Hill Road and Baker Creek Road. We also support the desire to increase the overall density of the site above that which would typically occur under this site's long-standing R-1 zoning designation as allowed through the Planned Development review process.

Therefore, based on the materials submitted by the applicant, the findings of fact, and the conclusionary findings for approval, staff recommends that ZC 1-16 be approved, and ZC 2-16 be 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 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 65 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.

Attachments:

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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

Attachments:

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 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.
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.
 - 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

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Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion*

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.

8. That Planned Development Ordinance No. 4626 is repealed in its entirety.

Based on the materials submitted by the applicant, the findings of fact, and the conclusionary findings for approval, that S 3-16 be approved subject to the following conditions: [While there are no text deletions from the conditions presented in the December 15, 2016 staff report, added text is identified with a **bold underlined** font.]

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 five-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.

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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.

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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 applicant shall make the City of McMinnville a party to the Covenants, Conditions, and Restrictions (CC&Rs). 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.

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- 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, described as the single-family residential development as Phase I and the multiple-family development as Phase II, is approved.
44. That street names shall be submitted to the Planning Director for review and approval prior to submittal of the final plat.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

Based on the observations and arguments described above, and the findings of fact, conditions of approval and conclusionary findings attached as Exhibit A, staff is recommending that the zone changes and tentative subdivision plan be **approved**.

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.

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:

Exhibit A - Decision, Findings of Fact and Conclusionary Findings for Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion

EXHIBIT A (Amended January 18, 2017)

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS

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.

APPLICANT: Baker Creek Development, LLC

STAFF: Ron Pomeroy, Principal Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: November 17, 2016 and December 15, 2016. 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) and approves the Tentative Subdivision Plan (S 3-16) for Baker Creek Development **subject to the conditions of approval below.**

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

ZC 1-16 and ZC 2-16 are **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 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 65 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.

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

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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

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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.
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.
 - 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.

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8. That Planned Development Ordinance No. 4626 is repealed in its entirety.

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.
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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.

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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.
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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 applicant shall make the City of McMinnville a party to the Covenants, Conditions, and Restrictions (CC&Rs). 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.

Attachments:

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- 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, described as the single-family residential development as Phase I and the multiple-family development as Phase II, is approved.
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

Attachments:

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- 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

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.

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- 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:

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- 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.

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).

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- 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).

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

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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 and staff’s discussion provided above in the Observations portion of this report, 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. As the proposal already provides some, albeit less than abundant, open space opportunities within BCE, the one required Mini-Park/Playlot should be provided in BCW to serve this portion of the proposed neighborhood. A condition of approval to achieve this adjustment to the proposal has been drafted for approval. Additionally, as the proposed open spaces are adjacent to public sidewalks, no bike paths are required to provide that access. 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.

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- 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.

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- 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 McMINNVILLE URBAN GROWTH BOUNDARY.

Sanitary Sewer System

Policies:

Attachments:

*Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion*

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 ENJOUMENT 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 McMINNIVILLE.

Attachments:

Exhibit A - Decision, Findings of Fact and Conclusionary Findings for Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion

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 advertized 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 and numbers of bedrooms per dwelling unit are not provided as part of this submittal, the building height limitations of the R-1 and R-4 zones 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. 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 provide 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

Attachments:

Exhibit A - Decision, Findings of Fact and Conclusionary Findings for
Docket ZC 1-16/ZC 2-16/S 3-16 – Baker Creek Development Expansion

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 ¼ 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

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:

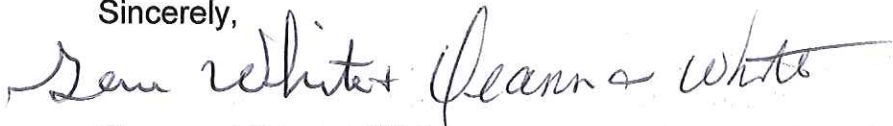
In response to the notice of Public Hearing on December 15, 2016, I am providing the following comments and suggestions in regards to the Baker Creek Development's application.

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
2200 SW Homer Ross Loop
McMinnville, OR 97128

RECEIVED

DEC 12 2016

COMMUNITY DEVELOPMENT
CENTER

RECEIVED

DEC 13 2016

COMMUNITY DEVELOPMENT
CENTER

TO: McMinnville Planning Commission
Heather Richards, Planning Director
Ron Pomeroy, Principal Planner

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

~~Memo:~~ Revised Memo

Date: ~~November 4, 2016~~ December 14, 2016

To: Ron Pomeroy, City of McMinnville

Cc: Heather Richards, City of McMinnville

From: Baker Creek Development, LLC

Subject: Corrective Supplemental Narrative to ZC 1-16, ZC 2-16, S 3-16

It has come to the attention of the Applicant that the current narrative and supportive exhibits accidentally included additional area in the PD Amendment application's density calculations that was not part of Ordinance No. 4626 that approved the phased development. Please accept this memo, the attached Table 1, and Exhibit Q as supplemental material to the Application to correct this error.

As seen in Table 1 the proposed new density of the Amended PD is 336 Dwelling Units. This is the same as allowed by zoning and less than allowed under the compressive plan. We hope this reviewed to the City staff's satisfaction and the Application will receive the staff's recommendation for approval in the pending staff report.

There are 58 existing dwelling units built in the first two phases. Approval of the amendment will approve additional phases for 213 new single-family detached dwellings and 65 multi-family dwellings as shown on the current plans.

We also want to add a public pedestrian access easement and concrete sidewalk planned, but accidentally not shown on the current plan set. The easement would be approximately 20' wide on proposed Lot 131's east boundary with proposed Lot 119 from the terminus of the sidewalk on the north side of Haun Drive to the Baker Creek Road right-of-way and existing sidewalk. This access way will allow public pedestrian connectivity north for both single-family and multi-family dwelling residents of the development, and pedestrian traffic from surrounding neighborhoods, too. This easement will be shown on the recorded plat and the improvement made concurrent to extension of Haun Drive.

The Applicant would also like to point out a few details regarding the open space for the project. In the original plan for this planned development (Exhibit O), there was no additional open space planned in the third phase. The whole development was to have approximately 1.75 acres of open space installed in the second phase with construction of Meadows Drive, and that was accomplished. This planned open space was about 6.6% of the original PD's 26.65-acre site area. The master plan for adjacent properties, which was not binding on the project, but does show the intent of development to the south at the time, showed future park area (open space) to the south at a similar scale shown in the approved plan

This PD Amendment does propose additional open space with additional site area added to the project. For the east phase on Tax Lot 205 the proposed plan shows approximately ~~1.25~~ 2.2* acres of additional open space. That is about ~~5.4%~~ 9.5 % open space for the 23.01 acres added in that area. For the west phase on Tax Lot 200 the proposed plan shows approximately 0.46 acres of additional open space. That is about 5.9% open space for the 7.82 acres added. The actual amount of open space provided with construction of the second phase and shown on the recorded plat totaled about 1.98 acres, more than

expected on the tentative plan at approval. So, put all together, the amended PD will have a total of about ~~3.69~~ 4.64 acres of open space, or about ~~6.4%~~ 8.07% of the 57.48-acre site will be in open space. This percentage is substantially ~~conforming to~~ greater than the original approvals 6.6% open space, being almost a quarter more open space, at 22% increase overall.

In addition, since the approval the City Parks Department has acquired and improved 0.64 acres south of the existing open space in this development between Meadows Drive and Haun Drive with an extension of the power line trail to connect it to the Cottonwood development's segment of the trail. The City Parks Department has also acquired 4.09 additional acres on both sides of this new trail segment, and has current and active plans to develop a new City park on this property, which is immediately adjacent to the proposed planned development (see Exhibit P). This means the availability of public open space adjacent to the project has more than doubled what the project provides or was envisioned to be available for residents at the time of the original approval. It is also important to point out that the site is adjacent to a future school, so even more open space will exist in the future. Together the needs of the residents for open space is met by planned private and public open space.

Please contact the Applicant via Project Manager, Morgan Will, 503-305-7647 if there are any other questions.

*The Applicant accidentally used the area of Lot 70 (17,291 SF) for the open space tabulation in this memo instead of the area of Tract A (58,365 SF). The difference being 41,074 more square feet, or 0.94 acres, of additional open space not previously documented, warranting the revisions noted above in red to the original November 4, 2016 memo.

January 2, 2017

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JAN 03 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 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

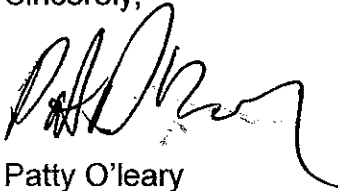
The Staff Report recommendation addresses many of the concerns I have. I am particularly impressed with the restrictions recommended concerning a mini-park and landscaped green space as well as street appeal. The primary issue I am not clear on, however, is whether the recommendation is to approve the 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

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

RECEIVED

JAN 06 2017

COMMUNITY DEVELOPMENT
CENTER

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 rural area of Northwest McMinnville.

Sent via my Samsung Galaxy, an AT&T 4G LTE smartphone