

CITY OF McMinnville
MINUTES OF CITY COUNCIL MEETING
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 10, 2020 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	
	Remy Drabkin	
	Zack Geary	
	Kellie Menke, Council President	
	Wendy Stassens	
	Sal Peralta	

Also present were City Manager Jeff Towery, Police Chief Matt Scales, Finance Director Jennifer Cuellar, Community Services Director Mike Bisset, Planning Director Heather Richards, Human Resources Manager Kylie Bayer, Information System Director Scott Burke, Fire Chief Rich Leipfert, Parks and Recreation Director Susan Muir, Senior Planner Chuck Darnell, City Attorney Spencer Parsons, and member of the News Media – and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.

2. PLEDGE

Councilor Garvin led the Pledge of Allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

There were no public comments.

4. ADVICE/ INFORMATION ITEMS

4.a. Reports from Councilors on Committee & Board Assignments

Councilor Geary said the McMinnville Community Media annual meeting would be held this Monday. The LED lighting project in studio was completed. The Historic Landmarks Committee met and discussed removal of an existing property from the rolls. Regarding Kids on the Block Technical Advisory Committee, there was progress made on a joint meeting

with Council and School Board. The MacPAC had their second meeting of 18 and discussed equity and inclusion.

Councilor Garvin said YCOM would meet on Thursday and the Airport Commission met last Tuesday. They were starting a commercial standards and airport rules review which would be done through a community outreach approach. They wanted to standardize the rules and make sure they were equitable across all airport users.

Councilor Drabkin said Commissioner Kulla testified in support of HB 4001, however the legislature closed due to Covid and it had not moved forward.

Council President Menke said Visit McMinnville would be meeting next Wednesday. MURAC met and heard a presentation from Victory Garden on plantings for Alpine Avenue and received an update on the Third Street Plan for housing and MURAC's five year Strategic Plan. She attended Commissioner Kulla's housing solutions meeting about the Providence project in Newberg.

Councilor Drabkin met with the CDC last week and they really emphasized making sure people were washing their hands properly.

Mayor Hill had traveled to Washington, D.C. with John Dietz from McMinnville Water & Light for the annual American Public Power Association Conference. They had discussed making sure Bonneville Power Administration continued to function correctly, G5 small cells legislation, and Columbia River Treaty with Canada.

4.b.

Department Head Reports

Police Chief Scales said the final graduate from the Police Academy would be graduating this Friday. Internally they were working on contingency staffing planning due to Covid. They would be having weekly meetings with Public Health, EMS, and Fire for sharing of information.

Planning Director Richards said four more youth applications had been submitted for City committees and commissions. The Mayor and Council President would interview them and bring them back to appoint. There would be land use training on Saturday with John Morgan.

Parks and Recreation Director Muir said she and the City Manager met with the School District Superintendent regarding the Kids on the Block joint meeting which would be held at a later date.

Councilor Peralta said advice from the CDC was for non-essential employees to work remotely where possible. Had there been discussions about City employees working remotely?

Information System Director Burke said they had spent some time over the last few weeks looking over the inventory and taking stock of what the City had for laptops and resources for remote workers. There was enough hardware, but the question was making sure that the employees would have remote access to do their work. They were geared up and ready to respond to the needs.

Fire Chief Leipfert spoke about the preparations for Covid-19 being made at the Fire Department. They were participating in OHA and CDC meetings. YCOM had implemented a screening for calls to get information about people with potential symptoms. They were operating under their exotic disease protocols which designated certain types of disinfections they needed to do after certain types of incidents and the type of PPE they had to wear and questions they had to ask. They were working on internal staffing solutions in the event the Mayor had to declare an emergency and staff had to be quarantined. They were working on quarantine protocols and would be using Station 12 if an ambulance treated or transported a patient so it would not contaminate the entire fire station and resources. They had appropriate PPE available. Regarding the feasibility study, three departments had completed all the data acquisition required. The other departments were almost there and they were working with YCOM on mapping solutions. They were still on track for the April stakeholder meetings and council and boards input sessions.

Councilor Peralta asked about Oregon Health Authority inspections of senior care facilities and if it would put a demand on Fire Department staff.

Chief Leipfert said they would not be participating in those inspections. He did not know when they would be scheduled for McMinnville.

Finance Director Cuellar said the Finance Department was gearing up for employees to work from home as well as the Municipal Court. It was balancing the need to protect staff and the public.

Human Resources Manager Bayer was working on a policy for Covid-19 preparation.

City Manager Towery said there was currently 20% of the City's workforce already authorized to work from home, and they were pushing to go beyond that. He thought 40% would be able to work remotely. They also made decisions with the janitorial services provider to do deeper cleaning and provide disinfecting services on a regular basis in high traffic and public meeting areas. They would continue to share information with the community and encouraged people to contact the Oregon Health Authority. He would be attending a conference next week and Community Development Director Bisset would be the contact while he was out of town.

5. CONSENT AGENDA

a. Consider request from Guillen Family LLC at 2803 NE Orchard Ave for winery second location liquor license.

Council President Menke MOVED to adopt the consent agenda as presented; SECONDED by Councilor Peralta. Motion PASSED unanimously.

6. ORDINANCES

- 6.a. Consider first reading with possible second reading of **Ordinance No. 5084**: An Ordinance Amending the Comprehensive Plan Map Designation of the Property at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road from a Commercial Designation to a Mix of Residential and Commercial Designations.
- 6.b. Consider first reading with possible second reading of **Ordinance No. 5085**: An Ordinance Approving a Zone Change of the Property at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road from a Mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to C-3 (General Commercial) and R-4 (Multiple Family Residential).
- 6.c. Consider first reading with possible second reading of **Ordinance No. 5086**: An Ordinance Approving a Planned Development Amendment to Amend the Conditions of Approval and Reduce the Size of an Existing Planned Development Overlay District at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road.
- 6.d. Consider first reading with possible second reading of **Ordinance No. 5087**: An Ordinance Approving a Planned Development Overlay District to Allow for the Development of a 280 Lot Residential Subdivision with Modifications from the Underlying Zoning Requirements at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road.
- 6.e. Consider first reading with possible second reading of **Ordinance No. 5088**: An Ordinance Approving a Tentative Subdivision for a 280 Lot, Phased Single-Family Detached Residential Development at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road.
- 6.f. Consider first reading with possible second reading of **Ordinance No. 5089**: An Ordinance Approving a Landscape Plan and Street Tree Plan for the Baker Creek North Subdivision.

Senior Planner Darnell said the Baker Creek North land use applications had been continued from the January meeting. The location was on Baker Creek Road in the northwest corner of the City. He gave an overview of the proposed development plan. The primary portion of the site would be zoned R-4 resulting in 280 single family residential lots. There would be a variety of lot sizes that would reduce in density as they moved from Baker Creek Road to the north of the site which was more environmentally sensitive. Some of the unique components were the alley loaded design for the smaller

lots, private open spaces in the front, and commercial component. The Development Plan amendment included dedication of both public and private open spaces and an extension of the BPA Trail and City park. The public hearing process included a neighborhood meeting in November, Planning Commission public hearing in December, and City Council public hearing in January. The Council closed the public hearing in January, but left the record open for submittal of additional written testimony until February 4, rebuttal testimony until February 11, and final applicant written arguments until February 18. The applicant provided an extension of the 120 day decision deadline to March 10. Twenty items of additional written testimony were received between January 29 and February 4. There were two items of rebuttal testimony, one from the applicant. Two items were received after the February 4 deadline and were not currently included in the public record. Several emails were sent to the City Council after the February 4 deadline. Council did not read those and forwarded them to staff.

City Attorney Parsons said regarding the items received late, the reason staff recommended that they not be included in the record was they set a process in place for public comment and for each item that did not come in during the applicable deadline, it would require extending the other deadlines and gummed up the system the Council put in place. It was the Council's decision, however, if they wanted to accept the additional testimony into the record. He recommended rejecting the late received testimony.

Councilor Drabkin MOVED to not allow the late testimony to be included in the record; SECONDED by Council President Menke. Motion PASSED 5-1 by the following vote:

*Ayes – Councilor Drabkin, Garvin, Geary, Stassens, Menke
Nay – Councilor Peralta*

City Attorney Parsons said several Councilors received direct emails which were forwarded to staff. To the extent that those were timely received and forwarded to staff, they had been placed in the record. He asked if the Council had any other ex parte contacts outside of those emails to declare.

Councilor Geary received an email this morning, but by the time he logged in there was already chatter about not reading the email and he did not read it. It would not affect his ability to render an impartial vote.

Council President Menke also received an email this morning, but she only read the first sentence and did not read the rest. It would not affect her ability to render an impartial vote.

Senior Planner Darnell said the concerns raised in the testimony were related to transportation and traffic impact on Baker Creek Road, density, reduced setbacks, and lot sizes, allowance of apartments on the commercial site, design diversity in single dwelling unit subdivision, and commercial business in the northwest area of the City.

Community Development Director Bisset said Oregon Statewide Planning Goal 12 stated cities would adopt transportation system plans to plan for street and transportation networks. McMinnville's TSP was adopted in 2010 and was approved by the state. It was based on the 2003 McMinnville Growth Management and Urbanization Plan which planned for a transportation network for full build out of the Urban Growth Boundary with a build out population of 46,220 in 2023. The community had not grown as fast as anticipated, but the infrastructure plan was still built around that build out population. The TSP included system wide traffic modeling for build out conditions based on the 2003 MGMUP. The 2003 MGMUP identified a neighborhood activity center in the location of Baker Creek North. The TSP set the functional classification for Baker Creek Road as a minor arterial (two travel lanes, center turn lane, bike lanes, planter strips, and sidewalks). Minor arterials were planned to have a maximum average daily traffic of 20,000 vehicles per day. The TSP also set the mobility standard for City street intersections at a volume to capacity ratio of 0.90. Significant items of note in the TSP:

- Page 3-5: "East-west minor arterials like Baker Creek Road and Old Sheridan Road are expected to see significant growth in traffic"
- Page 3-9: By build out "traffic congestion of many of McMinnville's major east-west routes will present a challenge. Baker Creek Road, 2nd Street, Fellows Street, and Old Sheridan Road will all experience higher levels of congestion"

Community Development Director Bisset said the total number of planned units was less than the 2003 MGUMP density assumptions used to develop the TSP. A traffic study (provided by a professional traffic engineer) indicated that area intersections (except Baker Cr Rd/Michelbook Lane) would meet the TSP mobility standard of v/c ratio < 0.90 at build out. The planned 280 single family units in Baker Creek North would generate about \$730,000 in transportation system development charge revenues at the current rates. The traffic study indicated that with or without the Baker Creek North development, a traffic signal would be needed at the Baker Creek Rd/Michelbook Lane intersection by 2029. The traffic signal installation was in the adopted TSP, and the costs to cover the project could be funded via transportation system development charge revenues. Staff thought the proposal was consistent with the TSP and that the applicant had demonstrated with the information in the record that the traffic generated by the development was not in conflict with the TSP.

Council President Menke asked if there was going to be an overhaul of Baker Creek and 99W in the next year. Community Development Director Bisset said ODOT was currently working on a traffic safety improvement project to upgrade several of the signals on the 99W corridor. Construction for that project would start next calendar year.

Councilor Peralta asked how much it would cost to put in the traffic signal. Community Development Director Bisset said it would depend on the

amount of pedestrian improvements needed. He thought it would cost around \$400,000.

Councilor Peralta asked if using the \$400,000 for this signal would create a deficit for other transportation infrastructure in the subdivision itself. Community Development Director Bisset said the transportation system development charge ordinance that was in place outlined a list of projects that were system development charge expense eligible and the signal was one of those projects. When the system development rate was approved by Council, it was not full cost recovery and some of the projects in the plan would need other funding to complete.

Councilor Peralta asked if it was possible to install the signal without this project using existing funds. Community Development Director Bisset said it was a high priority project and he thought it would be funded.

Councilor Garvin asked about the difference between the two traffic studies that had been submitted. Community Development Director Bisset said the applicant provided a traffic study that included intersection analysis and a volume to capacity ratio for intersections. The additional information provided by the public included traffic counts of average daily traffic along the corridor on two separate days in January, not an analysis of the volume to capacity ratio. The public thought the counts were a higher level of traffic than the basis for the applicant's traffic study. There was rebuttal indicating the applicant's traffic study was based on the p.m. peak which was consistent with the Transportation System Plan. The p.m. peak traffic in the study had higher traffic counts than the data provided by the opponents of the proposal.

Councilor Stassens asked about a turn lane on Baker Creek or other improvements to alleviate the concerns. Community Development Director Bisset said the Baker Street corridor was striped last calendar year from Elm to Hill Roads to add the turn lane anticipated by the Transportation System Plan. The intersection of Baker Creek and Michelbook would experience delay in excess to the volume to capacity ratio and a traffic signal was needed to bring that intersection back down within the mobility standard. It would be needed with or without the traffic generated by this development in the future.

Councilor Stassens asked about the roundabout that had been added. Community Development Director Bisset said when the Hill Road corridor was put together, there was a significant amount of traffic work and study to ensure that the improvements were consistent with the build out condition that was in the TSP. They essentially prepared the corridor for the traffic that was expected. There was some testimony in the record that the roundabout was not large enough, but the design of the roundabout was vetted by a traffic consultant to ensure it was designed properly. Staff also met with a number of area farmers to ensure the design of the roundabout would accommodate any specialized equipment that they had. He did not think the testimony about the size of the roundabout was accurate.

Councilor Stassens clarified all of these improvements were designed for capacity above what they had currently. Community Development Director Bisset said yes, however the 2nd Street/Hill Road intersection would still need traffic control and the TSP anticipated that all of the east/west corridors would be more congested as they grew.

Councilor Geary asked about school crossings for Baker Creek and safety of kids walking to school. Community Development Director Bisset said the safe routes to school analysis was based on children living a certain distance from the school. There was not a school near Baker Creek that would necessitate walking to school. If that changed in the future, then a supplemental analysis would be done to make sure all of the corridors for walking were addressed. With the completion of this project, there would be sidewalks on both sides of the corridor. As far as specific crossings, he anticipated looking at crossing enhancements as traffic increased. The crossings were done on a case by case basis as there was need. He noted marked crosswalks without traffic control were more dangerous than unmarked crosswalks because the markings did not provide protection for pedestrians and had very little impact on driver behavior. A marked crosswalk could result in a false sense of security. There was significant research that said if markings were going to be put down, other enhancements would need to be included.

Councilor Geary said the planning horizon in the plan was to 2023, at what point did they update the plan? Community Development Director Bisset said the Planning Department anticipated updating the Transportation System Plan as a priority with the growth work that was being done.

Councilor Garvin noted there were students crossing Baker Creek going to Memorial Elementary School. He asked if the traffic counts in the 2003 TSP took into account the new school being built in this area. Community Development Director Bisset said the analysis was based on build out of the entire Urban Growth Boundary per the 2003 Urbanization Plan. Some of those areas were pulled out of the UGB and if anything some of the infrastructure plans were conservative.

Senior Planner Darnell said staff analyzed the proposed density against what was assumed in the 2003 MGUMP. The gross density that was being proposed in the R-4 area was 5.75 units per acre and in the C-3 area was 18.12 units per acre. Those numbers added up to less density than what was considered in the 2003 MGUMP neighborhood activity center. The density in the R-4 zone was somewhat low for a high density zone. The lot sizes within the proposal were very close to the minimum lot size in the R-4 zone which was 5,000 square feet. The applicant had requested revisions to Condition #18 in PD 1-19 regarding driveway width and Condition #20 in PD 1-19 and Condition #11 in S 1-19 regarding the design standards for single dwelling units. Staff met with the applicant and reviewed the Planning Commission recommended conditions in detail. They discussed revisions that staff believed were not significant and did not change the intent of the design

standards. Those changes were included in the Council packet and he reviewed the suggested revisions which would better clarify the driveway widths for what was allowed on the private lots and those on the public rights-of-way.

Councilor Peralta thought there was concern about the lack of parking on the street due to the wider driveways and that had not been addressed. Senior Planner Darnell said that was why they kept the language that required driveway widths not to exceed the 40% maximum of the lot width. He thought the lack of parking had to do with the lot size and the form that was being proposed as well as the driveway width. They were proposing that the lots follow the current maximum standards. The request for the wider driveways on the lots was to provide driveway space for parking as well and ensuring there was off street parking. Where it would be most impactful was on the medium size lots of 40 feet width that would have a 20 foot driveway. He clarified the applicant had proposed that the driveway width be wider than the 40% of the lot width which would allow for less on street parking. Staff recommended keeping it at that 40% maximum of the lot width.

Planning Director Richards explained there was no revision to the condition that changed this standard. It was moving language from one paragraph to another to make it clearer. The applicant did not like the condition as they wanted wider driveway widths but staff had come back with the same condition. In the rebuttal testimony, the applicant stated they would still like wider driveway widths.

Senior Planner Darnell reviewed the revised conditions regarding the design standards for single dwelling units. These were minor changes that did not result in the loss of the intent of the design standards. These were more for clarity and to be easily interpreted. There would need to be horizontal elements across the facades, there was a minimum size for the trim on the windows, and a color palette to allow for different types of materials to count as a color rather than paint. The front porches had to be at least 36 square feet in area with a minimum depth of 4 feet as measured from the front door. If columns were included, they had to be a minimum size of 6 inches by 6 inches. Regarding the roof design, an elevation could have one single continuous ridgeline or eave over the main portion of the roof structure, but must also have another roof ridgeline or eave, such as a gable or hip roof, that extended perpendicularly or at a lower elevation from the larger roof ridgeline. For garage door types, an “or” was removed in the language and it was clarified that transom windows would be allowed or sidelight windows or both. There were also a number of questions regarding the commercial site, especially regarding a possible food store. Staff recommended Condition #3, which limited the uses in that commercial area to be those permitted in the C-1 zone plus “restaurant.” “Food store, retail” was listed in the C-1 zone, but was not defined. It was uncommon for other cities to define food store or differentiate between different types of food stores or retail stores. He discussed the different definitions for convenience store, grocery store, and supermarket. Staff also recommended Condition #5 which would

prohibit any retail commercial use from occurring from 1:00 a.m. to 5:00 a.m. If there was interest in limiting the intensity to neighborhood scale, they could reduce the maximum size of the retail uses in Condition #3 with the following wording: For the purposes of this Planned Development Overlay District, the allowed neighborhood commercial uses were defined as those that were permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “restaurant” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 5,000 square feet in size. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal or detailed development plans for the site. The recommended conditions did not prohibit a drive-through facility. The current conditions included site design and building architecture standards that focused on pedestrians and human scale. If followed, it could accommodate a drive-through facility. Findings would be required if there was interest in limiting drive-through facilities for this site. The findings could be related to:

- Intent to include neighborhood commercial uses
- Comprehensive Plan policies: 25.00 (minimize conflicts with adjacent land uses), 26.00 (heavy traffic-generating uses), and 27.00 (neighborhood oriented businesses)

Council could consider limiting stand-alone drive-through facilities or allowing drive-throughs only as end-caps within a commercial or mixed use building. Parking on the commercial site would meet the requirements in Chapter 17.60 (off street parking and loading). Current conditions included site design and building architecture standards that minimized the impact of parking in the neighborhood commercial area. These included parking behind buildings, maximum surface parking of 110% of the minimum requirements, buildings oriented toward streets, and pedestrian connections between streets and the BPA trail.

Councilor Peralta asked how the parking density compared to the rest of the site. Senior Planner Darnell said parking took up a lot of space and generally developers were not putting in more parking than what was required. They generally met the minimum off street parking requirements.

Planning Director Richards said the bigger developments in town were mostly over-parked. The concern people had about neighborhood commercial was seeing a large parking lot in a neighborhood. The way they wrote the design standards for this was the maximum was 110% of the minimum parking requirements. They also encouraged shared parking and they would allow requests for reduced parking standards.

Councilor Peralta asked if there was a state law for cities to reduce the percentage of overall parking in the city over time. Planning Director Richards said not at this time, but there were a lot of discussions with the housing bills about parking.

Councilor Drabkin asked about the possible change to Condition #3 regarding reducing the maximum size of retail uses from 10,000 square feet to 5,000 square feet. Planning Director Richards said they surveyed smaller businesses in the City to see what their square footage was and if reducing it to 5,000 square feet would prohibit the types of businesses people would like to see in these neighborhoods. All of them said no, the 5,000 square feet was a good standard.

Councilor Peralta asked for an example of a 10,000 square foot business compared to a 5,000 square foot. Senior Planner Darnell said Harvest Fresh would be close to 10,000 square feet. Community Development Director Bisset said the Community Development Center was 10,000 square feet.

Councilor Garvin noted that the building behind Sandwich Express was about 6,000 square feet. Planning Director Richards said most restaurants, small retail, and convenience stores were under 5,000 square feet. She assumed that when the drive-through for the Laughing Bean Bistro went in that there was discussion about stand alone and end cap drive-throughs and impact to neighborhoods. It was a deliberate end cap drive-through and she did not think that most businesses would be interested in that type of development.

Senior Planner Darnell said the Planning Commission recommended approval of the six land use applications with conditions. Staff recommended revising a few of those conditions. The public hearing was closed, and they were at the point of Council deliberation. They would then need to hold the first and second readings to take action on each of the six items individually. The Council could approve the applications as recommended by the Planning Commission with the minor revisions suggested by staff or deny the applications by providing findings of fact and directing staff to include the findings in the decision document. The 120 day deadline was today, March 10, 2020.

City Attorney Parsons clarified if the first reading was not approved unanimously, the second reading could not happen this evening. They would need to ask the applicant to extend the 120 day deadline to conduct the second reading. If the deadline was not extended, they did not hit the time clock or they could consider a motion to deny the applications.

Councilor Garvin asked about the density thresholds for R-4 and R-5. Senior Planner Darnell said the current code did not have an R-5 zone, and the R-4 density was slightly higher than what was being proposed at 8-30 units per acre. The gross density proposed was 5.75 units per acre but it was not uncommon in McMinnville to have lower densities in the R-4 zone because they did allow single family dwellings. In those cases, they based it on lot size and the minimum lot size was 5,000 square feet. The proposal was coming in with an average lot size of just under that at 4,950 which resulted in a density of 5.75.

Councilor Garvin was concerned in Baker Creek East and West that they used Baker Creek East numbers to get below density requirements for Baker Creek West and it seemed like they were doing the same thing here. Senior Planner said they did use a larger area to result in lowering their density in terms of units per acre. This one was opposite as they came in with the R-4 zone. The gross density was the result of their plan and following the average lot size of 5,000 square feet. It resulted in a lower density than what the R-4 zone would typically allow for.

Planning Director Richards said the code allowed the developer to do an average density across the Planned Development which allowed for a variety of lot sizes and housing types. A couple of the subdivisions were built with larger lot sizes and there was an opportunity to do some averaging across the whole Planned Development to make some smaller lot sizes in one subdivision phase versus the larger ones in the other subdivision phase. In terms of this development, the 5.75 units per acre was more similar to the R-2 zone and was less than the targeted density was for the City's new Housing Strategy that was being developed right now. It was not a high density unit number per acre. They had asked for more open space tracts than they would in a regular subdivision which also contributed to the average density.

Councilor Garvin asked why they wanted to put apartments in the commercial zone. Planning Director Richards said the request was made to open it up for apartments. The Housing Needs Analysis showed there was a deficiency of multi-family apartment units in the community. The C-3 zone did allow multi-family and the Planning Commission recommended to allow it. If they did not limit the multi-family on that acreage through this application, a lot more than the 120 units would be allowed. Senior Planner Darnell said it would be closer to 180-185 units. They were also preserving the commercial use by requiring 5 acres of commercial instead of going down to 2 as requested by the applicant.

Councilor Garvin asked if the Housing Needs Analysis included all of the new apartments being built in the City. Planning Director Richards said yes. The multi-family in this area was in the 2003 Growth Management and Urbanization Plan as a neighborhood activity center. Looking at that community decision and the current need for multi-family development, the Planning Commission made the recommendation to allow the 120 multi-family units.

Councilor Garvin said the analysis also showed a deficit of larger houses. Planning Director Richards said it showed a need for housing that served income levels of 120% or more and 40% of future housing need was sitting in that bucket. There was a subdivision plan already approved for 400 lots in the west hills. A lot of that could not be built out right now because it was in Water Zone 2 and there were infrastructure costs to provide the water reservoir for those homes and it was on slopes greater than 15%. Those would be more expensive housing units.

No Councilor present requested that the Ordinances be read in full.

City Attorney Parsons read by title only Ordinance Nos. 5084, 5085, 5086, 5087, 5088, and 5089.

Council President Menke MOVED to pass Ordinance Nos. 5084, 5085, 5086, 5087, 5088, and 5089 to a second reading; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

City Attorney Parsons read by title only for a second time Ordinance Nos. 5084, 5085, 5086, 5087, 5088, and 5089.

Councilor Drabkin suggested excluding stand-alone drive-throughs.

Ordinance No. 5084 Discussion:

Councilor Garvin was concerned about reducing the amount of commercial. He questioned whether six acres would be enough as the commercial was meant to reduce trips into the core and reduce congestion on 99W.

Council President Menke thought six acres would be enough.

Councilor Peralta thought there would not be enough demand to sustain an 11 acre commercial area and was in favor of reducing it. He did not want a lot of empty storefronts or bare ground there. He understood there were citizens who did not want the commercial development because of the height with commercial and residential above it, but he thought it was a good use of the property and would add to the quality of life for those residents.

Councilor Stassens was also in favor. This was twice the size of the area on the corner of 2nd and Hill. They had a hard time filling the space on 2nd and Hill with neighborhood sized businesses. She thought it was the right size for a neighborhood commercial area.

Councilor Stassens MOVED to adopt Ordinance No. 5084 amending the Comprehensive Plan Map designation of the property at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road from a commercial designation to a mix of residential and commercial designations; SECONDED by Council President Menke. Motion PASSED 5-1 by the following vote:

*Ayes – Councilors Drabkin, Garvin, Peralta, Stassens, and Menke
Nay – Councilor Geary*

Ordinance Nos. 5085 and 5086 Discussion:

There was discussion regarding passing Ordinance Nos. 5085 and 5086 simultaneously as the rezone was contingent on the Planned Development amendment passing.

Councilor Drabkin MOVED to consider Ordinance Nos. 5085 and 5086 simultaneously and vote on them simultaneously; SECONDED by Council President Menke. Motion PASSED 4-2 by the following vote:

Ayes – Councilors Drabkin, Peralta, Stassens, and Menke

Nay – Councilors Geary and Garvin

Planning Director Richards said the Council would need to add the amendments for the drive-through and the 5,000 square foot tenant space reduction in the motion.

Councilor Drabkin MOVED to exclude stand-alone drive-through facilities; SECONDED by Council President Menke.

Councilor Peralta asked what the objection was to a stand-alone drive-through facilities. Councilor Drabkin said it was the traffic impact on the neighborhood.

Councilor Peralta was skeptical that there would be more traffic. He thought people who lived in the area would use the facility, but others would not go out of their way to use it.

Council President Menke said there was still the opportunity to have a drive-through on the end cap.

Councilor Peralta did not think limiting the flexibility would gain much in changing traffic patterns.

Councilor Drabkin thought traffic was regularly impacted by stand-alone drive-through facilities. If a restaurant wanted a drive through option, by allowing end caps to remain still gave them that option.

Mayor Hill agreed the Laughing Bean which was on an end cap had very little impact on the neighborhood with noise and traffic. It was an enhancement and was utilized quite well.

Senior Planner Darnell noted that there needed to be findings to support the exclusion. It could relate to the Comprehensive Plan policies already mentioned.

Councilor Drabkin said the findings were related to Comprehensive Plan Policies 25.00, minimizing conflicts with adjacent land uses, and 26.00, heavy traffic-generating uses.

Councilor Garvin thought this would not make a difference with the use and would handcuff the property owner on what could go in. He did not think an end cap would reduce traffic.

Motion PASSED 4-2 by the following vote:

Ayes – Councilors Drabkin, Geary, Stassens, and Menke
Nay – Councilors Peralta and Garvin

Councilor Peralta discussed the option of reducing the tenant space from 10,000 square feet to 5,000 square feet.

Councilor Garvin was not in favor as he would like to see a grocery store go in the space.

There was consensus to keep the tenant space at 10,000 square feet.

Councilor Garvin suggested only allowing two story buildings as a maximum.

Council President Menke said there were three story apartment buildings nearby.

Councilor Drabkin said due to the City's long term needs she thought the height should not be reduced.

Planning Director Richards said in residential zones they were allowed to go up to 35 feet which could be three stories. All around that development they could go up to 35 feet. The multi-family complex being built on the corner of Hill and Baker Creek was 39 feet with a pitched roof. It was a variance so they could bring in a variety of pitched roofs. Senior Planner Darnell said the newest building constructed south of the Laughing Bean complex was a two story building and was under 30 feet in height.

Councilor Geary said a lot of projects had come back when the higher stories had not worked out economically.

Planning Director Richards said if the concern was to limit the height so it did not overwhelm the residential neighborhoods nearby, she thought the easiest way would be to add a condition to allow a two story with a maximum height of 35 feet.

Councilor Peralta preferred not to include the 35 feet, but just to say two story maximum.

Councilor Peralta MOVED to limit the height to two story maximum without a square footage limitation; SECONDED by Councilor Garvin. Motion PASSED 5-1 by the following vote:

Ayes – Councilors Peralta, Garvin, Geary, Stassens, and Menke
Nay – Councilor Drabkin

City Attorney Parsons thought these ordinances would need to be brought back to the Council for a second reading because they were not a unanimous

vote and that the applicant should be asked if they would extend the 120 day deadline.

The applicant agreed to extend the 120 day deadline to the next Council meeting.

Councilor Garvin would like to remove the 120 multi-family units from the commercial zone. He thought they had enough apartments being built and they were running close to capacity on what the Transportation System Plan allowed. He thought it would affect livability.

Council President Menke said they needed the housing and density.

Planning Director Richards said that would need a finding with a legal basis associated with it. If the finding was the Transportation System Plan's maximum allocation of trips was inappropriate for the City, that would establish a precedent.

Councilor Peralta thought the closer they got to the upper limit, the more discretion people had in terms of the impact to neighborhoods. In both this application and a previous one it was very reasonable to say that once they started getting to the upper limits of transportation capacity that it merited consideration.

Councilor Garvin thought they could use the safe routes to schools as a finding. The walkability of Baker Creek Road was being reduced for school age children. Planning Director Richards said that would mean any street carrying whatever the science said this development would put in terms of trips on the street was too much within a one mile radius of an elementary school.

City Attorney Parsons said regarding bumping the ceiling, if they were going to refute some of the preliminary findings, they had to identify substantial evidence in the record to show how the suggested findings and evidence they were pointing to was incorrect.

Councilor Stassens said the experts told them that they were not bumping up against the maximum. The Transportation Plan had designed the road improvements to meet an amount of growth that wasn't happening because the Urban Growth Boundary had not been expanded. They would have to come up with findings that stated that was not correct.

Councilor Peralta said the experts did say that they were bumping up against the limits for Baker Creek and Michelbook and did not include the intersection at 99W and Baker Creek. He thought that meant they could not approve a development to this scale until those were taken care of.

Councilor Garvin said in the rebuttal testimony, the applicant acknowledged that the intersection of Baker Creek and Michelbook and the west bound lane

of Baker Creek might exceed 1.00. The City's threshold was .90 v/c ratio. He thought that showed that they were bumping up against the limits.

Council President Menke said that was at total build out, but by that point in time the work on those intersections would be done.

Community Development Director Bisset said the foundation of the Transportation System Plan was that these corridors would have congestion. This area could be developed denser than proposed.

Councilor Geary thought they should be updating the TSP assumptions every five years. Community Development Director Bisset said there was no statute or municipal code that required an update every five years. The City had not grown like they thought and he did not know if there was an urgency. It was a policy level decision by Council to staff to conduct those exercises and not germane to the applications before Council.

Councilor Drabkin said she had heard staff say they were below the threshold.

Councilor Stassens said if they took out the residential, the commercial would drive traffic as well and the commercial traffic was more. Taking out the residential did not save them from more congestion. Planning Director Richards said the traffic analysis that was done assumed there would be commercial development on all of the acres. Multi-family would generate less trips than the commercial development. If it was mixed use, it would come in under the mixed use product and they would have to study it based on what was intended. There was a condition of approval to require this development go back to the Planning Commission for the site plan and that an analysis be done at that time including looking at the traffic impact. If the finding was the system could not accommodate the trips, did that put a moratorium on any development in this area above that trip cap?

Councilor Peralta did not think they should be swapping residential for commercial. It would not reduce the number of trips. He thought the last application the Council saw had more traffic problems and impact to adjacent neighborhoods than this one did. His main concern about this application was Michelbook and Baker Creek and Baker Creek and 99W. One way to get the funding to fix the intersection at Michelbook was to get SDCs out of the project to help subsidize the cost. The state was working on the other intersection and it would be done next year. He did not think the traffic impacts were enough to deny the applications even though he knew there were issues on Baker Creek due to the lack of left hand turn lanes.

Councilor Garvin said regarding swapping residential for commercial, they had already reduced the commercial land from almost 12 acres to 6 acres and the only true commercial would be 2 acres and the other would be residential.

Councilor Peralta said there was a greater need for residential than there was for commercial. They had to have affordable housing for people in the City.

Councilor Geary wanted to add a condition that the traffic impact analysis for the future development of this property include the Michelbook/Baker Creek and Baker Creek/99W intersections.

Planning Director Richards said the finding for that could be the fact that the current analysis showed failure at those intersections.

Councilor Geary MOVED to amend Condition #7 for PDA 2-19 to include the intersections of Baker Creek and Michelbook and Baker Creek and 99W in the traffic impact analysis to be done prior to any development of the commercial site per the finding that the current analysis showed failure at those intersections; SECONDED by Councilor Drabkin. The motion PASSED unanimously.

Councilor Drabkin MOVED to adopt Ordinance No 5085 approving a Zone Change of the property at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road from a mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to C-3 (General Commercial) and R-4 (Multiple Family Residential) and Ordinance No. 5086 approving a Planned Development amendment to amend the conditions of approval and reduce the size of an existing Planned Development Overlay District at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road with the amendments as voted on and approved; SECONDED by Councilor Stassens. The motion PASSED 4-2 by the following vote:

Ayes – Councilors Drabkin, Peralta, Stassens, and Menke

Nay – Councilors Geary and Garvin

Ordinance No. 5087 Discussion:

Councilor Geary thought this was not a high density project, but instead they were packing the same standard big houses closer together. He did not see enough value in the sheer quantity of this development to give them everything they were requesting. Any other development would have dedicated the same amount of open space. The design standards had to be forced upon the applicant and there was no offering of a greater housing package in this. He was not in support.

Councilor Garvin thought it was designed for high profit not livability. It would not be affordable housing or high density.

Council President Menke said the applicant would be maintaining the parks until 2032 and was willing to put in the infrastructure for the parks.

Councilor Peralta said most of the housing products being built were targeting people who were moving here, not the people who living here

currently. He was skeptical about the quality of life because of the increased density and focus on single family housing to achieve that goal. However, the overall proposal met the City's requirements and he would be voting in support.

Councilor Drabkin said they were not necessarily achieving some of their housing goals through this application. It seemed to be high density, but it really wasn't. There were things that the City was getting in exchange.

Council President Menke did not think McMinnville was ready for rowhouses. This was a transitional development that would have a high density look. These were starter homes and they had to think about what people were willing to accept at this point.

Councilor Geary did not agree this was high density. This was not bringing anything new or innovative to the table, but packing in the same type of homes together.

Councilor Stassens said because this was quasi-judicial, they were bound by the definitions and criteria.

Councilor Geary did not think they were getting an equal value to what they were waiving in the variances. He did not think the application met all of the criteria, specifically 132.45.00 supplemental street design standards, 132.46.10, 132.54.00, 132.55.00 safe routes to schools, 132.56.00 bike lanes, 132.56.10 barrier to bicycle travel, 132.56.30, 132.56.45 safe routes to schools, 132.57.00 no public transit, 132.60.10 development should mitigate impacts on the transportation system, 132.62.05 adequately accessible and safe for all travel methods, 132.62.25 validity of the TSP if not updated every five years, 166.00 the close proximity of these homes was in violation of the open spaces and natural areas, 169.00 protection of drainage ways, 171.00 there was no discussion regarding energy efficiency or reliance on vehicle transit, 179.00, 132.40.05, and 132.35.00. He did not think there was enough to support the judicial discretion in the Planned Development and was not in favor of the variances they were allowing for what they were getting with this Planned Development.

Senior Planner Darnell said the applicant provided a list of eleven things that they were intending to do and were included in the development that warranted the departures from the code. That was the overarching discretionary language that was allowed in the Planned Development. That was currently serving as the findings. They talked about parks being provided, both public and private, variety of lot sizes and types of housing, and design standards that would apply to the housing.

City Attorney Parsons clarified that the items Councilor Geary listed would not fall under the requirements of Chapter 17.51, but the resulting development was inconsistent with the Comprehensive Plan objectives under 17.510.030, specifically C-1.

Councilor Drabkin MOVED to adopt Ordinance No. 5087 approving a Planned Development Overlay District to allow for the development of a 280 lot residential subdivision with modifications from the underlying zoning requirements at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road; SECONDED by Council President Menke. The motion PASSED 4-2 by the following vote:

*Ayes – Councilors Drabkin, Peralta, Stassens, and Menke
Nay – Councilors Geary and Garvin*

Ordinance No. 5088 Discussion:

Councilor Garvin asked if the street design standards in the Comprehensive Plan that Councilor Geary discussed would be applicable to this ordinance. Planning Director Richards said yes.

Council President Menke MOVED to adopt Ordinance No. 5088 approving a tentative subdivision for a 280 lot, phased single-family detached residential development at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road; SECONDED by Councilor Drabkin. The motion PASSED 4-2 by the following vote:

*Ayes – Councilors Drabkin, Peralta, Stassens, and Menke
Nay – Councilors Geary and Garvin*

Ordinance No. 5089 Discussion:

Councilor Drabkin MOVED to adopt Ordinance No. 5089 approving a Landscape Plan and Street Tree Plan for the Baker Creek North subdivision; SECONDED by Council President Menke. The motion PASSED 5-1 by the following vote:

*Ayes – Councilors Drabkin, Peralta, Garvin, Stassens, and Menke
Nay – Councilor Geary*

Mayor Hill said the ordinances would be brought back to the next Council meeting on March 24, 2020.

7. ADJOURNMENT: Mayor Hill adjourned the meeting at 10:24 p.m.



Claudia Cisneros, City Recorder