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

City Council Meeting Agenda
Tuesday, January 14, 2020
7:00 p.m. – Regular Council Meeting
REVISED 01/13/2020

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

7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. INVITATION FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.*

4. ADVICE/ INFORMATION ITEMS
   a. Reports from Councilors on Committee & Board Assignments
   b. Department Head Reports
   c. November Building Report (in packet)
   d. Cash and Investment Report – October (in packet)

5. CONSENT AGENDA
   a. Consider the Minutes of the August 13, 2019 City Council Work Session and Regular City Council Meeting.
   b. Authorize City Manager to Execute the Contract with Erskine Law Practice, LLC for the 2020 Calendar Year.

6. RESOLUTIONS
   a. Consider **Resolution 2020-01:** A Resolution Approving Certificate of Special Election Results Regarding Measure 36-202.
   b. Consider **Resolution 2020-02**: A Resolution authorizing the approval of a cooperative fund exchange agreement between the City of McMinnville and Oregon Department.
   c. Consider **Resolution 2020-03**: A Resolution granting a 20' wide easement to McMinnville Water & Light on City owned airport property (Tax Lot R4424 01304).
   d. Consider **Resolution 2020-04**: A Resolution Approving Old Sheridan Rd IGA with MWL.
   e. Consider **Resolution 2020-05**: A Resolution accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30, 2019, per Oregon Revised Statue 457.460.
   f. Consider **Resolution 2020-06**: A Resolution Appointing Members to the McMinnville Planning Commission.

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the Claudia Cisneros, City Recorder (503) 435-5702 or claudia.cisneros@mcminnvilleoregon.gov.

7. ORDINANCE
    a. Consideration of the First Reading of the **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.
    b. Consideration of the First Reading of the **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).
    c. Consideration of the First Reading of the **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.
    d. Consideration of the First Reading of the **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.
    e. Consideration of the First Reading of the **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.
    f. Consideration of the First Reading of the **Ordinance No. 5089**: An Ordinance Approving a Landscape Plan and Street Tree Plan for the Baker Creek North Subdivision.
    g. Consider first reading with possible second reading of **Ordinance No. 5090**: An Ordinance Approving a Zone Change from R-1 (Single-Family Residential) to R-4 (Multiple Family Residential) for A.0.82 Acre Parcel on NW 2nd Street.
    h. Consider first reading with possible second reading of **Ordinance No. 5091**: An Ordinance Approving a Conditional Use Permit for a Dental Clinic at 1945 NW 2nd Street.

8. ADJOURNMENT

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Dogde-Census Audit Report

Report run by: Katie Land
Permit Coordinator
503-434-7314
katie.land@mcminnvilleoregon.gov

Report Filters:
Start date: 11/1/19
End date: 11/30/19
Record type: -All-
Category of Construction: -All-
Type of Work: -All-

PERMIT	SITE_ADDR	PERMIT_TYPE	WORK_DESCRIPTION	ISSUED_DATE	SELECTED_JOB_VALUE	CALCULATED JOB_VALUE	SUBMITTED_JOB_VALUE	TYPE_OF_WORK	CATEGORY_OF_CONSTRUCTION	TOTAL_SQ_FT	CENSUS_CODE	OCCUPANCY_TYPE	OCCUPANCY_SQFT
569-19-000339-STR	1025 NE 1ST ST, MCMINNVILLE, OR	Commercial Structural	New Apartment Building (16 Units)	11/7/19	##########	$1,742,705.80	$0.00	New		15455	Five or More F	R-2 multiple	15,455
569-19-000968-STR	1044 SE WILLOW ST, MCMINNVILLE	Residential Structural	Fire Restoration (Smoke & Water Dam	11/1/19	$50,000.00	$0.00	$50,000.00	Alteration	Single Family Dwellir	0	Additions, Alterations and Conversions - Residential		
569-19-000636-STR	1445 NE MILLER ST, MCMINNVILLE,	Commercial Structural	Tenant Improvement (Bldg. C)	11/8/19	$35,200.00	$515,120.00	$35,200.00	Alteration		0	Additions, Alte	A-3 general,	4,000
569-19-000917-DWL	1746 NW NOLAN DR, MCMINNVILLE,	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/25/19	$252,878.19	$252,878.19	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	1,869
569-19-000917-DWL	1746 NW NOLAN DR, MCMINNVILLE,	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/25/19	$252,878.19	$252,878.19	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	400
569-19-000917-DWL	1746 NW NOLAN DR, MCMINNVILLE,	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/25/19	$252,878.19	$252,878.19	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	185
569-19-000921-DWL	1823 NW SNOWBERRY ST, MCMINN	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/25/19	$360,832.84	$360,832.84	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	2,664
569-19-000921-DWL	1823 NW SNOWBERRY ST, MCMINN	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/25/19	$360,832.84	$360,832.84	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	600
569-19-000921-DWL	1823 NW SNOWBERRY ST, MCMINN	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/25/19	$360,832.84	$360,832.84	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	220
569-19-000974-DWL	1989 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$245,356.47	$245,356.47	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	1,843
569-19-000974-DWL	1989 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$245,356.47	$245,356.47	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	390
569-19-000974-DWL	1989 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$245,356.47	$245,356.47	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	27
569-19-000972-DWL	1993 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$200,890.58	$200,890.58	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	1,498
569-19-000972-DWL	1993 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$200,890.58	$200,890.58	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	342
569-19-000972-DWL	1993 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$200,890.58	$200,890.58	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	32
569-19-000975-DWL	1999 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$306,092.30	$306,092.30	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	2,332
569-19-000975-DWL	1999 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$306,092.30	$306,092.30	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	396
569-19-000975-DWL	1999 NW HAUN DR, MCMINNVILLE, (	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$306,092.30	$306,092.30	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	50
569-19-001022-STR	207 NW 15TH ST, MCMINNVILLE, OF	Residential Structural	Repair Existing Floor Joists	11/21/19	$1,500.00	$0.00	$1,500.00	Alteration	Single Family Dwellir	0	Additions, Alterations and Conversions - Residential		
569-19-001005-STR	208 NW 16TH ST, MCMINNVILLE, OF	Residential Structural	Convert portion of garage to bedroom	11/27/19	$5,000.00	$0.00	$5,000.00	Alteration	Single Family Dwellir	0	Additions, Alterations and Conversions - Residential		
569-19-000979-STR	211 NE 3RD ST, MCMINNVILLE, OR S	Commercial Structural	Interior Remodel	11/5/19	$15,000.00	$0.00	$15,000.00	Alteration		0	Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-18B0907	225 NE NORTON LN, McMinnville, OR	Commercial Structural	INSTALL DRIVE THRU SIGNS, GATE	11/21/19	$13,690.00	$0.00	$13,690.00	Other		0			
569-18B0908	225 NE NORTON LN, McMinnville, OR	Commercial Structural	EXTERIOR/INTERIOR REMODEL	11/21/19	$200,000.00	$0.00	$200,000.00	Alteration		0			
569-19-000925-DWL	2265 NW MAHALA WAY, MCMINNVIL	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/8/19	$258,575.10	$258,575.10	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	1,825
569-19-000925-DWL	2265 NW MAHALA WAY, MCMINNVIL	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCE2 -	11/8/19	$258,575.10	$258,575.10	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	720
569-19-000952-DWL	2281 NW MAHALA WAY, MCMINNVIL	Residential 1 & 2 Fam Dwel	New Single Family Residence	11/8/19	$293,839.62	$293,839.62	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	2,144
569-19-000952-DWL	2281 NW MAHALA WAY, MCMINNVIL	Residential 1 & 2 Fam Dwel	New Single Family Residence	11/8/19	$293,839.62	$293,839.62	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	570
569-19-000952-DWL	2281 NW MAHALA WAY, MCMINNVIL	Residential 1 & 2 Fam Dwel	New Single Family Residence	11/8/19	$293,839.62	$293,839.62	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	144
569-19-001017-STR	2290 SW 2ND ST, STE# A, MCMINNV	Commercial Structural	Move 2 Interior Walls/Fix Sheetrock/T-	11/20/19	$12,000.00	$0.00	$12,000.00	Alteration		0	Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-19-000873-DWL	2372 NW MATTEO DR, MCMINNVILL	Residential 1 & 2 Fam Dwel	New Single Family Residence (Juniper	11/8/19	$288,163.77	$288,163.77	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	2,185
569-19-000873-DWL	2372 NW MATTEO DR, MCMINNVILL	Residential 1 & 2 Fam Dwel	New Single Family Residence (Juniper	11/8/19	$288,163.77	$288,163.77	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	398
569-19-000873-DWL	2372 NW MATTEO DR, MCMINNVILL	Residential 1 & 2 Fam Dwel	New Single Family Residence (Juniper	11/8/19	$288,163.77	$288,163.77	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	49
569-19-000971-DWL	2398 NW MATTEO DR, MCMINNVILL	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$200,890.58	$200,890.58	$0.00	New	Single Family Dwellir		Single Family H	R-3 1 & 2 fa	1,498
569-19-000971-DWL	2398 NW MATTEO DR, MCMINNVILL	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$200,890.58	$200,890.58	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	342
569-19-000971-DWL	2398 NW MATTEO DR, MCMINNVILL	Residential 1 & 2 Fam Dwel	New Single Family Residence (BCW2	11/25/19	$200,890.58	$200,890.58	$0.00	New	Single Family Dwellir		Single Family H	U Utility, mis	32
569-19-001026-STR	300 SW HILL RD, MCMINNVILLE, OR	Commercial Structural	Tear off 1 layer composition shingles, i	11/26/19	$40,000.00	$0.00	$40,000.00	Alteration		0			
569-19-000678-STR	3138 NE RIVERGATE ST, MCMINNVI	Commercial Structural	Monument Sign	11/15/19	$11,000.00	$0.00	$11,000.00	New		0	Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-19-000986-STR	540 NE HIGHWAY 99W, STE# C, MCI	Commercial Structural	Installation of Interior Walls	11/15/19	$30,000.00	$0.00	$30,000.00	Alteration		1199	Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-19-000933-STR	598 NE JADE ST, MCMINNVILLE, OR	Residential Structural	New Shop/Carport	11/15/19	$20,470.80	$20,470.80	$0.00	New		840	Additions, Alte	U Utility, mis	840
569-19-000127-STR	610 NE 4TH ST, MCMINNVILLE, OR S	Commercial Structural	Interior Remodel/Occupancy Change	11/7/19	$180,000.00	$0.00	$180,000.00	Alteration		0	Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-19-000878-STR	618 NE 3RD ST, MCMINNVILLE, OR S	Commercial Structural	Install Site Utilities and Footing/Concre	11/22/19	$200,000.00	$0.00	$200,000.00	Alteration		0	Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-19-000945-STR	645 SW TANGLEWOOD CIR, MCMIN	Residential Structural	Convert Carport into Living Space	11/18/19	$52,902.72	$52,902.72	$0.00	Addition	Single Family Dwellir	432	Additions, Alte	R-3 1 & 2 fa	432
569-19-000948-STR	711 NE 3RD ST, MCMINNVILLE, OR S	Commercial Structural	New Interior Wall (Create Retail Space	11/6/19	$3,000.00	$0.00	$3,000.00	Alteration		0	Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-19-000941-FIRE	744 NE 3RD ST, MCMINNVILLE, OR S	Commercial Alarm or Suppr	Fire Alarm System Upgrades	11/15/19	$12,500.00	$0.00	$12,500.00	Alteration			Additions, Alterations and Conversions - Non-residential and No-housekeeping		
569-19-000839-DWL	750 SE DAVIS ST, MCMINNVILLE, OF	Residential 1 & 2 Fam Dwel	New Standard Duplex	11/8/19	$400,401.96	$400,401.96	$0.00	New	Two Family Dwelling		Single Family H	R-3 1 & 2 fa	3,050
569-19-000839-DWL	750 SE DAVIS ST, MCMINNVILLE, OF	Residential 1 & 2 Fam Dwel	New Standard Duplex	11/8/19	$400,401.96	$400,401.96	$0.00	New	Two Family Dwelling		Single Family H	U Utility, mis	552
569-19-000840-STR	827 SW BROCKWOOD AVE, MCMIN	Residential Structural	Residential Addition	11/8/19	$47,759.40	$47,759.40	$43,000.00	Addition	Single Family Dwellir	390	Additions, Alte	R-3 1 & 2 fa	390
569-19-000920-STR	919 SE ANGELLA CT, MCMINNVILLE	Residential Structural	New Deck (2nd Story)	11/6/19	$12,185.00	$12,185.00	$0.00	Addition	Single Family Dwellir	0	Additions, Alte	U Utility, mis	500
569-19-000880-STR	963 SW CYPRESS ST, MCMINNVILLE	Residential Structural	New Porch	11/4/19	$6,945.45	$6,945.45	$0.00	Addition	Single Family Dwellir	0	Additions, Alte	U Utility, mis	285

Report includes filtered list of Residential Structural, Residential Phased Project, Residential 1 & 2 Family Dwelling, Residential Manufactured Dwelling, Commercial Structural, Commercial Phased Project, Commercial Alarm or Suppression Systems records that have a First Issued Date between the specified Start_date and End_date.

The report contents can assist the user in identifying inconsistencies in a record's data. The report contents can be used to prepare the monthly Dodge Report and Census Reports.

Note: Residential Wiring Sq Ft refers to the custom field `Total Square Footage (Including Attached Garage)` for the 1 & 2 Family Dwelling record type

PERMITS ISSUED SUMMARY

Report parameters:

Date start from 11/1/2019 to 11/30/2019

Minimum valuation is $0.00

Record type	Permits issued	Fees paid	Job value
Commercial Plumbing	9	$12,306.21	$0.00
Commercial Alarm or Suppression Systems	1	$279.98	$12,500.00
Residential Mechanical	16	$1,552.32	$55,298.00
Commercial Structural	12	$102,485.00	$2,482,595.80
Commercial Mechanical	9	$2,026.60	$101,234.00
Residential Plumbing	14	$1,553.44	$9,200.00
Residential 1 & 2 Fam Dwelling (New Only) Limited	10	$125,553.11	$2,807,921.41
Residential Structural	8	$3,588.27	$196,763.37
Overall summary			
Total	**79**	**$249,344.93**	**$5,665,512.58**

PERMITS ISSUED SUMMARY

Report parameters:

Date start from 7/1/2019 to 11/30/2019

Minimum valuation is $0.00

Record type	Permits issued	Fees paid	Job value
Residential Demolition	2	$1,210.00	$25,000.00
Commercial Plumbing	39	$62,121.46	$106,595.00
Commercial Alarm or Suppression Systems	7	$2,194.64	$106,338.45
Residential Manufactured Dwelling	1	$270.80	$0.00
Residential Mechanical	136	$14,402.30	$490,205.72
Commercial Mechanical	55	$21,821.67	$1,512,569.00
Commercial Structural	66	$1,404,997.87	$23,302,808.43
Commercial Deferred Submittal	8	$1,050.00	$33,700.00
Residential Plumbing	90	$11,889.12	$346,425.00
Residential 1 & 2 Fam Dwelling (New Only) Limited	70	$811,999.83	$17,427,917.02
Commercial Demolition	1	$1,105.00	$0.00
Residential Structural	37	$22,320.85	$708,798.74
Overall summary			
Total	**512**	**$2,355,383.54**	**$44,060,357.36**

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
October 2019

FUND #	FUND NAME	GENERAL OPERATING CASH IN BANK	INVESTMENT	TOTAL
01	General	$980,113.79	$1,582,383.08	$2,562,496.87
05	Special Assessment	307.50	146,618.82	146,926.32
07	Transient Lodging Tax	753.76	112,000.00	112,753.76
10	Telecommunications	870.27	1,030.00	1,900.27
15	Emergency Communications	399.26	(87,905.19)	(87,505.93)
20	Street (State Tax)	935.60	1,810,860.44	1,811,796.04
25	Airport Maintenance	836.73	1,749.03	2,585.76
45	Transportation	202.87	6,015,228.81	6,015,431.68
50	Park Development	166.00	1,218,893.80	1,219,059.80
58	Urban Renewal	381.21	258,098.98	258,480.19
59	Urban Renewal Debt Service	110.46	98,123.63	98,234.09
60	Debt Service	516.03	362,931.82	363,447.85
70	Building	756.29	1,443,500.00	1,444,256.29
75	Wastewater Services	701.15	1,614,402.66	1,615,103.81
77	Wastewater Capital	995.18	30,236,103.65	30,237,098.83
79	Ambulance	786.07	(964,164.72)	(963,378.65)
80	Information Systems & Services	272.98	222,713.61	222,986.59
85	Insurance Reserve	842.13	1,512,290.54	1,513,132.67
	CITY TOTALS	989,947.28	45,584,858.96	46,574,806.24

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST RATE	CASH VALUE
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	$ 989,947.28
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	4,526,480.92
N/A	State of Oregon	Local Government Investment Pool (LGIP)	2.45%	37,036,448.85
N/A	State of Oregon	Park Improvement Bonds (LGIP)	2.45%	514,181.78
N/A	State of Oregon	Transportation Bond (LGIP)	2.45%	2,538,866.99
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	2.45%	264,276.72
N/A	MassMutual Financial Group	Group Annuity	3.00%	704,603.70
				$ 46,574,806.24

CITY OF McMINNVILLE
MINUTES OF WORK SESSION
of the McMinnville City Council
Held at the McMinnville Community Center
McMinnville, Oregon

Wednesday, August 13, 2019 at 6:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:

Present	Absent
Adam Garvin	Remy Drabkin
Zack Geary	
Kellie Menke, Council President	
Sal Peralta	
Wendy Stassens	

Also present were City Attorney David Koch (by phone), Human Resources Director Kylie Bayer-Fertterer, Police Chief Matt Scales, Fire Chief Rich Liepfert, Finance Director Marcia Baragary, Planning Director Heather Richards, Senior Planner Chuck Darnell, Community Development Director Mike Bisset, Code Compliance Officer Claudia Martinez, and Code Compliance Officer Nic Miles.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:31 p.m.

2. DISCUSSION ON POSSIBLE COMPETING MEASURE RELATED TO MEASURE 36-202 (Charter Amendment: Restricts City Regulations and Fees on Care Facilities)

Mayor Hill explained Measure 36-202 which would amend the City Charter to prohibit the City from enacting or enforcing any ordinance or regulation imposing a tax, fee, fine, or similar assessment primarily or exclusively on care facilities and enacting or enforcing ordinances and regulations that imposed standards of care on care facilities. The measure would also repeal the ordinance and resolution that established EMS and Fire Department fees and City licensing requirements for care facilities including a $500 application fee, $200 per bed licensing fee, and $1,500 fine for calling an ambulance if the City determined the ambulance was medically unnecessary. He shared some options which were to do nothing and let the voters decide with the information in the Voter's Pamphlet, be proactive and tell the story of Council's rationale but it could not be done with the help of the City or City funds, or revise the ordinance with modifications addressing emergency management issues and lessons they had learned.

Fire Chief Leipfert explained that the City had been trying to address these issues for over 11 years. The ordinance had two fees. One was the $1,500 fee for the misuse of the EMS system. It had been effective. In the nine months that it had been in place, they were down 287 calls to care

homes. Most of those calls had been for lift assists. No fees had actually been assessed, but it was helping address some of the workload issues and challenges. There were also licensing fees for the care facilities. Some facilities called repetitively and required extra work due to lack of training because of the high turnovers in staff. They had repetitive code enforcement challenges where violations took a significant process to address. They found that getting into the facilities annually had given them the ability to address some of the issues before they occurred. There had been 102 violations since the ordinance was enacted and 32 re-inspections had been done and all except one had come into compliance. There were over 300 employees who received training as well. Since there was so much staff turnover, the challenge was to keep the staff up to speed.

Mayor Hill said if the Council decided to move forward with a competing measure, the referral text needed to be filed by August 16.

City Attorney Koch explained the timelines and process for putting together a competing measure and what would happen if the ballot title was challenged.

Mayor Hill asked if the Council wanted to put a competing measure on the ballot. No Councilor did.

Mayor Hill thought that the $1,500 fee was reasonable and was working in reducing unnecessary calls. He also thought they should maintain the one-time $500 licensing fee, but proposed changing the amount per bed. If a care facility had no major life/safety code findings for a period of two years, then the fee should be reduced to $100 per bed. If there was a finding that a facility had a major life/safety code violation, that would put the facility back on a two year schedule and it would be raised back up to $200 per bed. He thought this change should be effective after the election.

Councilor Garvin asked about the 102 violations since enactment, how many inspections did it take to get there. He stated that a lot of feedback he had heard was about the scare factor of the $1,500 fee. He was a fan of cost recovery for overusing the EMS system and encouraging people not to use the system for things it was not designed for. But he didn’t want people to be scared to call. He suggested revising it so the first offense would be $500, the second would be $1,000, and then after that, the $1,500 would be charged.

Fire Chief Leipfert said there were 64 inspections on 15 facilities. He would have to research the costs of those inspections, but the $1,500 was the cost recovery including the reimbursement. He noted that there had been two opportunities to charge the fee but the Fire Department used it as an educational opportunity.

Councilor Stassens stated that it seemed that the fee had been effective for some of the challenges they were trying to address. She would like to work on the communication with the care facilities and citizens so that citizens understood what was in the ordinance and the intention.

Mayor Hill asked for Fire Chief Leipfert to give a presentation at a future meeting.

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Councilor Peralta stated that he was not enthusiastic about making changes while there was a vote on it. He suggested that the Fire Chief engage with stakeholders. Fire Chief Leipfert stated that he missed some stakeholders in the dialogue and planned to adjust that.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:05 pm.

CITY OF McMINNVILLE
MINUTES OF REGULAR MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, August 13, 2019 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	Present	Absent
	Adam Garvin	Remy Drabkin
	Zack Geary	
	Kellie Menke, Council President	
	Sal Peralta	
	Wendy Stassens	

Also present were City Attorney David Koch (by phone), Human Resources Director Kylie Bayer-Fertterer, Police Chief Matt Scales, Fire Chief Rich Liepfert, Finance Director Marcia Baragary, Planning Director Heather Richards, Senior Planner Chuck Darnell, Community Development Director Mike Bisset, Code Compliance Officer Claudia Martinez, and Code Compliance Officer Nic Miles.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:10 p.m.

2. PLEDGE OF ALLEGIANCE

Councilor Garvin led the pledge of allegiance.

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

Laura Linberg was an administrator at Parkland Village where they provided care for 50 residents. She voiced opposition to Ordinance 5059 and support for Measure 36-202 that would overturn the ordinance. She asked the Council not to refer a competing measure. She thought that the

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voters should have a voice in the matter. The ordinance itself had created an abundance of confusion. She had to reassure residents, staff, and family members that they would call 911 when necessary and the fine would not dissuade them from providing the highest quality care. This had also created confusion for first responders who had to determine if a call was justified or deserved a fine. The focus should be on the health and safety of the residents they served.

Beth Jones was the administrator at Fircrest Senior Living. On behalf of the residents, she read a letter in opposition to the ordinance and support for the measure. They also asked that a competing measure not be placed on the ballot. They were disappointed in the lack of engagement with the senior community on these issues. They were concerned that the fees would lead to an increase in the cost of care and thought there were better solutions.

Gwen Dayton, general counsel for the Oregon Health Care Organization, had reached out multiple times to the City with no response. She appreciated the effort to consider some sort of stair stepped fees. They would be glad to work with the City on balancing the safety needs of the residents and the needs of the City.

Fee Stubbelefield, McMinnville resident, appreciated Councilor Garvin's engagement and appreciated the tone of looking at a revised ordinance for care facilities. There was a way to make the issues better by working cooperatively. He asked Council to think about the impact of graduated fines and how they could have a good effect on some providers. One of the troubling things about Ordinance 5059 was that the licensing fee was a tax. They were paying money for inspections that were already required and it took resources away from the Medicaid communities who were already struggling. He wanted them to consider if the licensing fee was having the impact they wanted.

4. PRESENTATION

4.a. Three Mile Lane Area Plan Update

Planning Director Richards presented an update on the Three Mile Lane area plan. This work was funded through ODOT and the Department of Land Conservation and Development. She displayed a picture of the Jackson Wine Distribution Center which showed the juxtaposition of the old agricultural traditions of the City and new development. There was a website for the project, www.threemilelane.com. The Plan was a high level master plan for the area. There was a lot of vacant land south of Highway 18 and they were looking at how the area could serve the community in the next 20-40 years. She displayed a map of the study area

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showing how the properties that were vacant were large contiguous properties where there were opportunities to make significant impact. It was also adjacent to the City owned airport. The goals for the project were:

Goal 1: Support and enhance the district's economic vitality and marketability.

Goal 2: Provide opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district.

Goal 3: Enhance multi-modal connections throughout the district.

Goal 4: Create an aesthetically pleasing gateway to the City of McMinnville.

She gave the project purpose, background, and project schedule. This was an 18 month project and they expected it to be completed by May 2020. There were a lot of technical and reference documents that had been generated for the project. She explained the existing conditions of the area in terms of land use and zoning. There were several major property owners who were brought together to talk about what made the best sense for development. They had identified different areas in terms of subareas (tourism, industrial, residential, airport, and medical development). There were a lot of land use opportunities.

There had been a lot of traffic studies related to the Plan. It was an area that was vehicle dominated, but not much freight traffic, and very little biking and pedestrians. There were a lot of stressed pedestrian and bicycle networks along Highway 18 and Three Mile Lane Bridge. There needed to be a better network for people and connectivity to the rest of the community. There was a fixed route on the transit system that served this area, but it did not have high frequency. The vehicle system was in good shape and there were well built intersections that had capacity. The safety evaluation showed that there had not been a lot of serious injury collisions in the Highway 18 area. Regarding the economic analysis, Leland Consulting had looked at the market area and discovered that McMinnville was a commuter city. A map of the home locations of the market area workers was displayed. Many people that lived in McMinnville were traveling to Salem and the Portland area for work.

McMinnville had not had a lot of commercial and industrial activity since 2010. Apartment market data indicated strong demand for new construction. Even though there was a low vacancy in apartments there was still not a high enough rent to support the cost of construction. Those who were building apartments had large portfolios and were able to

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leverage them effectively. Looking at the ten-year residential demand, there was need in the community and there was projected growth in the Three Mile Lane area. They found that Three Mile Lane could handle 200+ apartments, 100 townhomes, and some single family residential.

They also looked at retail spending which indicated immediate opportunities for new construction. She displayed a graph of leakage. There was a significant amount of leakage related to food and drinking and general merchandise where people were going elsewhere for these services. The consultants thought they could absorb two large stores for general merchandise, about ten more eating and drinking places, and three stores for clothing. There was some anxiety about big box retail, however people were leaving the community to spend their money elsewhere on big box shopping. In the future people would still be going out and spending money at physical storefronts because they were seeking out experiences.

The office market in McMinnville was tight and there was not a lot of office space or dedicated office zones. There had been three large local businesses who had struggled to find space for their growing business and all three located out on Three Mile Lane. In terms of future growth for office, it was looking for experiential campuses. The industrial market was also very tight, but prospects were improving. All of the speculative buildings had been filled in and there was discussion about where the best place to put more industrial land would be, especially land with smaller acreage. Tourism was growing and there was about 5 acres available in the Tourism Commercial zone. The anticipated development mix was residential (townhomes, garden apartments), grocery anchored and/or mid-to-large format retail (specialty/experiential retail, especially tied to the wine industry), low-rise office, craft industrial, mixed-use commercial, and lodging and hospitality.

There had been a lot of public outreach with advisory committee meetings, design charrettes, property owner work session, and case studies. She reviewed the next steps in the process. They would be developing a preliminary preferred option for both transportation and land use. Regarding land use, the boundaries would remain the same, the UGB would be in the same location, and the developable land was roughly 400 acres. The airport expected to develop per the 2004 Airport Plan and the local roadway designs were adaptable to any land use concept. In terms of transportation, Cumulus Avenue would need to be connected to SW Norton Lane through or adjacent to the Chemeketa Community College campus, new public “complete” streets would need to be added to new development south of Three Mile Lane, the Three Mile Lane Bridge

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would need to be improved for bicycle and pedestrian safety, and new and improved bicycle and pedestrian connections were needed throughout the area. For urban design, the landscape and architectural design standards were recommended to ensure new development was designed to reflect regional agricultural and historic forms and support this area's function as a gateway to McMinnville. They also needed to preserve views to natural features like the mountains and river and gateway elements would need to be included to mark the entrance to McMinnville. For parks and trails, a trail system was needed to connect the south Yamhill River, Galen McBee Airport Park, Evergreen campus, and Joe Dancer Park along riparian corridors and through new development. Recreational access needed to be added to the Yamhill River and riparian corridors and oak stands needed to be protected.

They had put together three different alternatives and after public input, they had taken pieces of the plans and created a hybrid as the preferred alternative. It included a tourism area by the Space and Aviation Museum, the two large properties south of Hwy 18 would be retail and a corporate campus, and there would be better connectivity for residential neighborhoods on the northwest side. Regarding transportation, there would be full interchanges at Three Mile Lane and Cumulus Avenue and a roundabout on Cirrus Avenue. There were two facility design options for bicycles and pedestrians. One would be overpasses dedicated to bicycles and pedestrians which would create a grade differential from the local street network and highway. The other option was to create three roundabouts at Cirrus Avenue, Cumulus Avenue, and Norton Lane. The advisory committee did not like either of those options, so recommended the preferred facility design to be: fix the interchange at Three Mile Lane, have signalized intersections at Norton and Cumulus, and a roundabout at Cirrus.

The next steps would be to evaluate the preferred alternative design for traffic operations, multi-modal, safety, and land use. In the fall it would be brought back to the advisory committee and there would be a public event.

Councilor Garvin asked if there were any large enough utilities already at a site that would support a big box retailer. Planning Director Richards said McMinnville Water and Light was looking at improving the utilities in this area. The City was working on a growth analysis for the wastewater facility as well.

5. ADVICE/ INFORMATION ITEMS

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

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Councilor Geary reported on the KOB Technical Advisory Committee work and a presentation would be coming to Council soon.

Councilor Stassens discussed the last MURAC meeting where a presentation on the development going in on Lafayette was given. They also discussed the Boutique Retreat project which needed to come back with more information before a decision was made.

Councilor Garvin reported on the Airport Commission meeting where the Comcast lease and Airshow were discussed. He highlighted newly promoted Police Captain Barsotti.

Councilor Peralta visited Agilex who was expanding their operations. He planned to invite the head of the Senate Revenue Committee to talk about local tax policy.

Council President Menke reported on Visit McMinnville meetings. They had been working on free advertising and strategic placements with Travel Oregon and other tourism organizations. Regarding the Affordable Housing Task Force, there were discussions around the Housing Authority and adding a new member from the construction industry.

Mayor Hill attended the Oregon Mayors Association meeting. The directors of the State of Oregon departments were there and he met with an individual from ODOT and discussed the Newberg-Dundee Bypass. He received a call from the City's lobbyist and the Oregon Transportation Committee had some significant funds coming in and they were not currently directing funds to the Bypass. They were working on a strategy to change that. He had visited an urban camp site called Hope Village and received some information that could be beneficial to McMinnville.

5.b. Department Head Reports

Police Chief Scales thanked Parks and Rec for their partnership with the National Night Out. They continued to coordinate with the Fire Department, Department of Justice, and Oregon State Police for the Airshow event. An officer just graduated from Police Academy and two more were currently in the Academy. They were preparing for Cruising McMinnville on August 24.

Human Resources Director Kylie Bayer-Ferttererr gave an update on the Classification and Compensation Study. The project was anticipated to last about seven more months. Recommendations would come before Council. They had entered into an agreement with Neogov which was an applicant tracking system. All recruitments would now be online which would be an improved experience and a help with records management. Thursday was City Hall Selfie Day which would promote civic pride and engagement.

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Planning Director Richards announced tomorrow there would be a Third Street Streetscape Improvement Project Advisory Committee meeting.

5.c. Cash and Investment Report- May

6. CONSENT AGENDA

a. Consider request from Morning Thunder Cafe located at 619 NE 3rd Street C1 for an OLCC Limited on-premises Liquor License.

b. Consider request from JADA Ventures, LLC DBA: Two Dogs Taphouse located at 608 NE 3rd Street for a Limited on-premises Liquor License.

Councilor Stassens MOVED to adopt the consent agenda; SECONDED by Councilor Garvin. Motion PASSED unanimously.

7. RESOLUTIONS

7.a. **Resolution No. 2019-56**: A Resolution authorizing the acquisition of property for the Old Sheridan Road Improvements Project, and exercising the power of eminent domain.

Community Development Director Mike Bisset said this resolution would approve the acquisition of three pieces of right-of-way and four temporary construction easements to allow for the construction of the Old Sheridan Road corridor project. They recently had an open house that was well attended and staff had done a great job with individual outreach. All property owners were aware that this was moving forward.

Councilor Peralta asked if any concerns were raised by the affected property owners. Community Development Director Bisset stated that there were a lot of questions. There would be more public outreach prior to construction, especially regarding the detour routes. He had not heard any substantive concerns that they were not able to address in the design and construction package.

Mayor Hill stated that there would be some traffic calming with the expansion.

Councilor Geary MOVED to adopt Resolution No. 2019-56, authorizing the acquisition of property for the Old Sheridan Road Improvements Project, and exercising the power of eminent domain; SECONDED by Council President Menke. Motion PASSED unanimously.

7.b. **Resolution No. 2019-55**: A Resolution approving a lease amendment and extension with Comcast of Oregon II, Inc.

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Community Development Director Bisset stated staff had worked with Comcast to come to an agreement on the modifications to the lease. The agreement was for the City to move the lease calculation from a CPI calculation to a fixed 2.5 percent for the remainder of the lease in exchange for the use of 20 parking spaces in Comcast's parking lot that were currently unused. The first year of the lease represented a 7.5 percent increase to bring the rate closer to market. The remainder of the lease period would be the fixed 2.5 percent. This was a land lease and the City did not own the building that housed Comcast. It was in line with the land lease rates that had been recently executed. He thanked the City Attorney for his work on this project.

Councilor Peralta MOVED to adopt Resolution No. 2019-55, approving a lease amendment and extension with Comcast of Oregon II, Inc.; SECONDED by Council President Menke. Motion PASSED unanimously.

7.c. **Resolution No. 2019-52**: A Resolution amending the composition of the Affordable Housing Task Force.

Planning Director Richards stated that the Affordable Housing Task Force voted unanimously to expand the membership to include a youth member. This resolution would add a youth member to the makeup of the Task Force, and Resolution 2019-53 would appoint Ethan McKay as the youth member for a three year term.

Council President Menke MOVED to adopt Resolution No. 2019-52, amending the composition of the Affordable Housing Task Force; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7.d. **Resolution No. 2019-53**: A Resolution appointing a member to the Affordable Housing Task Force.

Planning Director Richards said Resolution No. 2019-53 was revised to only include Mr. McKay. There was a vacancy for a non-profit housing provider, but there was interest in bringing someone online with development experience. The Housing Authority had recommended their Finance Director, but there needed to be more dialogue before that appointment was made as it was critical that the focus be on development projects.

Councilor Garvin asked about age thresholds which had not been defined. Planning Director Richards said it included both high school and college age.

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Council President Menke MOVED to adopt Resolution No. 2019-53, amending the composition of the Affordable Housing Task Force; SECONDED by Councilor Geary. Motion PASSED unanimously.

8. ORDINANCES

8.a. **Ordinances 5074**: An Ordinance amending the Comprehensive Plan Map Designation of the property at 1901 NW Baker Creek Road from a mixture of Commercial and Residential to only Residential.

8.b. **Ordinance 5075**: An Ordinance amending the zoning designation of the property at 1901 NW Baker Creek Road from a mixture of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to only R-1 (Single Family Residential).

8.c. **Ordinance 5076**: An Ordinance amending an existing Planned Development Overlay District to remove the property at 1901 NW Baker Creek Road from the Planned Development Overlay District.

8.d. **Ordinance 5077**: An Ordinance approving a Conditional Use to allow for the expansion of an existing electrical power substation at 1901 NW Baker Creek Road.

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

City Recorder Bisset read by title only Ordinance No. 5074 amending the Comprehensive Plan Map designation of the property at 1901 NW Baker Creek Road from a mixture of Commercial and Residential to only Residential.

City Recorder Bisset read by title only Ordinance No. 5075 amending the zoning designation of the property at 1901 NW Baker Creek Road from a mixture of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to only R-1 (Single FamilyResidential).

City Recorder Bisset read by title only Ordinance No. 5076 amending an existing Planned Development Overlay District to remove the property at 1901 NW Baker Creek Road from the Planned Development Overlay District.

City Recorder Bisset ready by title only Ordinance No. 5077 approving a Conditional Use to allow for the expansion of an existing electrical power substation at 1901 NW Baker Creek Road.

Senior Planner Darnell presented the staff report. The four ordinances related to the same development project on NW Baker Creek Road. He described the site location and gave a history of the site. The original substation lot was annexed in 1977. In 1996 a Comprehensive Plan Map

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amendment was done and a Planned Development was adopted. In 1999 a Conditional Use Permit was granted for the existing substation (lot treated as R-1 at that time). In 2008 there was annexation of surrounding land north of Baker Creek Road. In 2018 there was a property line adjustment increasing the size of the substation lot.

The land use requests for this application were:

1. **Comprehensive Plan Map Amendment** – Amendment from the current mix of Residential and Commercial designations to Residential only
2. **Zone Change** – Rezoning from the current mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to R-1 (Single Family Residential) only
3. **Planned Development Amendment** –Amend the existing Planned Development Overlay District created by Ordinance 4633 to remove the subject property from the overlay and reduce the size of the overlay
4. **Conditional Use** – Approval of a conditional use permit to expand the existing electrical power substation facility. Section 17.12.020(L) of the MMC identified "Electrical power substation" as a conditional use in the R-1 zone

Senior Planner Darnell displayed maps of the current and proposed zoning. He then discussed the Comprehensive Plan and zone change review criteria. In terms of housing and residential development, the proposal would allow for increase of the electrical system to support further growth and development. Currently there was a deficit of commercial and residential lands. The reduction of 0.8 acres of commercial land would have a minimal impact and it would address the deficit of residential land for R-1 (Single Family Residential). There were a number of Comprehensive Plan policies supporting energy and providing adequate energy supplies for the community as it expanded. Other criteria called for the amendment to be orderly and timely and be consistent with the surrounding land uses and development patterns. Consolidation into one Comprehensive Plan designation and City zone allowed for uniform development. The proposal to change it to all R-1 afforded more opportunity for review of the use and the ability to apply more development and conditional use standards. The residential land designation would ensure better compatibility of the intended use of the site with surrounding future development.

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Senior Planner Darnell then discussed the Planned Development amendment. The proposal was to remove the subject site from the existing Planned Development Overlay which would effectively reduce the size of the PD Overlay by approximately 0.8 acres. A condition was suggested that all remaining standards and requirements of the Planned Development would remain in place for the property that was still within the boundary.

There was a Conditional Use request for the expansion of the existing electrical power substation. He discussed the Conditional Use review criteria including consistency with the Comprehensive Plan for energy facilities to be compatible with the surrounding area. The applicant had proposed a site plan that included buffering and compatibility. The site was expanding significantly and there would be a drive aisle around the outside so there would be space between the equipment and land uses. There would also be landscaping to provide buffering and screening.

Senior Planner Darnell reviewed the following conditions:

- **Condition #2:** Require right-of-way improvements to the site's NW Baker Creek Road frontage

- **Condition #3**: Require applicant to coordinate improvements with surrounding development to minimize traffic impacts to surrounding community

    - Allow for right-of-way improvements to be deferred to a future date (January 15, 2022) to provide for that coordinated improvement

    - Applicant provided sale agreement that already allows for coordination and ability for applicant to reimburse surrounding property owner if right-of-way improvements are completed within 36 months of closing and MW&L's purchase of property

- **Condition #4:** Require landscaping that is consistent with submitted landscape plan

    - Perimeter sight-obscuring fence – materials to be reviewed by Planning Director

    - White two-railing fence along Baker Creek Road ROW

    - Shrubs and trees around perimeter of site – height of trees tall enough for some vertical screening

- **Condition #5:** Planting of street trees in Baker Creek Road ROW

- **Condition #6:** Lighting to be limited as proposed in application narrative:

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- Only include access and maintenance lighting
- Access lighting controlled by photo sensors
- Maintenance lighting only used during maintenance activities
- All lights directed downward and shielded

Senior Planner Darnell reviewed the public hearing and neighborhood meeting process. There was a neighborhood meeting on March 27, 2019 and there was not any public attendance. A public hearing was held by the Planning Commission on June 27, 2019 and no public testimony was received. Staff worked with MW&L staff to revise the conditions of approval to ensure that conditions allowed for MW&L to meet minimum safety and operational requirements. The Planning Commission recommended approval with conditions. He noted that there were studies that warranted the expansion of the location.

Councilor Stassens appreciated the detailed work and the redundancy in the system.

Mayor Hill noted that McMinnville Water and Light was taking a proactive approach to emergency preparedness and benefitting citizens.

Councilor Garvin MOVED to pass Ordinance No. 5074 to a second reading; SECONDED by Council President Menke. Motion PASSED unanimously.

City Recorder Bisset read by title only for a second time Ordinance No. 5074.

Councilor Peralta MOVED to approve Ordinance No. 5074 amending the Comprehensive Plan Map Designation of the property at 1901 NW Baker Creek Road from a mixture of Commercial and Residential to only Residential; SECONDED by Councilor Geary. PASSED by a unanimous roll-call vote.

Councilor Geary MOVED to pass Ordinance No. 5075 to a second reading; SECONDED by Councilor Stassens. Motion PASSED unanimously.

City Recorder Bisset read by title only for a second time Ordinance No. 5075.

Councilor Stassens MOVED to approve Ordinance No. 5075 amending the zoning designation of the property at 1901 NW Baker Creek Road from a mixture of R-1 (Single Family Residential) and EF-80 (Exclusive

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Farm Use) to only R-1 (Single Family Residential); SECONDED by Councilor Geary. PASSED by a unanimous roll-call vote.

Councilor Garvin MOVED to pass Ordinance No. 5076 to a second reading; SECONDED by Councilor Peralta. Motion PASSED unanimously.

City Recorder Bisset read by title only for a second time Ordinance No. 5076.

Council Stassens MOVED to approve Ordinance No. 5076 amending an existing Planned Development Overlay District to remove the property at 1901 NW Baker Creek Road from the Planned Development Overlay District; SECONDED by Councilor Garvin. PASSED by a unanimous roll-call vote.

Councilor Geary MOVED to pass Ordinance No. 5077 to a second reading; SECONDED by Councilor Garvin. Motion PASSED unanimously.

City Recorder Bisset read by title only for a second time Ordinance No. 5077.

Council Stassens MOVED to approve Ordinance No. 5077 approving a Conditional Use to allow for the expansion of an existing electrical power substation at 1901 NW Baker Creek Road; SECONDED by Councilor Geary. PASSED by a unanimous roll-call vote.

8.e. **Ordinance 5078**: An Ordinance amending Title 2 of the McMinnville Municipal Code, creating Chapter 2.50 establishing a civil code enforcement process.

8.f. **Ordinance 5079**: An Ordinance amending Titles 8, 9 and 17 of the McMinnville Municipal Code, relating to public nuisances.

7.e. **Resolution No. 2019-54**: A Resolution adopting a Code Violation Civil Penalty Schedule.

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

City Recorder Bisset read by title only Ordinance No. 5078 amending Title 2 of the McMinnville Municipal Code, creating Chapter 2.50 establishing a civil code enforcement process.

Planning Director Richards explained Ordinance No. 5078 would add a chapter to the City's code, Chapter 2.50, for a civil code enforcement process, Ordinance No. 5079 would add a chapter to the City's code, Chapter 8.10, for public nuisances and would clean up other code language, and Resolution No. 2019-54 would establish civil code violation

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fees. She discussed the value of code compliance. Staff had put together an online complaint form and there was a dedicated phone line to call in complaints. They proactively established subareas in the community and were engaging in community relations and doing proactive code compliance. She displayed a snapshot of the cases that they had been working on over the past year. She noted that there had been 562 cases and of those they had closed 457 and 105 were still open. In June 2018, there was a recommendation to move to a centralized administrative process that was more efficient, saved resources, and produced faster compliance. They made it an administrative program with the goal of voluntary compliance through education, information, communication, and relationships. Non-voluntary compliance would be dealt with through citations and abatement with full cost recovery. They said they would evaluate the codes for nuisances and code compliance issues, amend the code to create an administrative code compliance process, create a centralized program in the Planning Department, and develop a Community Relations Program.

In February 2019, proposed code amendments were reviewed. There were Councilor questions about the nuisance code in regard to bees and construction debris and a department head review and a legal counsel review. This resulted in a new structure for the code relative to code compliance. The change to the structure of the code was intended to simplify, aggregate the nuisances, have a standardized abatement process, and allow for citations.

For Chapter 2.50, the goal was compliance in a timely manner. They were looking at a time frame of 21 days. The first ten days was for voluntary compliance. If there was no voluntary compliance within 10 days, then the process moved into a judicial process for 10-20 days. By day 21 the abatement process could begin and they would use full cost recovery. It was more expensive if the City abated it because there were administrative costs that would be charged. It could also go into a lien process for a lien against the property.

Chapter 8.10 was the nuisance chapter. It consolidated fence codes, animal codes, metrics to unnecessary noise, added a section regarding parking and storage of vehicles in front yards and side yards, added a section regarding trash, recycling, and yard debris containers, and added a section on graffiti. There were two amendments in Section 8.10.260 Noise (E) Prohibitions, which were indicated in quotes. 1. Activities occurring within the scope of any permit “exempting a use from this section of the McMinnville City Code” issued by the city under the provisions of the McMinnville City Code. 3. Vehicles performing repairs of upgrades in the

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right-of-way, including but not limited to street sweeping, sewer cleaning, construction and maintenance activities “as authorized by the City Manager or designee.”

There was discussion regarding the conflicting times in the code regarding construction and how the new language clarified that construction was allowed to go until 8 PM.

Planning Director Richards stated that the code violation fee structure was new for McMinnville. They would no longer threaten to cite someone to court because it was not efficient. The fee structure would be used to gain compliance. There was a broad range and most of the nuisance codes had a violation of $250. The highest fee was $5,000 for a Class 1 violation. These fees would be set by resolution.

Councilor Peralta appreciated the greater flexibility in the code. He asked if restricting commercial leafletting on cars and residences was a lawful restriction. Planning Director Richards said it was not the restriction of speech, but the method of distribution of the information.

Councilor Peralta said the leafletting on cars for political purposes was protected and he thought there might be something similar for commercial. He was skeptical about whether it was enforceable. Planning Director Richards would check on that.

Councilor Geary liked the 21 day process. He asked about the notice of code violation being posted on the premises. Code Compliance Officer Martinez said it would be either doorhangers or something that would stick on the door. The process was first to speak with the resident, and if that didn’t work, then they would send a letter and/or post the notice. Planning Director Richards said it was part of building the evidentiary file. Posting a notice was one way to show evidence the property owner received the notice.

Councilor Geary asked if staff would be making the recommendation on the class of violation and it would come to Council for approval. Planning Director Richards clarified that the code had listed out what class each nuisance was.

Councilor Geary asked if there was a time limit for noise violations or was it only decibels. Planning Director Richards said some had time limits, such as barking dogs, and some were for exceeding the decibel levels.

Councilor Stassens asked how the decibels were measured. Planning Director Richards said code enforcement had a tool for measuring the decibels which would be used as evidence.

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Councilor Stassens asked if they had received any feedback from the community. Code Compliance Officer Miles said they had been doing a lot of educating the public. He thought that information had spread and had been well received.

Councilor Garvin asked about specific scenarios and how the new code would be interpreted for those scenarios. Planning Director Richards explained what would occur in each scenario.

Councilor Geary MOVED to pass Ordinance No. 5078 to a second reading; SECONDED by Councilor Stassens. Motion PASSED unanimously.

City Recorder Bisset read by title only for a second time Ordinance No. 5078.

Council President Menke MOVED to approve Ordinance No. 5078 amending Title 2 of the McMinnville Municipal Code, creating Chapter 2.50 establishing a civil code enforcement process; SECONDED by Councilor Geary. PASSED 4-1 by roll-call vote with Councilor Garvin opposed.

Councilor Geary MOVED to pass Ordinance No. 5079 to a second reading; SECONDED by Councilor Stassens. Motion PASSED unanimously.

City Recorder Bisset read by title only for a second time Ordinance No. 5079.

Councilor Geary MOVED to approve Ordinance No. 5079 amending Titles 8, 9 and 17 of the McMinnville Municipal Code, relating to public nuisances; SECONDED by Councilor Stassens. PASSED 4-1 by roll-call vote with Councilor Garvin opposed.

Council President Menke MOVED to adopt Resolution No. 2019-54, adopting a Code Violation Civil Penalty Schedule; SECONDED by Councilor Stassens. Motion PASSED unanimously.

8.g. **Ordinance 5080**: An Ordinance amending McMinnville Municipal Code Chapter 5.10 provisions related to the Local Transient Lodging Tax.

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

City Recorder Bisset read by title only Ordinance No. 5080 amending McMinnville Municipal Code Chapter 5.10 provisions related to the Local Transient Lodging Tax.

Finance Director Baragary said the ordinance would amend the code to reflect recent legislative changes related to the collection of transient

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lodging taxes and to ensure that online companies and hosting platforms were properly collecting and remitting the taxes to the City. There were 64 vacation home rentals in the City and many were using online companies who collected the payment instead of the owner of the property which made it difficult for the City to make sure it was collecting the proper tax. She explained how House Bill 2656 added the term transient lodging intermediary to address this issue and how the City now received taxes from 9 of these companies. There were still some companies that argued they were not transient lodging intermediaries because they only facilitated the transaction and were not required to collect the tax. To address this, the League of Oregon Cities provided a model ordinance with specific language that came from House Bill 4120. This language stated that transient lodging intermediaries charged for occupancy of the transient lodging, collected the consideration charged for occupancy of the transient lodging, received a fee or commission, and required the transient lodging provider to use a specified third party entity to collect the consideration charge for the occupancy. The proposed ordinance included this language. There was also a change to the penalty which stated non-compliance might be assessed a civil penalty pursuant to Chapter 2.50 which had just been passed tonight. There was one change to the proposed ordinance, the definition of occupant, which had been changed from "any individual" to "any person" who exercised occupancy.

Councilor Geary MOVED to pass Ordinance No. 5080 as amended to a second reading; SECONDED by Councilor Peralta. Motion PASSED unanimously.

City Recorder Bisset read by title only for a second time Ordinance No. 5080.

Councilor Garvin MOVED to approve Ordinance No. 5080 amending McMinnville Municipal Code Chapter 5.10 provisions related to the local Transient Lodging Tax; SECONDED by Councilor Peralta. SECONDED by Councilor Geary. PASSED by a unanimous roll-call vote.

9. ADJOURN: The meeting adjourned at 9:33 p.m.

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City of McMinnville
Administration
230 NE Second Street
McMinnville, OR 97128
(503) 435-5702
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **January 14, 2020**
TO: **Mayor and City Councilors**
FROM: **Jeff Towery, City Manager**
SUBJECT: **City Prosecutor Services – Contract for Calendar Year 2020**
STRATEGIC PRIORITY & GOAL:

CITY GOVERNMENT CAPACITY
Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief:

This item will authorize City Prosecutor services via contract with Erskine Law Practice, LLC for the calendar year 2020.

Background and Discussion:

Beginning in FY17-18, City Prosecutor services were provided by an in-house Deputy City Attorney. When the prior incumbent resigned to take another position in the spring of 2019, the City filled the service need through a contract with Erskine Law Practice, LLC. The City intends to leave the Deputy City Attorney position vacant while conducting a full review of legal services and desires to extend the service contract with Erskine Law Practice for the full calendar year of 2020.

Sam and Shannon Erskine have been providing prosecutorial services for the City on a contract basis since May, 2019. They began their legal careers as judicial clerks in the Multnomah County Circuit Court. In addition, Shannon worked for the Multnomah County District Attorney's Office and both have provided services to the St. Helens Municipal Court. They have since formed Erskine Law Practice which provides cities with full scale prosecutorial services.

This new agreement will continue the prosecutorial services provided since the initial agreement and expands services to include administrative support, which is common practice for contract legal services. The full cost of the contract (approximately $102,000) requires City Council authority and is less than the vacancy savings related to the Deputy City Attorney position (approximately $140,500). In order to ensure continuity of services, the City Manager signed an interim letter agreement with Erskine Law Practice for the month of January.

Attachments:

1. Interim Letter Agreement and Contract for Services

Fiscal Impact:

The cost of contract services is within the budgeted appropriations for Court and Legal expenses.

Recommendation:

Staff recommends that the City Council moves to authorize the City Manager to execute the attached contract for services with Erskine Law Practice, LLC for calendar year 2020.

ERSKINE LAW PRACTICE, LLC

PO Box 14003
PORTLAND, OREGON 97293
TELEPHONE: 503-404-3110
s.erskinelaw@gmail.com

December 19, 2019

Jeff Towery
City Manager
City of McMinnville
230 NE 2nd Street
McMinnville, Oregon 97128

Re: Interim Letter Agreement for Prosecution Services

The purpose of this letter is to document an interim agreement between the City of McMinnville (City) and Erskine Law Practice, LLC (Erskine) defining the terms by which Erskine will provide to the City a package of prosecution services. The scope of these services, the agreed upon compensation amount, and the controlling terms of this agreement shall be the same as those set forth in the contract that is attached, and hereby incorporated into, this agreement, however the duration of this agreement shall only last from January 1, 2020 through January 31, 2020. During this period, all provisions of the contract will be deemed in full effect and will be fully enforceable by both parties

By signing below, the authorized representative for each party is agreeing to be bound by the agreement encompassed in this letter and the attached contract for the period from January 1, 2020 through January 31, 2020.

Dated _____:	Dated December 19, 2019:
_____	Sam Erskine
Jeff Towery City Manager City of McMinnville	Samuel Erskine Manager Erskine Law Practice, LLC

CITY OF McMINNVILLE, OREGON

PERSONAL SERVICES CONTRACT
for
City Prosecutor Services

This Contract is between the CITY OF McMINNVILLE, a municipal corporation of the State of Oregon (City) and Erskine Law Practice, LLC, a domestic limited liability company (Contractor). The City's Project Manager for this Contract is David Koch.

The parties mutually covenant and agree as follows:

1. Effective Date and Duration. This contract is effective January 1, 2020 and will expire, unless otherwise terminated or extended, on December 31, 2020.

2. Statement of Work. The work to be performed under this contract consists of providing legal services as City Prosecutor and administrative duties of the City Prosecutor for the City of McMinnville, as more particularly described in the Statement of Work attached hereto as Exhibit A. The Statement of Work reflects both the work anticipated and the fees the Contractor will charge for each component of that work. The work provided will be guided by the Statement of Work, but the Contractor will, with the approval and direction of the City, perform services in such a way as to ensure constant progress is being made to achieve the City's end goals in the most efficient manner possible.

3. Consideration.

a. City agrees to pay Contractor a flat fee of $8,500 per month with $6,000 per month paid for "Standard Prosecution Services" and $2,500 per month paid for "Administrative Duties of the City Prosecutor" described in the Statement of Work. In addition, City agrees to pay Contractor for hours actually worked for "Non-Standard Prosecution Services" at a rate of $125 per hour, to be billed in minimum six-minute increments. Contractor will be reimbursed for allowable expenses incurred for accomplishing the work required by this contract.

b. Contractor will furnish with each invoice for services an itemized statement showing both the work performed and the number of hours devoted to the project by the Contractor for non-standard prosecution services. City will pay the Contractor for these services within 30 days of receiving an itemized bill that has been approved by the Project Manager.

c. City certifies that sufficient funds are available and authorized for expenditure to finance the cost of this contract.

4. **Additional Services.** Additional services, not covered in Exhibit A, will be provided if mutually agreed upon by the parties and authorized or confirmed in writing by the City, and will be paid for by the City as provided in this Contract in addition to the compensation authorized in subsection 3a. If authorized by the City, the additional services will be performed under a series of Task Orders defining the services to be performed, time of performance, and cost for each phase of services.

[CONTINUED ON NEXT PAGE]

CONTRACTOR DATA, CERTIFICATION, AND SIGNATURE

Name (please print):

Address:

Social Security #:
Federal Tax ID #:
State Tax ID #:
Citizenship: Nonresident alien _____ Yes _____ No
Business Designation (check one): _____ Individual ____ Sole Proprietorship ____ Partnership
_____ Corporation ____ Government/Nonprofit

The above information must be provided prior to contract approval. Payment information will be reported to the Internal Revenue Service (IRS) under the name and taxpayer I.D. number provided above. (See IRS 1099 for additional instructions regarding taxpayer ID numbers.) Information not matching IRS records could subject you to 31 percent backup withholding.

I, the undersigned, understand that the Standard Terms and Conditions for Personal Services Contracts and Exhibits A, B, C, and D are an integral part of this contract and agree to perform the work described in Exhibit A in accordance with the terms and conditions of this contract; certify under penalty of perjury that I/my business am not/is not in violation of any Oregon tax laws; and certify I am an independent contractor as defined in ORS 670.600.

Signed by Contractor:

Signature/Title Date

NOTICE TO CONTRACTOR: This contract does not bind the City of McMinnville unless and until it has been fully executed by the appropriate parties.

CITY OF McMINNVILLE SIGNATURE

Approved:

City Manager or Designee Date

Reviewed:

City Attorney or Designee Date

CITY OF McMINNVILLE

STANDARD TERMS AND CONDITIONS FOR PERSONAL SERVICES CONTRACTS

1. Contractor is Independent Contractor.

a. Contractor will perform the work required by this contract as an independent contractor. Although the City reserves the right (i) to determine (and modify) the delivery schedule for the work to be performed and (ii) to evaluate the quality of the completed performance, the City cannot and will not control the means or manner of the Contractor's performance. The Contractor is responsible for determining the appropriate means and manner of performing the work.

b. The Contractor represents and warrants that Contractor (i) is not currently an employee of the federal government or the State of Oregon, and (ii) meets the specific independent contractor standards of ORS 670.600, as certified on the Independent Contractor Certification Statement attached as Exhibit D.

c. Contractor will be responsible for any federal or state taxes applicable to any compensation or payment paid to Contractor under this contract.

d. If Contractor is a contributing member of the Public Employees' Retirement System, City will withhold Contractor's contribution to the retirement system from Contractor's compensation or payments under this contract and make a corresponding City contribution. Contractor is not eligible for any federal Social Security, unemployment insurance, or workers' compensation benefits from compensation or payments to Contractor under this contract, except as a self-employed individual.

2. Subcontracts and Assignment. Contractor will not subcontract any of the work required by this contract, or assign or transfer any of its interest in this contract, without the prior written consent of the City. Contractor agrees that if subcontractors are employed in the performance of this contract, the Contractor and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

3. No Third Party Beneficiaries. City and Contractor are the only parties to this contract and are the only parties entitled to enforce its terms. Nothing in this contract gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this contract.

4. Successors in Interest. The provisions of this contract will be binding upon and will inure to the benefit of the parties, and their respective successors and approved assigns, if any.

5. Early Termination

a. The City and the Contractor, by mutual written agreement, may terminate this Contract at any time.

b. The City, on 30 days written notice to the Contractor, may terminate this Contract for any reason deemed appropriate in its sole discretion.

c. Either the City or the Contractor may terminate this Contract in the event of a breach of the Contract by the other party. Prior to termination, however, the party seeking the termination will give to the other party written notice of the breach and of the party's intent to terminate. If the Party has not entirely cured the breach within 15 days of the notice, then the party giving the notice may terminate the Contract at any time thereafter by giving a written notice of termination.

6. Payment on Early Termination

a. If this contract is terminated under 5(a) or 5(b), the City will pay the Contractor for work performed in accordance with the Contract prior to the termination date. Payment may be pro-rated as necessary.

b. If this contract is terminated under 5(c) by the Contractor due to a breach by the City, then the City will pay the Contractor as provided in subsection (a) of this section.

c. If this contract is terminated under 5(c) by the City due to a breach by the Contractor, then the City will pay the Contractor as provided in subsection (a) of this section, subject to set off of excess costs, as provided for in section 7, Remedies.

7. Remedies

a. In the event of termination under 5(c) by the City due to a breach by the Contractor, the City may complete the work either itself, by agreement with another contractor, or by a combination thereof. In the event the cost of completing the work exceeds the remaining unpaid balance of the total compensation provided under this contract, the Contractor will pay to the City the amount of the reasonable excess.

b. The remedies provided to the City under section 5 and section 7 for a breach by the Contractor are not exclusive. The City will also be entitled to any other equitable and legal remedies that are available.

c. In the event of breach of this Contract by the City, the Contractor's remedy will be limited to termination of the Contract and receipt of payment as provided in section 5(c) and 6(b).

8. Access to Records. Contractor will maintain, and the City and its authorized representatives will have access to, all books, documents, papers and records of Contractor which relate to this contract for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records will be made available upon request. Payment for the cost of copies is reimbursable by the City.

9. Ownership of Work. All work products of the Contractor, including background data, documentation, and staff work that is preliminary to final reports, and which result from this contract, are the property of the City. Contractor will retain no ownership interests or rights in the work product. Use of any work product of the Contractor for any purpose other than the use intended by this contract is at the risk of the City.

10. Compliance with Applicable Law. Contractor will comply with all federal, state, and local laws and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279B.220, 279B.230, and 279B.235, as set forth on Exhibit B. Without limiting the foregoing, Contractor expressly agrees to comply with: (I) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 (Pub L No. 101-336), ORS 659A.142, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation statues, rules, and regulations.

11. Indemnity and Hold Harmless

a. Except for the professional negligent acts covered by paragraph 11.b., Contractor will defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of Contractor or its officers, employees, subcontractors, or agents under this contract.

b. Contractor will defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims, suits, or actions arising out of the professional negligent acts, errors, or omissions of Contractor or its officers, employees, subcontractors, or agents under this contract.

c. The City shall defend, hold harmless and indemnify Erskine Law Practice to the full extent provided by Oregon Revised Statutes related to any claim in tort, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of responsible for any claims, actions, costs, judgments, damages, or other expenses caused by the actions of the City or City staff. The purpose of this section is to allocate risk for claims between City and contractor consistent with public policy as defined by the Oregon Tort Claims Act. Nothing in this Agreement is intended to waive any limitations on liability established by the Oregon Tort Claims Act.

12. Insurance. Contractor will provide insurance in accordance with Exhibit C.

13. Waiver of Personal Conflict. Contractor's practice includes providing contract coverage for defense attorneys. This coverage includes but is not limited to appearing at court hearings and Administrative Law Hearings. The City waives any personal conflict that may arise out of Contractor's contract coverage work.

14. Waiver. The failure of the City to enforce any provision of this contract will not constitute a waiver by the City of that or any other provision.

15. Errors. The Contractor will perform such additional work as may be necessary to correct errors in the work required under this contract without undue delays and without additional cost.

16. Governing Law. The provisions of this contract will be construed in accordance with the laws of the State of Oregon and ordinances of the City of McMinnville, Oregon. Any action or suits involving any question arising under this contract must be brought in the appropriate court in Yamhill County, Oregon. Provided, however, if the claim must be brought in a federal forum, then it will be brought and conducted in the United States District Court for the District of Oregon.

17. Severability. If any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular term or provision held invalid.

18. Merger Clause. THIS CONTRACT AND ATTACHED EXHIBITS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS CONTRACT WILL BIND EITHER PARTY UNLESS IN WRITING, SIGNED BY BOTH PARTIES. ANY WAIVER, CONSENT, MODIFICATION, OR CHANGE, IF MADE, WILL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. BY ITS SIGNATURE, CONTRACTOR ACKNOWLEDGES IT HAS READ AND UNDERSTANDS THIS CONTRACT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

EXHIBIT A
STATEMENT OF THE WORK

1. Individuals Performing Duties.

The City of McMinnville (City) contracts with Erskine Law Practice, LLC, (Erskine), to perform the prosecutorial and administrative duties outlined herein. The individuals currently associated with Erskine are Samuel Erskine and Shannon Lee Erskine and, under this proposal, either individual may perform prosecutorial and administrative duties. Other individuals employed by Erskine may be assigned duties in the future provided that the level of services remain consistent with the terms of this agreement.

2. Standard Prosecution Services.

Erskine will undertake to perform the following standard prosecutorial duties:

a) **Case reviewing and issuing** – Review all criminal cases referred to the City Prosecutor's office and make a timely issuing decision. For cases where prosecution is declined, draft a brief memo outlining the reason(s) for declining the case.
b) **Pretrial negotiations** – Draft and provide a pretrial offer on all criminal cases and on violation cases where the defendant has retained counsel. Participate in any additional pretrial negotiations beyond the drafting of the initial offer.
c) **Court appearances** – Appear as the City Prosecutor at court proceedings every Wednesday that court is in session on all criminal matters and on violation matters where the defendant has retained counsel.
d) **Trials** – Prepare and try all criminal cases and all violation matters where the defendant has retained counsel.
e) **Interfacing with crime victims, witnesses, and members of the public** – Respond appropriately to inquiries from victims, case witnesses, and members of the public.
f) Prosecutorial services other than those identified in subsections (c) and (d) may be completed remotely. The City of McMinnville will agree to facilitate remote access to any computer systems belonging to the city that are necessary to carry out the functions identified in subsections (a), (b), and (e).

3. Non-Standard Prosecution Services.

Erskine will also undertake to perform the following non-standard prosecutorial duties:

a) **Appeals** – Prepare and present criminal misdemeanor cases on appeal from Municipal Court.
b) **Law enforcement advice** – Assist the City Attorney in providing legal advice to the City's police department personnel related to criminal investigations, arrests, searches and seizures, and related criminal enforcement matters.
c) **Policy review and advice** – Assist the City Attorney in providing legal advice to the City and in drafting ordinances related to criminal laws and public safety.

4. Administrative Duties of the City Prosecutor

Erskine will undertake to perform the following administrative duties:

a) General receptionist duties – Receive and respond to inquiries from individuals or entities seeking information about the operations of the City Prosecutor's office. A dedicated phone line will be available with general availability from 9:00 AM till 4:40 PM, Monday through Friday (excluding normal holidays). Mail correspondence directed to the City Prosecutor's

office will continue to be sent to the address associated with the City Prosecutor's Office at City Hall and will be sorted by Municipal Court staff and placed in the City Prosecutor's mailbox at City Hall.

b) Interfacing with Police Department – Create contact with McMinnville Police Department to facilitate the transferring of police reports and digital and physical evidence, the scheduling and subpoenaing of officers for court matters, and coordination with officers for the subpoenaing of civilian witnesses.

c) Interfacing with Municipal Court and other jurisdictions –Respond to inquiries from municipal court staff. Facilitate information exchange between City Prosecutor and Yamhill County District Attorney's office or any other applicable law enforcement agency.

d) Interfacing with crime victims, witnesses, and members of the public – Assist with necessary document creation and mailing of victim communication forms and notifications to maintain compliance with applicable victim contact laws. Respond appropriately to inquiries from victims, case witnesses, and members of the public. Process and track restitution requests.

e) Responding to discovery demands – Ensuring prompt delivery of discovery materials to defendants and defense attorneys to maintain compliance with relevant discovery laws.

f) Create and maintain prosecutorial case files – Create and maintain prosecutor files to: track compliance with discovery and victim notification issues, keep a record of documents filed in each case, and maintain a record of case facts and defendant criminal history. These files may be kept electronically or in a hard copy format at the election of Erskine Law Practice, and will be kept for the length of time required by law and remain the property of the City of McMinnville.

g) Processing motions to set aside – Assist in the processing of motions to aside including interfacing with members of the public or attorneys, drafting correspondence, and completing any associated data entry tasks.

h) Administrative duties of the City Prosecutor services may be completed remotely. The City of McMinnville will agree to facilitate remote access to any computer systems belonging to the City that are necessary to carry out the functions identified in subsections (a) through (g).

i) Keep accurate records of and transmit to City quarterly, a summary of the number of monthly hours worked by Erskine administrative staff carrying out the administrative duties of the Prosecutor, and the average actual hourly cost of such administrative staff incurred by Erskine in the performance of such Administrative duties.

5. Costs and Billing.

City will compensate Erskine for the services provided under this Contract as follows:

a) Standard prosecutorial duties described in Section 2, will be billed to the City of McMinnville at a flat fee of $6,000 per month.

b) Administrative duties of the City Prosecutor described in Section 4, will be billed to the City of McMinnville at a flat fee of $2,500 per month.

c) Non-standard prosecutorial duties described in Section 3 will be billed to the City of McMinnville based on hours actually worked at a rate of $125 per hour, to be billed in minimum six-minute increments.

d) Billing invoices would be submitted on the final business day of the month and would be payable by the next payroll cycle run by the city.

e) To the extent feasible, the City will maintain and grant access to services essential to the operation of the City Prosecutor position to the members and staff of Erskine Law Practice. When access is not feasible, City will reimburse Erskine Law Practice for the costs incurred in maintaining access to such services. These services would include access to: the Law Enforcement Data Systems (LEDS), the Oregon eCourt Case Information (OECI) system, an Oregon DMV Records Inquiry Account (as well as the costs for records requested through this system), and any other service deemed necessary by Erskine Law Practice and approved by the City of McMinnville.

EXHIBIT B
COMPLIANCE WITH APPLICABLE LAW

279B.220 Conditions concerning payment, contributions, liens, withholding. Every public contract shall contain a condition that the contractor shall:

(1) Make payment promptly, as due, to all persons supplying to the contractor labor or material for the performance of the work provided for in the contract.

(2) Pay all contributions or amounts due the Industrial Accident Fund from the contractor or subcontractor incurred in the performance of the contract.

(3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

(4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167. [2003 c.794 §76a]

279B.230 Condition concerning payment for medical care and providing workers' compensation. (1) Every public contract shall contain a condition that the contractor shall promptly, as due, make payment to any person, copartnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of the contractor, of all sums that the contractor agrees to pay for the services and all moneys and sums that the contractor collected or deducted from the wages of employees under any law, contract or agreement for the purpose of providing or paying for the services.

(2) Every public contract shall contain a clause or condition that all subject employers working under the contract are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126. [2003 c.794 §76c]

279B.235 Condition concerning hours of labor; compliance with pay equity provisions; employee discussions of rate of pay or benefits. (1) Except as provided in subsections (3) to (6) of this section, every public contract subject to this chapter must provide that:

(a) A contractor may not employ an employee for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely requires otherwise, and in such cases, except in cases of contracts for personal services designated under ORS 279A.055, the contractor shall pay the employee at least time and a half pay for:

(A)(i) All overtime in excess of eight hours in any one day or 40 hours in any one week if the work week is five consecutive days, Monday through Friday; or

(ii) All overtime in excess of 10 hours in any one day or 40 hours in any one week if the work week is four consecutive days, Monday through Friday; and

(B) All work the employee performs on Saturday and on any legal holiday specified in ORS 279B.020.

(b) The contractor shall comply with the prohibition set forth in ORS 652.220, that compliance is a material element of the contract and that a failure to comply is a breach that entitles the contracting agency to terminate the contract for cause.

(c) The contractor may not prohibit any of the contractor's employees from discussing the employee's rate of wage, salary, benefits or other compensation with another employee or another person and may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits or other compensation with another employee or another person.

(2) A contractor shall give notice in writing to employees who work on a public contract, either at the time of hire or before work begins on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(3) A public contract for personal services, as described in ORS 279A.055, must provide that the contractor shall pay the contractor's employees who work under the public contract at least time and a half for all overtime the employees work in excess of 40 hours in any one week, except for employees under a personal services

public contract who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

(4) A public contract for services at a county fair, or for another event that a county fair board authorizes, must provide that the contractor shall pay employees who work under the public contract at least time and a half for work in excess of 10 hours in any one day or 40 hours in any one week. A contractor shall notify employees who work under the public contract, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(5)(a) Except as provided in subsection (4) of this section, a public contract for services must provide that the contractor shall pay employees at least time and a half pay for work the employees perform under the public contract on the legal holidays specified in a collective bargaining agreement or in ORS 279B.020 (1)(b)(B) to (G) and for all time the employee works in excess of 10 hours in any one day or in excess of 40 hours in any one week, whichever is greater.

(b) A contractor shall notify in writing employees who work on a public contract for services, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(6) This section does not apply to public contracts:

(a) With financial institutions as defined in ORS 706.008.

(b) Made pursuant to the authority of the State Forester or the State Board of Forestry under ORS 477.406 for labor performed in the prevention or suppression of fire.

(c) For goods or personal property. [2003 c.794 §77; 2005 c.103 §8f; 2015 c.454 §4]

EXHIBIT C
INSURANCE
(The Project Manager must answer and initial 2, 3, and 4 below).

During the term of this contract, Contractor will maintain in force at its own expense, each insurance noted below:

1. **Workers Compensation** insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers. (Required of contractors with one or more employees, unless exempt under ORS 656.027).

   ■ Required by City ☐ I am exempt. Signed _____

2. **Professional Liability** insurance with a combined single limit of not less than ■ $1,000,000, ☐ $2,000,000, or ☐ $3,000,000 each claim, incident, or occurrence. This is to cover damages caused by error, omission, or negligent acts related to the professional services to be provided under this contract. The coverage must remain in effect for at least ☐ one year ☐ two years after the contract is completed.

   ■ Required by City _____ Not required by City By: _____

3. **General Liability** insurance, on an occurrence basis, with a combined single limit of not less than ■ $1,000,000, ☐ $2,000,000, or ☐ $3,000,000 each occurrence for Bodily Injury and Property Damage. It must include contractual liability coverage. This coverage will be primary and non-contributory with any other insurance and self-insurance.

   ■ Required by City ☐ Not required by City By: _____

4. **Automobile Liability** insurance with a combined single limit, or the equivalent of not less than ■ $1,000,000, ☐ $2,000,000, or ☐ $3,000,000 each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles.

   ■ Required by City ☐ Not required by City By: _____

5. **Notice of cancellation or change.** There will be no cancellation, material change, reduction of limits, or intent not to renew the insurance coverage(s) without prior written notice from the Contractor or its insurer(s) to the City.

6. **Certificates of insurance.** As evidence of the insurance coverages required by this contract, the Contractor will furnish acceptable insurance certificates to the City at the time the Contractor returns the signed contracts. For general liability insurance and automobile liability insurance, the certificate will provide that the City, and its agents, officers, and employees, are additional insureds, but only with respect to Contractor's services to be provided under this contract. The certificate will include the cancellation clause, and will include the deductible or retention level. Insuring companies or entities are subject to City acceptance. If requested, complete copies of insurance policies will be provided to the City. The Contractor will be financially responsible for all pertinent deductibles, self-insured retentions, and self-insurance.

EXHIBIT D
CERTIFICATION STATEMENT FOR INDEPENDENT CONTRACTOR
(Contractor complete A or B below, Project Manager complete C below.)

A. CONTRACTOR IS A CORPORATION

CORPORATION CERTIFICATION: I am authorized to act on behalf of the entity named below, and certify under penalty of perjury that it is a corporation.

_____

Entity Signature Date

B. CONTRACTOR IS INDEPENDENT.

Contractor certifies he/she meets the following standards:

1. The individual or business entity providing services is free from direction and control over the means and manner of providing the services, subject only to the right of the person for whom the services are provided to specify the desired results,
2. The individual or business entity is licensed under ORS chapters 671 or 701 if the individual or business entity provides services for which a license is required by ORS chapters 671 or 701,
3. The individual or business entity is responsible for obtaining other licenses or certificates necessary to provide the services,
4. The individual or business entity is customarily engaged in an independently established business, as any three of the following requirements are met **(please check three or more of the following):**
   - ____ A. The person maintains a business location i) that is separate from the business or work location of the person for whom the services are provided or ii) that is in a portion of the person's residence and that portion is used primarily for the business.
   - ____ B. The person bears the risk of loss related to the business or the provision of services as shown by factors such as i) the person enters into fixed-price contracts, ii) the person is required to correct defective work, iii) the person warrants the services provided, or iv) the person negotiates indemnification agreements or purchases liability insurance, performance bonds, or errors and omissions insurance.
   - ____ C. The person provides contracted services for two or more different persons within a 12 month period or the person routinely engages in business advertising, solicitation, or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.
   - ____ D. The person makes a significant investment in the business, through means such as i) purchasing tools or equipment necessary to provide the services, ii) paying for the premises or facilities where the services are provided, or iii) paying for licenses, certificates, or specialized training required to provide the services.
   - ____ E. The person has the authority to hire other persons to provide or to assist in providing the services and has the authority to fire those persons.

_____

Contractor Signature Date

(Project Manager complete C below.)

C. CITY APPROVAL

ORS 670.600 Independent contractor standards. As used in various provisions of ORS chapters 316, 656, 657, 671, and 701, an individual or business entity that performs services for remuneration will be considered to perform the services as an "independent contractor" if the standards of this section are met. The contractor meets the following standards:

1. The Contractor is free from direction and control over the means and manner of providing the services, subject only to the right of the City to specify the desired results,

2. The Contractor is responsible for obtaining licenses under ORS chapters 671 and 701 when these licenses are required to provide the services,
3. The Contractor is responsible for obtaining other licenses or certificates necessary to provide the services,
4. The Contractor has the authority to hire and fire employees to provide or assist in providing the services, and
5. The person is customarily engaged in an independently established business as indicated in B. 4 above.

Project Manager Signature Date

City of McMinnville
Administration
230 NE Second Street
McMinnville, OR 97128
(503) 435-5702
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **January 14, 2020**
TO: **Jeff Towery, City Manager**
FROM: **Claudia Cisneros, City Recorder**
SUBJECT: **Resolution No. 2020-01**
STRATEGIC PRIORITY & GOAL:

CITY GOVERNMENT CAPACITY
Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief:

This is the consideration of Resolution No. 2020-01, Approving the Issuance of the Certificate for the Canvass of the Returns of the Votes Cast at the Special Election conducted on November 5, 2019, in regard to Measure 36-202

Background:

A Special Election was held on November 5th, 2019. The City Recorder's office has received the certified canvass report (attached). The resolution reflecting the results is a housekeeping item required by the City Charter.

Discussion:

Resolution No. 202-01: A Resolution approving the issuance of the certificate for the canvass of the returns of the votes cast at the Special Election conducted on November 5, 2019 in regard to Measure 36-202 "Charter Amendment: Restricts City Regulations And Fees On Care Facilities."

Attachments:

1. Resolution No. 2020-01
2. Memorandum from Yamhill County Clerk of Certified Results
3. Yamhill County Clerk Invoice

Fiscal Impact:

The City's impact was a bill from Yamhill City Clerk's Officer for the amount of $69,296.36.

Recommendation:

Staff recommends that the City Council approve and adopt Resolution No. 2020-01 as presented.

RESOLUTION NO. 2020-01

A Resolution Approving the Issuance of the Certificate tor the Canvass of the Returns of the Votes Cast at the Special Election Conducted on November 5, 2019, on Regard to Measure 36-202 “Charter Amendment: Restricts City Regulations And Fees On Care Facilities.”

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

Section 1. That the Common Council in this regular Council meeting on January 14, 2019, in accordance with the Charter of the City of McMinnville, has canvassed the returns of the votes cast in the Special Election conducted on November 5, 2019, in regard to Measure 36-202 " Charter Amendment: Restricts City Regulations And Fees On Care Facilities ", as more fully set forth in the Certificate of Canvass of Votes attached hereto and by this reference incorporated herein.

Section 2. That the Common Council and Recorder are hereby authorized and directed to execute a certificate of the canvass of said votes.

This resolution shall take effect immediately upon its adoption by the Common Council.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14th day of January, 2020 by the following votes:

Ayes:_____

Nayes:_____

Abstain:_____

Approved on January 14, 2020.

_____
Mayor

Approved as to form: Attest:

_____ _____
City Recorder City Attorney

CERTIFICATE

CANVASS OF THE RETURNS OF THE VOTES CAST FOR MEASURE 36-202 "CHARTER AMENDMENT: RESTRICTS CITY REGULATIONS AND FEES ON CARE FACILITIES" AT THE SPECIAL ELECTION HELD IN THE CITY OF McMINNVILLE, OREGON ON NOVEMBER 5, 2019.

We, Remy Drabkin, Wendy Strassens, Sal Peralta, Kellie Menke, Zack Geary and Adam Garvin, being duly elected and sworn Council members of the Common Council of the City of McMinnville, Yamhill County, Oregon, and meeting during the regular City Council meeting on January 14, 2020, for the purpose of canvassing the returns of the Special Election held on Tuesday, November 5, 2019, in accordance with officials of said election, did proceed to canvass the returns, and it appears from said official returns as filed by the Yamhill County Clerk and now on file in the office of the Recorder of the City of McMinnville that the following summarizes the votes cast:

Votes Cast in Election Regarding Measure 36-202 " Charter Amendment: Restricts City Regulations and Fees on Care Facilities "

Yes	4,106
No	3,010
Over Votes	3
Under Vote	0
Total	7,119

IN WITNESS WHEREOF, we have hereunto set our hands this 14th day of January, 2020.

Remy Drabkin	Kellie Menke
Wendy Strassens	Zack Geary
Sal Peralta	Adam Garvin

Brian Van Bergen
Yamhill County Clerk

414 NE Evans St, McMinnville, OR 97128-4607 • Ph. 503.434.7518 • Fax 503.434.7520 • clerk@co.yamhill.or.us

Board of Property Tax Appeals • Business Licenses • Elections • Marriage Licenses • Passports • Recording • Voter Registration

Memorandum

To: Jeff Towery, City of McMinnville
From: Brian Van Bergen, Yamhill County Clerk
CC:
Date: November 25th, 2019
RE: Certified Contest Results

Enclosed please find the certified results from the November 5th, 2019 Special Election.

These items include:

- Yamhill County's certified Cumulative Results Report (summary report)
- Yamhill County's certified Canvass Results Report (report by precinct)
- This Notice of Election Canvass

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Brian Van Bergen
Yamhill County Clerk

Cumulative Results Report

November 5, 2019 Special Election

Run Time 11:56 AM
Run Date 11/20/2019

Yamhill County, Oregon

November 5, 2019 Special Election

11/5/2019

Official Results

Registered Voters
7119 of 20766 = 34.28%

Precincts Reporting
6 of 6 = 100.00%

Referred by the City of McMinnville

Precincts			Voters		
Counted	*Total*	*Percent*	*Ballots*	*Registered*	*Percent*
6	6	100.00%	7,119	20,766	34.28%

Choice	Party	Election Day Voting		Total	
YES		4,106	57.70%	4,106	57.70%
NO		3,010	42.30%	3,010	42.30%
	Cast Votes:	7,116	100.00%	7,116	100.00%
	Undervotes:	3		3	
	Overvotes:	0		0	

*** End of report ***

I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED.

SIGNATURE OF COUNTY CLERK:

11·20·19
DATE OF ABSTRACT

YAMHILL COUNTY CLERK
STATE OF OREGON

Canvass Results Report

November 5, 2019 Special Election

Run Time 11:56 AM
Run Date 11/20/2019

Yamhill County, Oregon

November 5, 2019 Special Election

11/5/2019

Official Results

Registered Voters
7119 of 20766 = 34.28%

Precincts Reporting
6 of 6 = 100.00%

Referred by the City of McMinnville

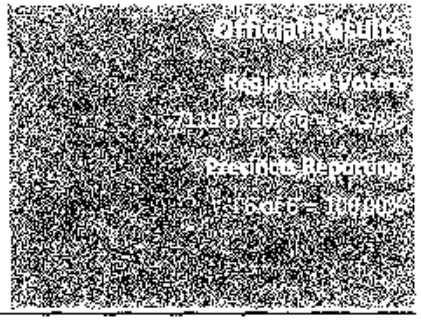
Precinct	YES	NO	Cast Votes	Undervotes	Overvotes	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
014	620	326	946	0	0	946	946	3,192	29.64%
015	580	390	970	0	0	970	970	3,057	31.73%
016	493	378	871	1	0	872	872	2,735	31.88%
017	570	410	980	0	0	980	980	2,874	34.10%
018	1,046	1,018	2,064	2	0	2,066	2,066	4,876	42.37%
019	797	488	1,285	0	0	1,285	1,285	4,032	31.87%
Totals	**4,106**	**3,010**	**7,116**	**3**	**0**	**7,119**	**7,119**	**20,766**	**34.28%**

I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED.

SIGNATURE OF COUNTY CLERK:

11.20.19
DATE OF ABSTRACT

YAMHILL COUNTY CLERK
STATE OF OREGON



*** End of report ***

BRIAN VAN BERGEN
YAMHILL
COUNTY CLERK
414 NE EVANS ST
MCMINNVILLE, OR 97128-4607

Invoice for Account # 44

Batch List: 999-7776 Batch Dates: 03/31/1999 to 12/05/2019

To: MCMINNVILLE CITY
230 NE 2ND ST
MCMINNVILLE, OR 97128

Receipt #: 216458 **Receipt Date: 12/05/2019** **Amount Due: $69,296.36** **Comments:**

MISCELLANEOUS	201904039	12/05/2019 3:44:51 PM	ELEC-REIM: ELECTION COST REIMBURSEMENT

Total Amount Due: $69,296.36

If you have any questions, please call the Yamhill County Clerk at: (503) 434-7518.

DEC 0 9 2019

Received: _____

_____

Shipper #: _____

Complete PO? Yes No

Other Info: _____

City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: December 17, 2019
TO: Jeff Towery, City Manager
FROM: Mike Bisset, Community Development Director
SUBJECT: ODOT Fund Exchange Agreement No. 33974

Report in Brief:

This action is the consideration of a resolution authorizing the approval of a cooperative fund exchange agreement between the City of McMinnville and Oregon Department of Transportation (ODOT) known as 2019 Fund Exchange Agreement, No. 33974.

Background:

In 2013, the City entered into an Oregon Transportation Infrastructure Bank (OTIB) loan agreement (attached) with the State of Oregon to cover the City's $3,209,600.00 portion of the Newberg-Dundee Bypass project. Section 2.10 of the loan agreement allows of the use of the City's federal transportation fund allotment to cover the loan principal and interest payments.

Discussion:

The attached 2019 Fund Exchange Agreement No. 33974 provides for the exchange of $201,248 of the City's federal allocation to cover the City's 2020 OTIB loan principal and interest payment, which will be due in January 2020. Per the agreement, the City will receive $100 in state funds for every $100 of federal funds exchanged.

Attachments:

1. Proposed Resolution
2. ODOT Fund Exchange Agreement No. 33974
3. Oregon Transportation Infrastructure Bank (OTIB) loan agreement

Recommendation:

Staff recommends that the City Council adopt the attached resolution authorizing the City Manager to execute 2019 Fund Exchange Agreement No. 33974.

RESOLUTION NO. 2020 – 02

A Resolution authorizing the approval of a cooperative fund exchange agreement between the City of McMinnville and Oregon Department of Transportation (ODOT) known as 2019 Fund Exchange Agreement, No. 33974.

RECITALS:

The Oregon Department of Transportation allows the City to exchange its allocation of Federal Transportation Funds for State revenues. It is to the City's benefit to exchange the funds because the requirements attached to Federal projects do not apply to State revenues.

The agreement will provide for the exchange of $201,248 of the City's federal allocation to cover the City's 2020 Oregon Transportation Infrastructure Bank loan principal and interest payment (Newberg-Dundee Bypass project). Per the agreement, the City will receive $100 in state funds for every $100 of federal funds exchanged.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That entry into an agreement with the State of Oregon, Department of Transportation, for the exchange of the City's $201,248 allocation of Federal Highway Funds for $201,248 of State funds is approved.
2. The City Manager is hereby authorized and directed to execute the agreement between the State of Oregon, acting by and through its Department of Transportation, and the City of McMinnville.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a meeting held the 14th day of January 2020 by the following votes:

Ayes: _____

Nays: _____

Approved this 14th day of January 2020.

_____
MAYOR

Approved as to form:

_____
CITY ATTORNEY

2019 FUND EXCHANGE AGREEMENT

Newberg-Dundee Bypass Project (Phase 2)
Oregon Transportation Infrastructure Bank (OTIB) Loan #0048
City of McMinnville

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and CITY OF McMINNVILLE, acting by and through its designated officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572, and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

2. State and Agency entered into Oregon Transportation Infrastructure Bank (OTIB) Loan Agreement #0048 on July 1, 2013 to finance Agency's portion of the costs of construction of the Newberg-Dundee Bypass project.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part 1 of the Project Prospectus, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of the Newberg-Dundee Bypass (Phase 2) OTIB Loan payment project, hereinafter referred to as "Project."

2. State has reviewed Agency's prospectus and considered Agency's request for the Fund Exchange. State has determined that Agency's Project is eligible for the exchange of funds.

3. To assist in funding the Project, Agency has requested State to exchange 2019 federal funds, which have been allocated to Agency, for state funds based on the following ratio:

   $100 state for $100 federal

4. Based on this ratio, Agency wishes to trade $201,248.00 federal funds for $201,248.00 state funds.

5. The term of this Agreement will begin upon execution and will terminate two (2) calendar years later, unless extended by an executed amendment.

6. The Parties agree that the exchange is subject to the following conditions:

   a. The federal funds transferred to State may be used by State at its discretion.

   b. State funds transferred to Agency must be used for the Project. This Fund Exchange will provide funding for specific roadway projects and may also be used for the following maintenance purposes:

      i. Purchase or Production of Aggregate. Agency shall ensure the purchase or production of aggregate will be highway related and used exclusively for highway work.

      ii. Purchase of Equipment. Agency shall clearly describe how it plans to use said equipment on highways. Agency shall demonstrate that the equipment will only be used for highway purposes.

   c. State funds may be used for all phases of the Project, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of state funds.

   d. This Fund Exchange shall be on a reimbursement basis, with state funds limited to a maximum amount of $201,248.00. All costs incurred in excess of the Fund Exchange amount will be the sole responsibility of Agency.

   e. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.

   f. Agency, and any contractors, shall perform the work as an independent contractor and will be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.

   g. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530, and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to

comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

h. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current state and federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Project.

i. Agency shall submit invoices to State on a monthly basis, for actual costs incurred by Agency on behalf of the Project directly to State's Project Manager for review and approval. Such invoices will be in a form identifying the Project, the Agreement number, the invoice number or account number or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall State's obligations exceed $201,248.00, including all expenses. Travel expenses will not be reimbursed.

j. Agency shall, at its own expense, maintain and operate the Project upon completion at a minimum level that is consistent with normal depreciation and service demand.

k. All employers, including Agency, that employ subject workers in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than $500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.

l. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.

    i. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

        A. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

B. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

ii. Either Party may terminate this Agreement effective upon delivery of written notice to the other Party, or at such later date as may be established by the terminating Party, under any of the following conditions:

A. If either Party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either Party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this Agreement.

B. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either Party is prohibited from paying for such work from the planned funding source.

iii. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

m. State and Agency agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

7. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.

8. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

10. This Agreement and attached exhibits, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The funding for this Fund Exchange program was approved by the Oregon Transportation Commission on July 20, 2017 as a part of the 2018-2021 Statewide Transportation Improvement Program (STIP).

The Program and Funding Services Manager approved the Fund Exchange on October 22, 2019.

SIGNATURE PAGE FOLLOWS

CITY OF McMINNVILLE, by and through its designated officials, by authority of Council Resolution No. _____

By _____
City Manager

Date _____

LEGAL REVIEW APPROVAL
(If required in Agency's process)

By _____
City Legal Counsel

Date _____

Agency Contact:
Mike Bisset, Director
City of McMinnville Community Development
231 NE Fifth Street
PO Box 970
McMinnville, OR 97128
Phone: (503) 434-7312
Email: mike.bisset@mcminnvilleoregon.gov

State Contact:
Shelly White-Robinson
Special Program Coordinator
ODOT, Region 2
455 Airport Road, SE, Bldg. B
Salem, OR 97301
Phone: (503) 986-2650
Email: shelly.white-robinson@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Transportation Planning Manager

Date _____

By _____
Region 2 Special Program Coordinator

Date _____

APPROVED AS TO LEGAL SUFFICIENCY
(Required if exceeds $150,000)

By _____
Assistant Attorney General

Date _____

Loan Agreement

Between

State of Oregon acting by and through its Department of Transportation

And

City of McMinnville

Dated July 1, 2013

THIS LOAN AGREEMENT, is made and entered into effective on the 1st day of July, 2013, by and between the State of Oregon, acting by and through its Department of Transportation (the "State"), and the Borrower (as defined below). The reference number for this Loan Agreement is OTIF-0048. Terms not otherwise defined herein shall have the meanings assigned to them by Section 1.01 of this Loan Agreement.

WITNESSETH:

WHEREAS, the State, in accordance with the Act, will provide funds in the Oregon Transportation Infrastructure Fund for the purpose of making loans to Municipalities, including the Borrower, to finance a portion of the cost of transportation projects;

WHEREAS, the Borrower, along with Other Applicants, has made timely application to the State for a loan to finance all or a portion of the construction cost of a Oregon Department of Transportation transportation project, and the Oregon Transportation Commission and the State have approved the Borrower's application for a loan to finance a portion of the construction cost of such project;

WHEREAS, the Borrower has agreed to make payments sufficient to pay when due the principal of and interest on the Loan from the State pursuant to the terms of the Note and this Loan Agreement;

NOW, THEREFORE, for and in consideration of the Loan by the State, the Borrower agrees to perform its obligations under this Loan Agreement in accordance with the conditions, covenants and procedures set forth herein:

ARTICLE 1

DEFINITIONS

Section 1.01. Definitions. The following terms as used in this Loan Agreement shall, unless the context clearly requires otherwise, have the meanings assigned to them below:

"Act" means ORS 367.010 to 367.060 and related provisions, as the same may be from time to time amended and supplemented.

"Applicants" means collectively Yamhill County, the City of McMinnville, the City of Newberg, and the City of Dundee. "Applicant" means Yamhill County, the City of McMinnville, the City of Newberg, or the City of Dundee, individually without distinction,

"Authorized Officer" means, in the case of the Borrower, the person or persons authorized pursuant to a resolution or ordinance of the governing body of the Borrower to act as an authorized officer of the Borrower to perform any act or execute any document relating to the Loan or this Loan Agreement and whose name is furnished in writing to the State.

"Borrower" means the City of McMinnville, and its successors and permitted assigns.

"Borrower's Portion" means the percentage of the Costs of the Project for which Borrower is responsible as determined pursuant to Section 5.06.

"Business Day" means any day other than

(i) a Saturday, Sunday or legal holiday,

(ii) a day on which banking institutions in Salem, Oregon are closed, or

(iii) a day on which the New York Stock Exchange is closed.

"Costs of the Project" means the total costs of the Project as shown on Exhibit B to this Agreement.

"Counsel" means an attorney at law or firm of attorneys at law (who may be, without limitation, of counsel to, or an employee of, the State or the Borrower) duly admitted to practice law before the highest court of any state.

"Event of Default" means any occurrence or event specified in Section 7.01 hereof.

"Loan" means the loan evidenced by the Note and made by the State to the Borrower to finance or refinance a portion of the Costs of the Project pursuant to this Loan Agreement. The Loan may be funded by the State from amounts held in the OTIF.

"Loan Agreement" or "Agreement" means this loan agreement, including the Exhibits attached hereto, as it may be supplemented, modified or amended from time to time in accordance with the terms hereof.

"Loan Closing Date" means the date on which all conditions to closing specified in Section 4.01 are satisfied by Borrower (or waived by State).

"Loan Prepayment" means, as to any payment, the amount paid by the Borrower that is in excess of the amount required to be paid as a Loan Repayment.

"Loan Repayment(s)" means the scheduled payment(s) of principal and interest required to be made by the Borrower pursuant to the provisions of the Note and this Loan Agreement.

"Maturity Date" means the date on which the Loan is payable in full, which date shall be, January 25, 2036.

"Municipality" means a city, county, road district, school district, special district, metropolitan service district or an intergovernmental entity organized under ORS 190.010.

"Note" means the promissory note of the Borrower substantially in the form of Exhibit D, as it may be amended, extended or renewed.

"Other Applicants" means the Applicants other than the Borrower.

"ODOT" means the Oregon Department of Transportation.

"Oregon Transportation Infrastructure Bank" or "OTIB" means the program authorized by Section 350 of the National Highway System Designation Act of 1995, 23 U.S.C. 101 note, Public Law 104-59, and a cooperative agreement between the Federal Highway Administration, Federal Transit Administration, of the United States Department of Transportation and the Oregon Department of Transportation dated August 20, 1996.

"Oregon Transportation Infrastructure Fund" or "OTIF" means the fund created by the Act. Loans from the OTIF may include OTIB loans or loans to finance transportation projects from any accounts established within the OTIF.

"Project" means the transportation project of ODOT described in Exhibit A, a portion of the Costs of the Project of which is financed or refinanced by the State through the making of the Loan under this Loan Agreement.

"Project Completion Date" means the earlier of

(i) the date on which all of the proceeds of the Loan, including any investment earnings derived from the investment of such proceeds, have been spent; or

(ii) the date on which ODOT completes construction of the Project; or

(iii) December 1, 2016.

"Project Completion Deadline" means December 1, 2016.

"Rule" or "Rules" means Oregon Administrative Rules, chapter 731, division 30, as they may be supplemented, modified or amended from time to time.

"State" means the State of Oregon, acting by and through its Department of Transportation.

"Transportation project" has the meaning assigned to that term by the Rule.

Section 1.02. General Rules. Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include firms, associations, corporations, agencies and districts. Words importing one gender shall include the other gender.

ARTICLE II

LOAN

Section 2.01. Loan Amount. On the Loan Closing Date the State hereby agrees to make to the Borrower, and the Borrower agrees to borrow and accept from the State, a Loan in the maximum aggregate principal amount of Three Million Two Hundred Nine Thousand Six Hundred and No/100 Dollars ($3,209,600.00). A disbursement under this Loan Agreement shall not exceed the product of the Borrower's Portion multiplied by the amount of the disbursement request.

Section 2.02. Use of Loan Proceeds. The Borrower shall use the proceeds of the Loan strictly in accordance with Section 5.01 hereof. Borrower shall be responsible to pay a portion of only those specified construction costs incurred by ODOT that are listed in Exhibit B which do not include

(i) costs in excess of one-hundred percent (100%) of the total cost of the Project,

(ii) the purchase of equipment and other property not directly related to the Project,

(iii) construction or repair of facilities owned or operated by private parties,

(iv) costs incurred prior to the date of the Loan, except as provided in Section 5.01,

(v) administrative and oversight expenses of the Borrower or the Oregon Department of Transportation not related to the construction of the Project, and

(vi) design and preliminary construction engineering costs related to the Project.

Section 2.03. Loan Term. The term of the Loan is set forth in the Note. The term of the Loan commences on the date of the first disbursement of the Loan and ends on the Maturity Date, which is January 25, 2036.

Section 2.04. Interest. The principal balances due under the Note shall bear interest at the rate of Two and 26/100 percent (2.26%) per annum. Interest shall be computed on the basis of a 360-day year, consisting of twelve (12), thirty (30) day months. Interest shall be due and payable in arrears and shall accrue on the outstanding principal balance from the date hereof until the principal amount of the Note, together with accrued unpaid interest thereon, is paid in full.

Section 2.05. Loan Repayments.

The Loan shall be due and payable in scheduled payments as set forth in the Note.

Section 2.06. Loan Prepayments; General.

(a) *Optional Prepayment* Subject to the following terms and conditions, the Borrower may make Loan Prepayments upon prior written approval of the State:

(1) The Borrower shall provide prior written notice of not less than one hundred twenty (120) days to the State; and

(2) The Borrower shall pay to the State all or a portion of the principal amount of the Loan outstanding plus the unpaid interest accrued on such amount to the date of prepayment.

(b) *General.* Loan Repayments and Loan Prepayments shall be applied first to any accrued interest (in the case of Loan Prepayments, on the portion of the Loan prepaid), and then to principal payments on the Loan. In the case of a Loan Prepayment that does not prepay all the principal of the Loan, the State shall determine, in its sole discretion, the method by which such Loan Prepayment shall be applied to the outstanding principal payments.

Section 2.07. Unconditional Obligation. Except as provided in Section 2.10, the obligation of the Borrower to make the Loan Repayments and all other payments required hereunder and the obligation to perform and observe the other duties, covenants, obligations and agreements on its part contained herein is payable solely from the sources of repayment described in Section 2.10 hereto and shall be absolute and unconditional and shall not be abated, rebated, set-off, reduced, abrogated, terminated, waived, diminished, postponed or otherwise modified in any manner or to any extent whatsoever, while any payments under this Loan Agreement remain unpaid, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project, commercial frustration of the purpose, any change in the laws of the United States of America or of the State of Oregon or any political subdivision of either or in the rules or regulations of any governmental authority, any failure of the State to perform and observe any agreement, whether express or implied, or any duty, liability, or obligation arising out of or connected with the Project, this Loan Agreement, the State's loan agreement with any Other Applicant, or any intergovernmental agreement related to the Project or any rights of set off, recoupment, abatement or counterclaim that the Borrower might otherwise have against the State, or any other party or parties; provided, however, that payments hereunder shall not constitute a waiver of any such rights. The Borrower shall not be obligated to make any payments required to be made by any other Applicants or any Municipality, or any other borrower under any separate loan agreement.

Section 2.08. Disclaimer of Warranties and Indemnification. The Borrower acknowledges and agrees that:

(a) the State makes no warranty or representation, either expressed or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for any use of the Project or any portions thereof or any other warranty or representation with respect thereto;

(b) in no event shall the State or its commissioners, officers, agents or employees be liable or responsible for any direct, incidental, indirect, special, consequential, punitive or other damages in connection with or arising out of this Loan Agreement or the Project or the existence, furnishing, functioning or use of the Project; and

(c) to the extent authorized by law, the Borrower shall indemnify, save, hold harmless and defend the State and its commissioners, officers, agents and employees, against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the Borrower or its officers, employees, agents or subcontractors pursuant to the terms of this Loan Agreement; provided, however, that the provisions of this clause (c) are not intended to and shall not be construed as a waiver of any defense or limitation on damages provided for under and pursuant to Chapter 30 of the Oregon Revised Statutes or the laws of the United States of America or other laws of the State of Oregon.

Section 2.09. Termination of Availability Hereunder. Ninety (90) days after the Project Completion Deadline, the State's obligation to make any further disbursements of the Loan hereunder shall terminate.

Section 2.10. Sources of Repayment of Borrower's Obligations.

(a) The State and the Borrower agree that the amounts payable by the Borrower under this Loan Agreement, including, without limitation, the amounts payable by the Borrower pursuant to Section 2.05, Section 2.06, Section 2.08(c) and Section 7.04 of this Loan Agreement, are payable from the sources of repayment described in subsections (b) and (c) of this Section 2.10. Nothing herein shall be deemed to prevent the Borrower from paying the amounts payable under this Loan Agreement from any other legally available source.

(b) The amounts payable by the Borrower under this Loan Agreement are payable from the following:

(i) Borrower's federal surface transportation program allocation being exchanged for state funding on a dollar for dollar basis without deduction;

(ii) Borrower's proceeds from the Jobs and Transportation Act;

(iii) Any other funds payable from the Oregon Department of Transportation to Borrower; and

(iv) Any other funds legally available to the Borrower.

(c) The Borrower acknowledges that the State of Oregon is entitled to withhold any amounts due to the Borrower from the State of Oregon, including but not limited to any amounts due to the Borrower from the State of Oregon pursuant to ORS 366.785 to 366.820, and to apply

any such amounts to payments due under this Loan Agreement if the Borrower defaults on payments due under this Loan Agreement.

Section 2.11. Loan Fee. The Borrower shall pay to the State a one-time loan fee equal to one percent (1%) of the Loan. This fee shall be in addition to any interest charged on the Loan. The Borrower may elect to (check the appropriate box):

☐ Pay the entire amount of this loan fee on the Loan Closing Date; or

☑ Authorize the State to deduct the loan fee from the Loan proceeds disbursed to Borrower;

provided however that if the Loan is not fully disbursed, the State shall refund to the Borrower the portion of the loan fee allocated to the undisbursed portion of the Loan.

Section 2.12. Late Fee. If the payment of any Loan Repayment required under the Note is delinquent more than fifteen (15) days, the Borrower shall pay to the State a late charge of five percent (5%) of the delinquent Loan Repayment in addition to the Loan Repayment due under the Note.

ARTICLE III

REPRESENTATIONS AND WARRANTIES OF BORROWER

The Borrower represents and warrants to the State as follows:

Section 3.01. Organization and Authority.

(a) The Borrower is a Municipality.

(b) Based on information received from ODOT and to the best of Borrower's knowledge, the Oregon Department of Transportation (ODOT), the entity that will own, manage and operate the Project for which the Borrower is providing funding hereunder for the Borrower's Portion of the Costs of the Project, has full legal right and authority and all necessary licenses and permits required as of the date hereof to own, operate and maintain the Project, other than licenses and permits relating to the Project which the ODOT expects to receive in the ordinary course of business, to carry on its activities relating thereto, and to undertake and complete the Project.

(c) Based on information received from ODOT and to the best of Borrower's knowledge, the Project is a project which ODOT may undertake pursuant to Oregon law and for which the Borrower is authorized by law to borrow money.

(d) The proceedings of the Borrower's governing members and voters, if necessary, approving this Loan Agreement and the Note and authorizing the execution, issuance and

delivery of this Loan Agreement and the Note on behalf of the Borrower and authorizing Borrower to finance the Borrower's Portion of the Costs of the Project have been duly and lawfully adopted in accordance with the laws of Oregon, and such proceedings were duly approved and published, if necessary, in accordance with applicable Oregon law, at a meeting or meetings which were duly called pursuant to necessary public notice and held in accordance with applicable Oregon law and at which quorums were present and acting throughout.

(e) This Loan Agreement and the Note are duly authorized by a resolution or ordinance of the Borrower which was adopted in accordance with ORS 367.035(4) and in accordance with applicable law and the Borrower's requirements for filing public notices and holding public meetings.

(f) This Loan Agreement and the Note have been duly authorized, executed and delivered by an Authorized Officer of the Borrower, and, assuming that the State has all the requisite power and authority to authorize, execute and deliver, and has duly authorized, executed and delivered, this Loan Agreement, this Loan Agreement and the Note constitute the legal, valid and binding obligation of the Borrower in accordance with its terms.

(g) Based on information received from ODOT and to the best of Borrower's knowledge, the information contained in Exhibit A and Exhibit B is true and accurate in all respects.

Section 3.02. Full Disclosure. There is no fact that the Borrower has not disclosed to the State in writing, on the Borrower's application for the Loan or otherwise, that materially adversely affects the properties, activities, prospects or the condition (financial or otherwise) of the Borrower or the ability of the Borrower to finance the Borrower's Portion of the Costs of the Project or make all Loan Repayments and otherwise observe and perform its duties, covenants, obligations and agreements under this Loan Agreement. Neither the Borrower's application for the Loan nor the Borrower's representations and warranties in this Loan Agreement contain any untrue statement of a material fact or omits any statement or information which is necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. Based on information received from ODOT and to the best of Borrower's knowledge, there is no fact that the Borrower has not disclosed to the State in writing, on the Borrower's application for the Loan or otherwise, that materially adversely affects the properties, activities, prospects or the condition (financial or otherwise) of the Project

Section 3.03. Pending Litigation. There are no proceedings pending, or, to the knowledge of the Borrower threatened, against or affecting the Borrower, in any court or before any governmental authority or arbitration board or tribunal that, if adversely determined, would materially adversely affect

(a) The Project or the Borrower's ability to finance Borrower's Portion of the Costs of the Project,

(b) Properties, activities, prospects or the condition (financial or otherwise) of the Borrower or

(c) The ability of the Borrower to make all Loan Repayments and otherwise observe and perform its duties, covenants, obligations and agreements under this Loan Agreement.

Section 3.04. Compliance with Existing Laws and Agreements. The authorization, execution and delivery of this Loan Agreement by the Borrower, the observation and performance by the Borrower of its duties, covenants, obligations and agreements hereunder and the consummation of the transactions provided for in this Loan Agreement, and the financing by Borrower of the Borrower's Portion of the Costs of the Project will not result in any breach of any of the terms, conditions or provisions of, or constitute a default under, or result in the creation or imposition of any lien, charge or encumbrance upon any property or assets of the Borrower pursuant to, any existing ordinance or resolution, trust agreement, indenture, mortgage, deed of trust, loan agreement or other instrument (other than any lien and charge arising under this Loan Agreement or any of the documents related hereto) to which the Borrower is a party or by which the Borrower or any of its property or assets may be bound, nor will such action result in any violation of the provisions of the charter or other document pursuant to which the Borrower was established or any laws, ordinances, resolutions, rules, regulations or court orders to which the Borrower or its properties or operations is subject.

Section 3.05. No Defaults. No event has occurred and no condition exists that, upon authorization, execution and delivery of this Loan Agreement or receipt of the amount of the Loan, would constitute an Event of Default hereunder. The Borrower is not in violation of, and has not received notice of any claimed violation of, any term of any agreement or other instrument to which it is a party or by which it or its properties may be bound, which violation would materially adversely affect the

(a) Project,

(b) Properties, activities, prospects or the condition (financial or otherwise) of the Borrower or

(c) The ability of the Borrower to finance the Borrower's Portion of the Costs of the Project or to make all Loan Repayments or otherwise observe and perform its duties, covenants, obligations and agreements under this Loan Agreement.

Section 3.06. Governmental Consent. The Borrower has obtained or will obtain all permits and approvals required by any governmental body or officer for the making, observance or performance by the Borrower of its duties, covenants, obligations and agreements under this Loan Agreement or for Borrower providing the financing (or refinancing thereof) for the Borrower's Portion of the Costs of the Project; and the Borrower has complied or will comply with all applicable provisions of law requiring any notification, declaration, filing or registration with any governmental body or officer in connection with the making, observance and performance by the Borrower of its duties, covenants, obligations and agreements under this Loan Agreement or Borrower providing the financing (or refinancing thereof) for the Borrower's Portion of the Costs of the Project. No consent, approval or authorization of, or filing,

registration or qualification with, any governmental body or officer that has not been obtained is required on the part of the Borrower as a condition to the authorization, execution and delivery of this Loan Agreement.

Section 3.07. Compliance with Law. The Borrower:

Is in compliance with all laws, ordinances, rules and regulations to which it is subject, non-compliance with which would materially adversely affect the condition (financial of otherwise) of the Borrower or the ability of the Borrower to provide financing for the Borrower's Portion for the Costs of the Project.

Section 3.08. The Project.

(a) Based on information received from ODOT and to the best of Borrower's knowledge, the Project is feasible. There will be adequate funds available to repay the Loan.

(b) Based on information received from ODOT and to the best of Borrower's knowledge, the Project is in compliance with the Rules.

Section 3.09. Costs of the Project.

(a) Based on information received from ODOT and to the best of Borrower's knowledge, costs of the Project is a reasonable and accurate estimation.

(b) The principal amount of the Loan is not in excess of the Borrower's Portion of the Costs of the Project.

Section 3.10. Term of the Loan. Based on information received from ODOT and to the best of Borrower's knowledge, the term of the Loan is not in excess of the useful life of the Project.

ARTICLE IV

CONDITIONS TO LOAN AND DISBURSEMENTS

Section 4.01. Conditions Precedent to Loan. The State shall be under no obligation to make the loan pursuant to the terms hereof unless the Borrower delivers to the State, on or prior to June 30, 2013, the following documents in form and substance satisfactory to the State and its Counsel:

(a) An opinion of Borrower's Counsel to the effect that:

(i) The Borrower is duly formed and operating under applicable State of Oregon law,

(ii) The Borrower has full legal right and authority to execute and deliver the Loan Agreement and to observe and perform its duties, covenants, obligations and agreements hereunder and to provide financing for the Borrower's Portion of the Costs of the Project,

(iii) The Loan Agreement has been authorized pursuant to official action of the Borrower that has been adopted and authorized in accordance with applicable Oregon law,

(iii) The Loan Agreement has been duly authorized and executed and delivered by Authorized Officers of the Borrower and constitutes the legal, valid and binding obligations of the Borrower enforceable in accordance with its terms,

(iv) The authorization, execution and delivery of the Loan Agreement by the Borrower, the observation and performance by the Borrower of its duties, covenants, obligations and agreements hereunder, the consummation of the transactions contemplated herein and the financing by the Borrower of the Borrower's Portion of the Costs of the Project do not and will not contravene any existing law, rule or regulation or any existing order, injunction, judgment, or decree of any court or governmental or administrative agency, authority or person having jurisdiction over the Borrower or its property or assets or result in a breach or violation of any of the terms and provisions of, or constitute a default under, any existing agreement to which the Borrower is a party or by which the Borrower or its property or assets is bound,

(v) All approvals, consents or authorizations of, or registrations or filings with, any governmental or public agency, authority or person required on the part of the Borrower in connection with the authorization, execution, delivery and performance of the Loan Agreement and its undertaking to provide a portion of the financing for the Project have been obtained or made to the extent it is possible to obtain or make them on or prior to the Loan Closing Date, and

(vi) There is no litigation or other proceeding pending or threatened in any court or other tribunal of competent jurisdiction (either State of Oregon or federal) questioning the creation, organization or existence of the Borrower, the validity, legality or enforceability of the Loan Agreement or the Borrower's authority to finance Borrower's Portion of the Costs of the Project (such opinion or portions of such opinion may be given by one or more counsel).

(b) Counterpart of this Loan Agreement duly executed and delivered by an Authorized Officer of the Borrower;

(c) The Note duly executed and delivered by an Authorized Officer of the Borrower;

(d) Copy of the official action of the governing body of the Borrower authorizing the execution and delivery of this Loan Agreement and the documents, instruments and agreements required by this Loan Agreement, certified by an Authorized Officer of the Borrower;

(e) Such other certificates, documents, opinions and information as the State may require.

Section 4.02. Conditions to Disbursement.

(a) On the Loan Closing Date, the State will authorize disbursement of Loan funds in the amount of Borrower's Portion of the Costs of the Project incurred by ODOT that will be reimbursed by Borrower pursuant to Section 5.06. If, as of the Loan Closing Date, the Project is not completed and the aggregate amount of the Loan disbursed is less than the maximum Loan amount available under Section 2.01, the State shall make subsequent Loan disbursements directly to ODOT on the 15th day of each quarter following initial Loan disbursement, each in an amount equal to Borrower's Portion of the Costs of the Project incurred during the previous quarter. Such quarterly disbursements shall continue until the earlier of (a) the date the Project is completed, (b) the Project Completion Deadline or (c) the date there is no further availability under this Loan Agreement. The State's obligation to make any disbursement is subject to satisfaction of the conditions set forth in this Section 4.02, and in no event shall the aggregate of all Loan disbursements made hereunder exceed the.maximum aggregate principal amount set forth in Section 2.01.

(b) The obligation of the State to make any disbursement to ODOT on behalf of the Borrower is subject to the following conditions:

(i) All the conditions set forth in Section 4.01 of this Loan Agreement have been satisfied;

(ii) There shall exist no Event of Default or event, omission or failure of a condition which would constitute an Event of Default after notice or lapse of time or both;

(iii) All representations and warranties of the Borrower made in this Loan Agreement shall be true and correct on the date of disbursement with the same effect as if made on such date;

(iv) [reserved]

(v) There is availability of sufficient moneys in the OTIF for use in the Project; and

(vi) The State receives:

(1) A requisition executed by the Borrower in substantially the form of Exhibit F and

(2) Any other written evidence of materials and labor furnished to or performed upon the Project, itemized receipts or invoices for the payment of the same, and releases, satisfactions and other signed statements and forms as the State may require as a condition for making disbursements of the Loan. Nothing herein contained shall require the State to pay any amounts for labor or materials unless satisfied that such claims are reasonable and

that such labor and materials were actually expended and used in connection with the Project.

(c) Further, the State shall have no obligation to make any disbursement to ODOT on behalf of the Borrower if:

(i) On or before disbursement, there has been a change in the Act so that the Project is no longer eligible for financial assistance authorized by this Loan Agreement;

(ii) If ODOT does not receive sufficient funding, appropriations, limitation, allotments and other expenditure authority to allow ODOT or OTIF, in the exercise of its reasonable administrative discretion, to provide such funding;

(iii) The requisition is submitted by the Borrower after the Project Completion Deadline; or

(iv) The closing(s) for the loans to be made by the State to the Other Applicants for the Project, which together with the Loan to the Borrower total the maximum aggregate amount of $16,000,000, have not occurred.

ARTICLE V

COVENANTS OF BORROWER

Section 5.01. Use of Proceeds. The Borrower will apply the proceeds of the Loan:

(a) To finance the Borrower's Portion of Costs of the Project; and

(b) With the advance written approval of the State, to reimburse the Oregon Department of Transportation the Borrower's Portion of Costs of the Project, which portion was paid or incurred in anticipation of reimbursement by the Borrower.

Section 5.02. Source of Repayment. The Loan shall be paid from the sources of repayment described in Section 2.10 of this Loan Agreement. Such sources shall be applied to the punctual payment of the principal of and the interest on the Loan, and all other amounts due under this Loan Agreement according to the terms hereof.

Section 5.03. Performance Under Loan Agreement. The Borrower covenants and agrees to cooperate with the State in the observance and performance of the respective duties, covenants, obligations and agreements of the Borrower and the State under this Loan Agreement.

Section 5.04. [reserved]

Section 5.05. Construction Accounting and Reporting to Borrower. ODOT shall keep and periodically provide construction cost accounting records pertaining to the Project to Borrower in

support of the payment requisition(s) to be made by Borrower to the ODOT in connection with the Project.

Section 5.06. Proportionality Formula for Payment Requisitions. At the time of the first payment requisition from Borrower, ODOT shall state its estimate of the total Costs of the Project. The Borrower and the Other Applicants will be paying to ODOT a portion of the Costs of the Project, which portion shall not in the aggregate exceed (in the dollar equivalent) $16,000,000. As between the Borrower and the Other Applicants, an Applicant shall pay its portion of the aggregate payments made by all the Applicants for the Costs of the Project in accordance with the applicable percentage set forth below:

Yamhill County	64.15%
City of McMinnville	20.06%
City of Newberg	13.82%
City of Dundee	1.97%

The Borrower Portion of the Costs of the Project and the portion of the Costs of the Project for each of the Other Applicants shall be determined by multiplying the applicable percentage set forth above for an Applicant by $16,000,000 divided by the Costs of the Project estimated by ODOT at the time of the first payment requisition. These percentages for the Borrower and the Other Applicants, as well as ODOT's share of the Costs of the Project, shall remain constant during the Project with respect to all payment requisitions. For example:

If the Costs of the Project are estimated by ODOT at the time of the first payment requisition to be $215,497,360, then the combined share of the Costs of the Project to be paid by the Borrower and the Other Applicants for the first and all subsequent requisitions will be 7.4247 percent of the Costs of the Project up to a maximum aggregate payment of $16,000,000. If the first requisition is in the amount of $10,000,000, then the portion of such requisition payable by Borrower and the Other Applicants shall be $742,470 allocated to Borrower and the Other Applicants as follows:

Yamhill County	4.76295%	$476,294.51
City of McMinnville	1.48939%	$148,939.48
City of Newberg	1.02609%	$102,609.35
City of Dundee	.14627%	$14,626.66
Totals	7.4247%	$742,470.00

Section 5.07. [reserved]

Section 5.08. Records; Accounts. The Borrower shall keep accurate records and accounts for the revenues and funds that are the sources of repayment of the Loan (the "Repayment Revenues Records"), as a part of its other records and accounts (the "General Records"). Such Repayment Revenues Records and General Records shall be maintained in accordance with generally accepted accounting principles as established by the Government Accounting Standards Board as in effect from time to time and shall be audited annually by an independent accountant,

as part of the annual audit of the Borrower. Such Repayment Revenues Records and General Records shall be made available for inspection by the State and the federal government (including but not limited to Federal Highway Administration, Federal Transit Administration) at any reasonable time, and a copy of such annual audit(s) therefor, including all written comments and recommendations of such accountant, shall be furnished to the State within two hundred ten (210) calendar days of the close of the fiscal year being so audited.

Section 5.09. [reserved]

Section 5.10. [reserved]

Section 5.11. [reserved]

Section 5.12. Notice of Material Adverse Change. The Borrower shall promptly notify the State of any material adverse change in the properties, activities, prospects or the condition (financial or otherwise) of the Borrower or in the ability of the Borrower to make all Loan Repayments and otherwise observe and perform its duties, covenants, obligations and agreements under this Loan Agreement.

Section 5.13. [reserved]

Section 5.14. Financial Statements: Reports. The Borrower shall deliver to the State in form and detail satisfactory to the State:

(a) As soon as reasonably possible and in any event within ninety (90) days after the close of each fiscal year of the Borrower, unaudited statements of revenues, expenditures, cash flows, and changes in retained earnings for such period and for the portion of the fiscal year ended with such period, all in comparative form and all in reasonable detail and certified by the chief financial officer of the Borrower, subject to year-end audit adjustments.

(b) Such other statement or statements or reports as to the Borrower as the State may reasonably request.

Section 5.15. Compliance with Applicable Laws. ODOT will comply with the requirements of all applicable laws, rules, regulations and orders of any governmental authority that relate to ODOT's construction of the Project. In particular, but without limitation, the Borrower shall comply with the following, as applicable:

a. The National Environmental Policy Act (NEPA), and other environmental laws and requirements;

b. The Uniform Relocation Assistance Act (Right of Way);

c. The Civil Rights Act of 1964 and other civil rights laws and requirements including the DBE program;

d. The Davis Bacon Act and other labor laws and requirements;

e. The Common Rule (49 C.F.R.19) with respect to procurement;

f. The Brooks Act;

g. Competitive Bidding Requirements and state labor standards and wage rates found in Oregon Public Contracting Code, ORS 279A, 279B and 279C, as applicable;

h. Buy America;

i. Manual of Uniform Traffic Control Devices;

j. The Americans with Disabilities Act (ADA) and other federal and state laws prohibiting discrimination against persons with disabilities;

k. OAR, Chapter 731, Division 30, as amended from time to time at the discretion of the State;

l. State municipal bonding requirements found in ORS Chapters 280, 286A, and 287A.

Section 5.16. Continuing Representations. The representations of the Borrower contained herein shall be true at the time of the execution of this Loan Agreement and at all times during the term of this Loan Agreement.

ARTICLE VI

ASSIGNMENT

Section 6.01. Assignment and Transfer by State.

(a) The Borrower expressly acknowledges that, other than the right, title and interest of the State under Sections 2.08 and 7.04 of this Loan Agreement, all right, title and interest of the State in, to and under this Loan Agreement either has been or may, at the sole discretion of the State, be assigned and that if any Event of Default shall occur and if this Loan Agreement has been assigned, the assignee, shall be entitled to act hereunder in the place and stead of the State. The Borrower consents to assignment of this Loan Agreement. The Borrower is only required to observe and perform its covenants, agreements and obligations under this Loan Agreement and the Note and, if and when requested by the State, to cooperate with the State to enable the State to comply with the State's covenants, agreements or obligations arising out of such assignment. This Loan Agreement, including, without limitation, the right to receive payments required to be made by the Borrower hereunder and to compel or otherwise enforce observance and performance by the Borrower of its other duties, covenants, obligations and agreements hereunder, may be sold by the State to a third party or may be further transferred, assigned and reassigned in whole or in part by such third party to one or more assignees or subassignees at any time subsequent to its execution without the necessity of obtaining the consent of, but after giving prior written notice to, the Borrower.

In the event of the assignment of this Loan Agreement, the State shall retain the right to compel or otherwise enforce observance and performance by the Borrower of its duties, covenants, obligations and agreements under Section 3.06 of this Loan Agreement; provided, however, that in no event shall the State have the right to accelerate the outstanding balance

payable pursuant to the Loan Agreement in connection with the enforcement of Section 3.06 of this Loan Agreement.

(b) The Borrower hereby approves and consents to any assignment, sale or transfer of this Loan Agreement that the State deems to be necessary in connection with any pooled loan program of the State.

Section 6.02. Assignment by Borrower. This Loan Agreement may not be assigned by the Borrower without the prior written consent of the State. The State may grant or withhold such consent in its sole discretion. In the event of an assignment of this Loan Agreement by Borrower and assumption of the obligations hereunder, Borrower shall pay, or cause to be paid, to the State any fees or costs incurred by the State as the result of such assignment, including but not limited to, attorney fees or costs of in-house Counsel.

ARTICLE VII

DEFAULTS AND REMEDIES

Section 7.01. Event of Default. If any of the following events occurs, it is hereby defined as and declared to be and to constitute an "Event of Default":

(a) Failure by the Borrower to pay, or cause to be paid, any Loan Repayment required to be paid hereunder on the due date thereof; or

(b) Failure by the Borrower to make, or cause to be made, any required payments of principal and interest on any bonds, notes or other obligations of the Borrower for borrowed money (other than the Loan), after giving effect to the applicable grace period; or

(c) Any representation made by or on behalf of the Borrower contained in this Loan Agreement, or in any agreement, instrument, certificate or document furnished in compliance with or with reference to this Loan Agreement or the Loan, is false or misleading in any material respect; or

(d) A petition is filed by or against the Borrower under any federal or state bankruptcy or insolvency law or other similar law in effect on the date of this Loan Agreement or thereafter enacted, unless in the case of any such petition filed against the Borrower such petition shall be dismissed within twenty (20) calendar days after such filing, and such dismissal shall be final and not subject to appeal; or the Borrower shall become insolvent or bankrupt or make an assignment for the benefit of its creditors; or a custodian (including without limitation, a trustee, receiver, custodian, liquidator, or the like of Borrower or any of its property) shall be appointed by court order or take possession of the Borrower or its property or assets if such order remains in effect or such possession continues for more than thirty (30) calendar days; or

(e) [reserved]

(f) [reserved]

(g) Failure by the Borrower to observe and perform any duty, covenant, obligation or agreement on its part to be observed or performed under this Loan Agreement, other than as referred to in subsections (a) through (f) of this Section, which failure shall continue for a period of thirty (30) calendar days after written notice, specifying such failure and requesting that it be remedied, is given to the Borrower by the State, unless the State agrees in writing to an extension of such time prior to its expiration; provided, however, that if the failure stated in such notice is correctable but cannot be corrected within the applicable period, the State may not unreasonably withhold its consent to an extension of such time up to one hundred twenty (120) calendar days of the written notice referred to above if corrective action is instituted by the Borrower within the applicable period and diligently pursued until the Event of Default is corrected.

Section 7.02. Notice of Default. The Borrower shall give the State prompt telephone notice of the occurrence of any Event of Default referred to in Section 7.01(d) hereof and of the occurrence of any other event or condition that constitutes an Event of Default at such time as any senior administrative or financial officer of the Borrower becomes aware of the existence thereof. Any telephone notice pursuant to this Section 7.02 shall be confirmed in writing as soon as is practicable by the Borrower.

Section 7.03. Remedies on Default. Whenever an Event of Default referred to in Section 7.01 hereof shall have occurred and be continuing, the State shall have the right to take any action permitted or required pursuant to the Loan Agreement and to take whatever other action at law or in equity may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder or to enforce the performance and observance of any duty, covenant, obligation or agreement of the Borrower hereunder, including, without limitation,

(a) Declaring all Loan Repayments and all other amounts due hereunder to be immediately due and payable, and upon notice to Borrower the same shall become due and payable without further notice or demand,

(b) Appointment of a receiver,

(c) Refusal to disburse any Loan proceeds,

(d) Barring the Borrower from applying for future OTIF assistance, or

(e) Withholding other State of Oregon funds, including but not limited to, the Borrower's apportionment of State Highway Fund revenues due under ORS 366.762 to 366.768 and ORS 366.785 to 366.820, to the extent permitted by Section 2.10(c).

Section 7.04. Attorney Fees and Other Expenses. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Agreement shall be entitled to recover from the other its reasonable attorney fees, costs and

expenses at trial and on appeal. Reasonable attorney fees shall not exceed the rate charged to the State by its attorneys. The Borrower shall, on demand, pay to the State reasonable expenses incurred by the State in the collection of Loan payments.

Section 7.05. Application of Moneys. Except as otherwise provided in any other provision of this Loan Agreement, any moneys collected by the State pursuant to Section 7.03 hereof shall be applied in the following order:

(a) to pay any attorney fees or other fees, costs and expenses incurred by the State,

(b) to pay interest due and payable on the Loan, and

(c) to pay principal due and payable on the Loan.

Section 7.06. No Remedy Exclusive; Waiver; Notice. No remedy herein conferred upon or reserved to the State is intended to be exclusive, and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Loan Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right, remedy or power accruing upon any Event of Default shall impair any such right, remedy or power or shall be construed to be a waiver thereof, but any such right, remedy or power may be exercised from time to time and as often as may be deemed expedient. To entitle the State to exercise any remedy reserved to it in this Article, it shall not be necessary to give any notice, other than such notice as may be required in this Article VII.

Section 7.07. Retention of State's Rights. Notwithstanding any assignment or transfer of this Loan Agreement pursuant to the provisions hereof or anything else to the contrary contained herein, the State shall have the right upon the occurrence of an Event of Default to take any action, including (without limitation) bringing an action against the Borrower at law or in equity, as the State may, in its discretion, deem necessary to enforce the obligations of the Borrower to the State pursuant to Sections 2.08(c), 3.06, and 7.04 hereof.

Section 7.08. Default by the State. In the event of any default by the State under any covenant, agreement or obligation of this Loan Agreement, the Borrower's remedy for such default shall be limited to injunction, special action, action for specific performance or any other available equitable remedy designed to enforce the performance or observance of any duty, covenant, obligation or agreement of the State hereunder as may be necessary or appropriate.

ARTICLE VIII

MISCELLANEOUS

Section 8.01. Notices. All notices hereunder shall be sufficiently given and shall be deemed given when hand delivered or mailed, postage prepaid, to the Borrower and the State at the addresses set forth below or at such other address of which such party shall have notified in writing the other parties hereto:

If to the State: Oregon Department of Transportation
Financial Services -- MS21
355 Capitol St. NE
Salem, OR 97301-3871
Attn: Chief Financial Officer

If to the Borrower: City of McMinnville
230 NE Second
McMinnville, OR 97128
Attn: City Manager

Any notice so addressed and mailed shall be effective five (5) days after mailing. Any notice given by personal delivery shall be effective when actually delivered.

Section 8.02. Successors and Assigns; No Third Party Beneficiaries.

(a) This Loan Agreement shall inure to the benefit of and shall be binding upon the State and the Borrower and their respective successors and assigns.

(b) The State and the Borrower are the only parties to this Loan Agreement and are the only parties entitled to enforce its terms. Nothing in this Loan Agreement gives or provides any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name in this Loan Agreement and expressly described as intended beneficiaries of the terms of this Loan Agreement.

Section 8.03. Severability. In the event any provision of this Loan Agreement shall be held illegal, invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise affect any other provision hereof.

Section 8.04. Amendments, Supplements and Modifications. This Loan Agreement may not be amended, supplemented or modified without the prior written consent of the State and the Borrower. This Loan Agreement may not be amended, supplemented or modified in a manner that is not in compliance with the Act or the Rules.

Section 8.05. Execution in Counterparts. This Loan Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 8.06. Headings. The Section headings in this Loan Agreement are intended to be for reference purposes only and shall in no way modify or restrict any of the terms or provisions hereof.

Section 8.07. No Construction against Drafter. Both parties acknowledge that they are each represented by and have sought the advice of counsel in connection with this Loan Agreement and the transactions contemplated hereby and have read and understand the terms of this Loan Agreement. The terms of this Loan Agreement shall not be construed against either party as the drafter hereof.

Section 8.08. Choice of Law; Designation of Forum; Federal Forum.

(a) The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Loan Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

(b) Any party bringing a legal action or proceeding against any other party arising out of or relating to this Loan Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

(c) Notwithstanding Section 8.08(b), if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This Section applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This Section is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity.

Section 8.09. Loan not an Obligation of the United States of America. The covenants, agreements and obligations of the State contained in this Loan Agreement shall not be construed to be covenants, agreements or obligations of the United States of America.

Section 8.10. Consents and Approvals. Whenever the written consent or approval of the State shall be required under the provisions of this Loan Agreement, such consent or approval may only be given by the State unless otherwise provided by law or by rules, regulations or resolutions of the State or unless expressly delegated.

Section 8.11. [reserved]

Section 8.12. Further Assurances. The Borrower shall, at the request of the State, authorize, execute, acknowledge and deliver such further resolutions, conveyances, transfers, assurances, financing statements and other instruments as may be necessary or desirable for assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Loan Agreement.

Section 8.13. Merger; No Waiver. This Loan Agreement and attached exhibits (which are by this reference incorporated herein) constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or

written, not specified herein regarding this Loan Agreement. No waiver of any provision of this Loan Agreement or consent shall be binding unless in writing and signed by the party against whom it is being enforced and (if against the State) all necessary State approvals have been obtained. Such waiver or consent, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of the State to enforce any provision of this Loan Agreement shall not constitute a waiver by the State of that or any other provision.

IN WITNESS WHEREOF, the State and the Borrower have caused this Loan Agreement to be executed and delivered as of the date first above written.

STATE OF OREGON, acting by and through its Department of Transportation

By: _____
Leslie Stuart. Brodie
Chief Financial Officer

CITY OF MCMINNVILLE
(Borrower)

By: _____

Title: MAYOR

Approved for legal sufficiency.

_____
Lynn T. Nagasako, Sr. AAG
Date: 6/26/13

Exhibit A to Loan Agreement

Project Description

Borrower: City of McMinnville

ODOT will construct Phase 1 of the Newberg-Dundee Bypass.

The Bypass encompasses a section of Oregon 99W that extends northeast across Yamhill County from the Oregon 99W/Oregon 18 intersection to Rex Hill east of Newberg. The Bypass corridor will be at least 330' wide, be located along the south sides of Newberg and Dundee, and be approximately 11 miles long. The eastern terminus is located east of Newberg in the Rex Hill area of Oregon 99W at mile post 20.08. The western terminus is located where Oregon 99W intersects with Oregon 18 (McDougal Corner) west of Dundee near Dayton at Oregon 18 mile post 51.84.

The Bypass includes the following proposed interchanges:

- Dayton Interchange – located at the junction of Oregon 99W and Oregon 18 and represents the western terminus of the Bypass; it replaces the existing Oregon 18/Oregon 99W intersection at McDougal Corner and the South Dundee Interchange.

- East Dundee Interchange – located between Dundee and Newberg; a new connector road will link the interchange at Oregon 99W to the Bypass.

- Oregon 219 Interchange – located in south Newberg along Oregon 219.

- East Newberg Interchange - located southwest of Rex Hill; this interchange will be the eastern terminus of the Bypass

Phase 1 of the Bypass will begin at a new signalized intersection on Oregon 219, traveling through south Newberg into Dundee. South of Dundee, Phase 1 will leave the eventual full Bypass alignment, proceeding west, parallel to the Dundee city limits, and cross over the Willamette and Pacific Railroad and Oregon 99W. After crossing over Oregon 99W, Phase 1 of the Bypass will loop around and connect to Oregon 99W at a new signalized intersection.

Other Phase 1 improvements include:

- Additional southbound left turn land on Oregon 99W at Springbrook Road.

- Widening Springbrook Road to three lanes (one northbound land, one southbound land, and a center left turn between Oregon 99W and Oregon 219)

Exhibit B to Loan Agreement

Approved Project Budget

Borrower: City of McMinnville

Borrower's Portion of the Costs of Project (in dollars): $3,209,600

Sources	
ODOT/JTA	$192,000,000
STIP	12,000,000
Confederated Tribes of Grand Ronde	4,000,000
City of Dundee (OTIB Loan)	315,200
City of McMinnville (OTIB Loan)	3,209,600
City of Newberg (OTIB Loan)	2,211,200
Yamhill County (OTIB Loan)	10,366,640
Total	**$224,102,640.00**
Uses	
Construction	$166,067,919
Preliminary Engineering	8,557,662
Right of Way	45,291,168
Utility Relocation	4,025,891
Loan Fees	$160,000
Total	**$224,102,640.00**

Exhibit C to Loan Agreement

[Reserved]

Exhibit F to Loan Agreement

Payment Requisition

TO: Oregon Transportation Infrastructure Bank
Oregon Department of Transportation
Financial Services, MS – 21
355 Capitol Street, NE
Salem, Oregon 97301-3871

RE: Oregon Transportation Infrastructure Fund, Loan Number OTIF-0048

On behalf of the City of McMinnville, I hereby request that the Oregon Transportation Infrastructure Fund (OTIF) disburse to the Oregon Department of Transportation the following amount from the account established in the OTIF for this Loan:

[Insert Amount]

The foregoing disbursement is for Costs of the Project as such term is defined in, and which are permitted under, the Loan Agreement dated July 1, 2013, between the State of Oregon acting by and through its Department of Transportation and the City of McMinnville. I have attached all necessary documentation as required by Section 4.02(b)(vi) of the Loan Agreement. No Event of Default has occurred or is continuing under the Loan Agreement.

DATED this _____ day of _____, _____.

CITY OF MCMINNVILLE

By: _____
Authorized Officer
Name & Title (print): _____
Attachments

City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: December 24, 2018
TO: Jeff Towery, City Manager
FROM: Mike Bisset, Community Development Director
SUBJECT: Granting of Easement to McMinnville Water & Light

Report in Brief:

This action is the consideration of a resolution granting a 20' wide easement to McMinnville Water & Light (MWL) on City owned airport property (Tax Lot R4424 01304).

Discussion:

In March 2019, after years of discussion and negotiation, MWL and the City of Lafayette executed a Water Purchase Agreement in which MWL agreed to sell up to 500 gallons per minute of potable water to the City of Lafayette. As part of the Water Purchase Agreement, MWL will construct a water transmission main to connect the two water systems.

The project will consist of the installation of approximately 7,500 feet of 24-inch diameter water transmission main. The alignment is located along the north side of Highway 18, beginning near NE Laurel Drive (near Old Stone Village) and ending approximately 1,500 feet west of NE Lafayette Highway.

The pipe alignment will remain in Oregon Department Transportation right-of-way, except for a portion proposed to be located on City owned airport property (Tax Lot 4424 01304) within a 20' wide easement (see aerial map below). The particular piece of airport property is located on the approach to Runway 17; is outside the City's urban growth boundary; and is not scheduled for future development.

Granting the easement to MWL will help eliminate any conflicts with existing utilities, and simplify the project construction. The area is currently leased to Kauer Farms LLC. The proposed pipeline will be installed deep enough that it doesn't interfere with farming activities on the parcel. The project work has been reviewed with Kauer Farms, and they do not have any concerns with the proposed project.

Per MWL's schedule, anticipated Notice to Proceed for the project is January 30, 2020, and all work is to be completed by June 19, 2020. The construction cost estimate for the work is between $3.5-million and $4.5-million.

Attachments:

1. Resolution No. 2020-03
2. Easement documents
3. MWL construction plan sheets

Fiscal Impact:

None.

Recommendation:

Staff recommends the City Council adopt the attached resolution granting a 20' wide easement to McMinnville Water & Light (MWL) on City owned airport property (Tax Lot R4424 01304).

RESOLUTION NO. 2020 – 03

A Resolution granting a 20' wide easement to McMinnville Water & Light on City owned airport property (Tax Lot R4424 01304).

RECITALS:

McMinnville Water & Light (MWL) and the City of Lafayette have executed a Water Purchase Agreement in which MWL has agreed to sell up to 500 gallons per minute of potable water to the City of Lafayette. As part of the Water Purchase Agreement, MWL will construct a water transmission main to connect the two water systems.

The project will consist of the installation of approximately 7,500 feet of 24-inch diameter water transmission main. The alignment is located along the north side of Highway 18, beginning near NE Laurel Drive (near Old Stone Village) and ending approximately 1,500 feet west of NE Lafayette Highway.

The pipe alignment will remain in Oregon Department Transportation right-of-way, except for a portion proposed to be located on City owned airport property (Tax Lot 4424 01304) within a 20' wide easement.

The granting of the easement to MWL will not conflict with current and planned uses of the City owned airport property.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That granting a 20' wide easement to McMinnville Water & Light on City owned airport property (Tax Lot R4424 01304) is approved.
2. The City Manager is hereby authorized and directed to execute the easement documents.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a meeting held the 14th day of January 2020 by the following votes:

Ayes: _____

Nays: _____

Approved this 14th day of January 2020.

_____
MAYOR

Approved as to form:

_____
CITY ATTORNEY

After recording, return to:
McMinnville Water & Light
PO Box 638, 855 NE Marsh Lane
McMinnville, OR 97128

Send Tax Statements to:
No Change.

EASEMENT

THIS EASEMENT, Made and entered into this ____ day of_____, 2020, by and between City of McMinnville, a Municipal Corporation of the State of Oregon, hereinafter called the First Party and the City of McMinnville, a Municipal Corporation of the State of Oregon, acting by and through its agent, WATER & LIGHT COMMISSION, hereinafter called the Second Party;

WITNESSETH:

WHEREAS: The First Party is the record owner of the following described real estate in Yamhill County, State of Oregon, to-wit:

A tract of land in Yamhill County, Oregon in the Southwest ¼ of Section 24, Township 4 South, Range 4 West Willamette Meridian, Yamhill County, Oregon conveyed to the City of McMinnville by Warranty Deed recorded in Film 154, Page 1506 in the Yamhill County, Oregon Deed Records on September 24, 1980, also known as Tax Lot 442401304.

and has the unrestricted right to grant the easement hereinafter described relative to said real estate;

NOW, THEREFORE, for good and valuable consideration; the receipt of which is hereby acknowledged, the First Party does hereby grant and convey unto the Second Party: A perpetual easement to construct, maintain, re-construct, improve, repair and replace, operate, and make connections to an electric distribution system and related equipment, including but not limited to: conduit, primary and secondary conductors. Also to a water distribution system and related equipment, including but not limited to: main lines, service lines, and fittings. All utilities located with the easement will be a minimum of 30 (thirty) inches in depth.

A 20.00 foot wide strip of land for easement purposes located over a portion of that property conveyed to the City of McMinnville, said line being more particularly described as follows:

> **Beginning** at the southeast corner of said City of McMinnville Tract which point being on the north right-of-way line of State Highway 18; thence along said north right-of-way line the following three (3) courses: 1) South 69°36’38” West 581.41 feet; 2) thence South 76°07’50” West 221.42 feet; 3) thence North 59°11’06” West 28.44 feet; thence North 76°07’50” East 240.50 feet; thence North 69°36’38” East 588.43 feet to a point on the east line of said of said City of McMinnville Tract; thence South 01°48’38” West 21.60 feet to the **Point of Beginning**, as shown on Exhibit “A” attached hereto and made a part thereof.

TO HAVE AND TO HOLD said easement and right-of-way to the said Second Party and to its successors and assigns forever.

The Second Party shall have all rights of unobstructed ingress and egress to and from said easement (including the right to cut, trim and remove trees, bushes, brush, overhanging branches and other obstructions) necessary for the Second Party's use, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

The First Party reserves the right to use the surface of the above-described easement, except First Party shall not have the right to construct or locate any structures within the easement area.

The First Party and the Second Party agree that the First Party shall not have the authority to grant to any other third party, an easement over, under or through the easement area described above, without Second Party's written consent thereto. Any consent by the Second Party to a third party easement shall be subject to conditions required by Second Party to protect the Second Party's facilities line and the Second Party's unobstructed access to such facilities. The Second Party may require that all costs incurred by reason of the presence of such third party utility be borne by such third party upon the repair, replacement, construction or reconstruction of the Second Party's utility improvements.

The First Party hereby covenants to and with the Second Party, its successors and assigns, that First Party is lawfully seized and possessed of the real premises and that the First Party has a good and lawful right to convey said easement or any part thereof; that it is free from all liens and encumbrances except encumbrances held by mortgagees, if any, or contract vendors, if any, who give their consent to this easement; and that First Party will forever warrant and defend their title thereto against the lawful claims of all persons whomsoever.

Subject to the limitations and notice provisions of the Oregon Tort Claims Act, Oregon Revised Statutes Chapter 30, the Second Party agrees to indemnify and hold First Party harmless from and against claims, damages, losses, and expenses of third parties, including, but not limited to, reasonable attorney's fees whether at trial or on appeal ("Losses"), arising out of or in connection with Second Party's use of this Easement, but only to the extent such Losses are not caused by the party indemnified pursuant to this paragraph.

This easement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto, but also their respective heirs, executors, administrators, successors and assigns.

In construing this easement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument on this, the day and year first hereinabove written.

_____
Jeff Towery
City Manager

STATE OF OREGON)
) Ss.
County of _____) _____, 2020

This record was acknowledged before me on the ____ day of _____, 2020 by Jeff Towery, Manager of the City of McMinnville, a Municipal Corporation of the State of Oregon.

Before me: _____
Notary Public for Oregon
My Commission Expires: _____

Statement of acceptance:

_____
Scott A. Hill
Mayor & Ex-Officio Member of
the Water & Light Commission

STATE OF OREGON)
) Ss.
County of Yamhill) _____, 2020

This record was acknowledged before me on the ____ day of _____, 2020 by Scott A. Hill, as mayor of the City of McMinnville and ex-officio member of the Water & Light Commission.

Before me: _____
Notary Public for Oregon
My Commission Expires: _____

ATTEST:

_____
Trena D. McManus
Clerk of Commission

STATE OF OREGON)
) Ss.
County of Yamhill) _____, 2020

This record was acknowledged before me on the ____ day of _____, 2019 by Trena D. McManus as Clerk of the Water & Light Commission.

Before me: _____
Notary Public for Oregon
My Commission Expires: _____

EXHIBIT A
FOR
CITY OF McMINNVILLE
LOCATED IN
SW 1/4 SEC. 24, T. 4 S., R. 4 W., W.M.
IN THE
CITY OF McMINNVILLE, YAMHILL COUNTY, OREGON
NOVEMBER 6, 2019

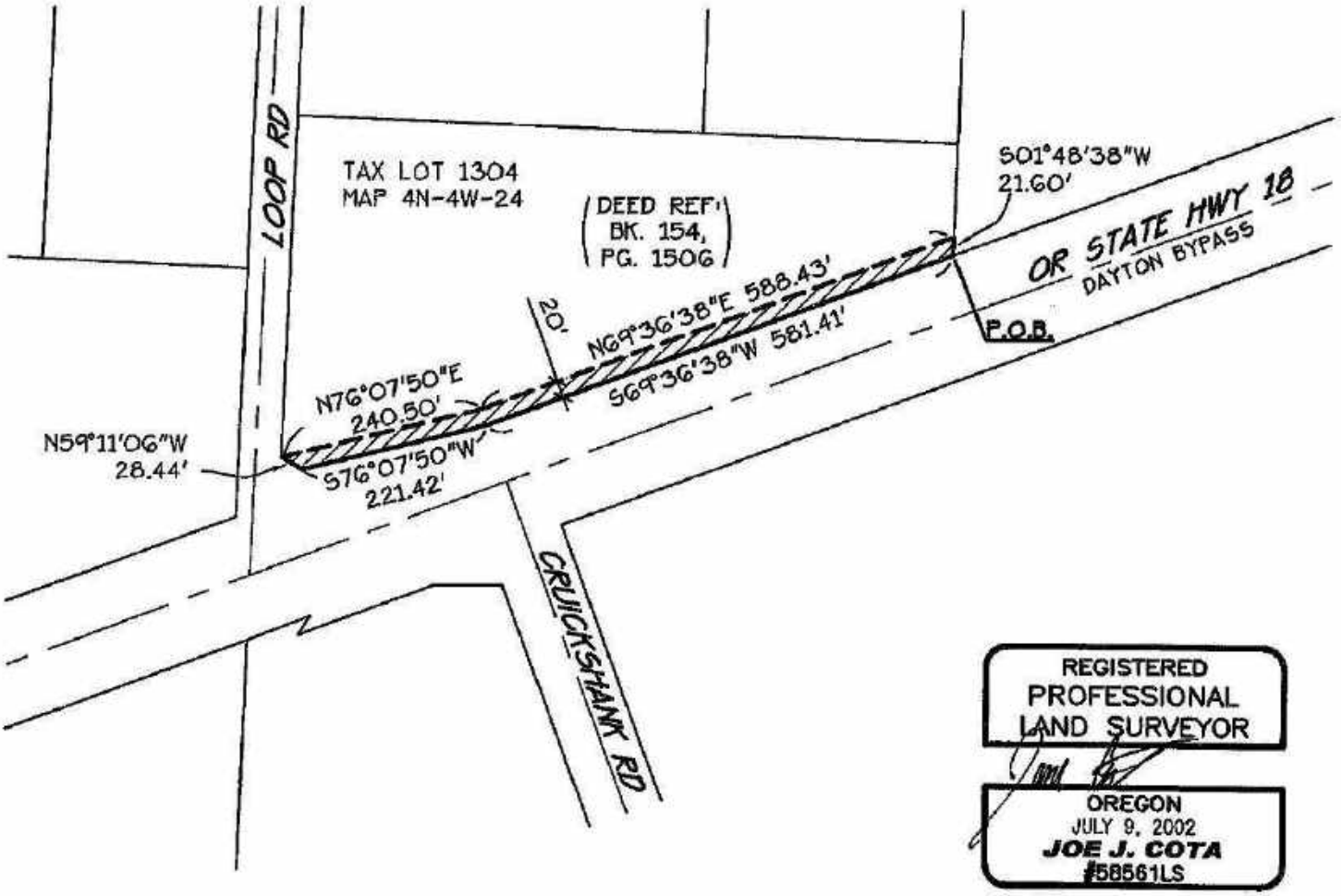
0 100 200 400 FT.

SCALE: 1" = 200'

N
W E
S

LEGEND:

P.O.B.	POINT OF BEGINNING
BK.	BOOK
PG.	PAGE



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

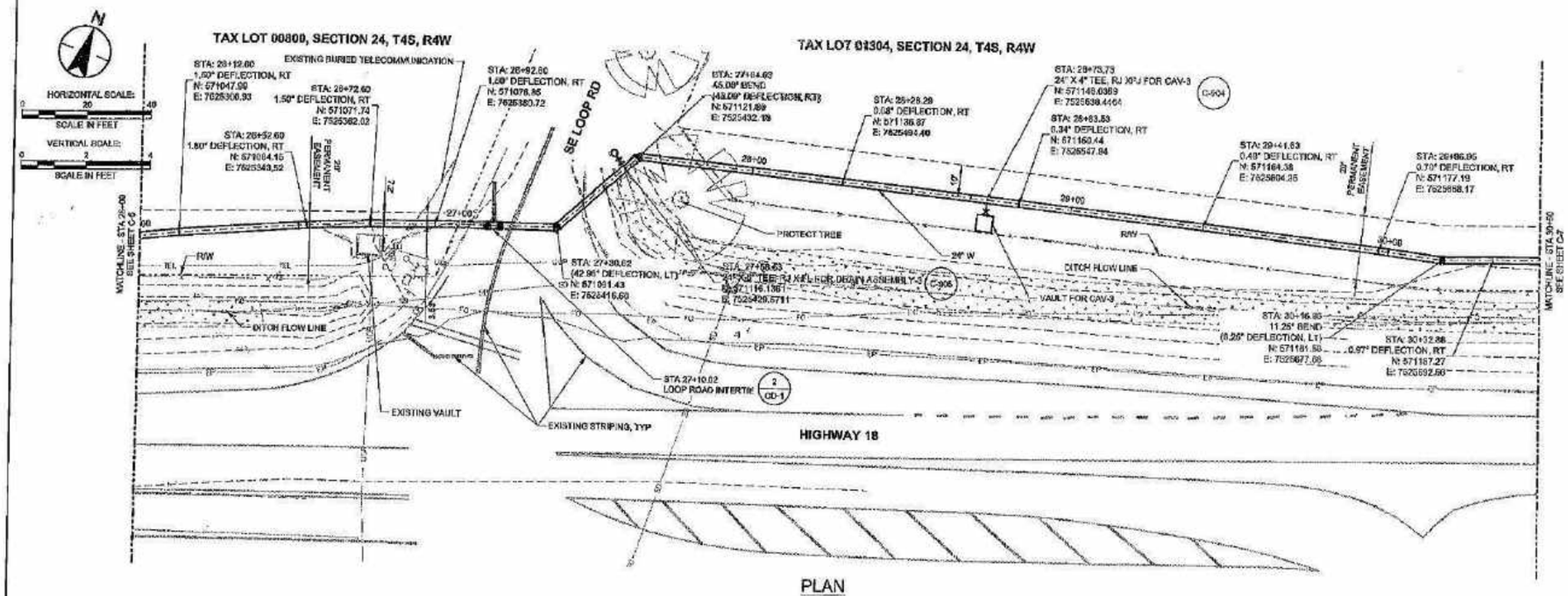
Renewal: 12/31/19

Date: 11/7/2019 Time: 15:29
Scale: 1=1(PS)
File: dwg\2019\19-95\19-95_ease.dwg (George)

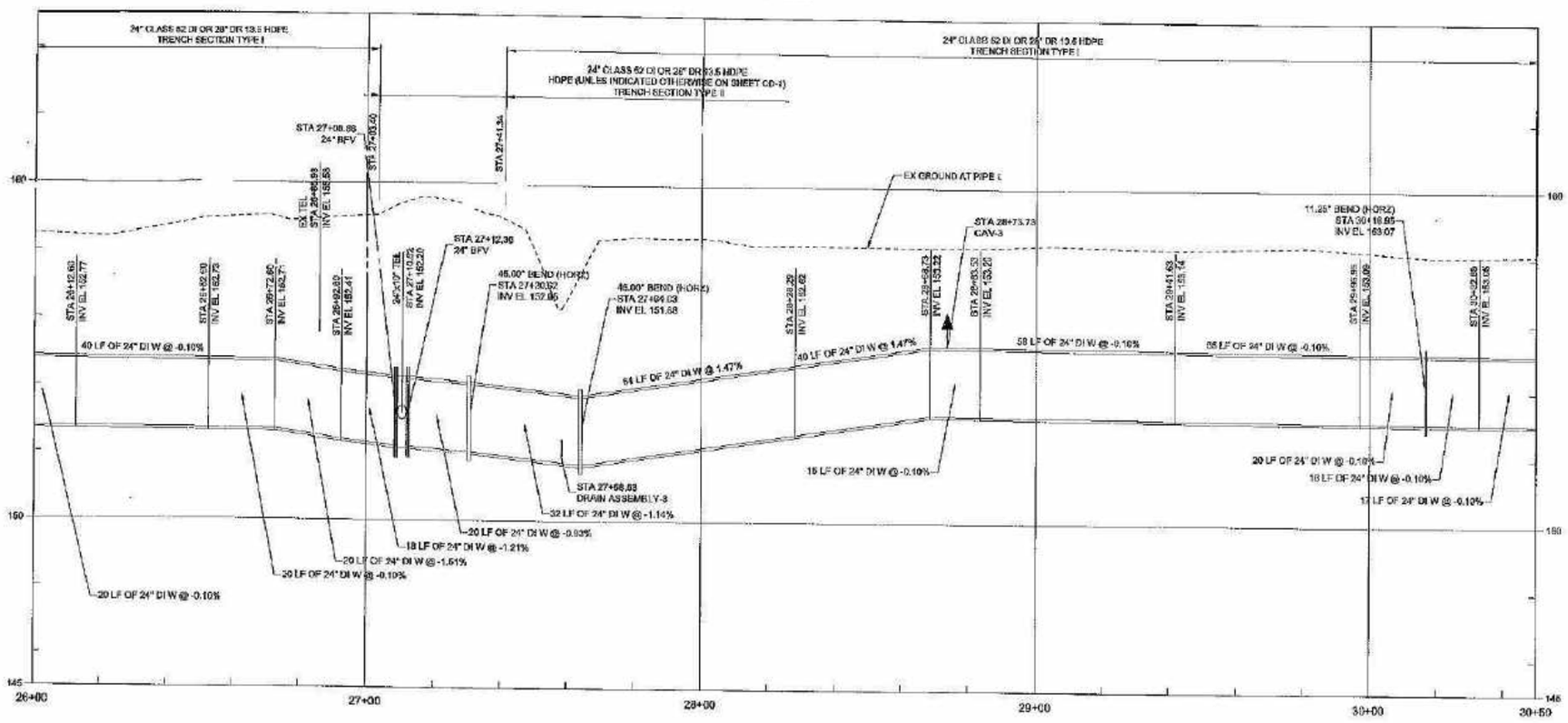
PAGE 5 OF 5

K&D

K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2563



PLAN



PROFILE

KEY PLAN

GENERAL SHEET NOTES

1. CALL UTILITY NOTIFICATION CENTER AT 800-332-2344 72 HOURS BEFORE YOU DIG.
2. CONSTRUCTION BASELINE IS CENTER LINE AT PIPE.
3. EXISTING UTILITIES ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. DEPTH AND LOCATIONS SHOWN ARE APPROXIMATE AND OBTAINED FROM AVAILABLE UTILITY RECORDS. THE PLANS MAY NOT SHOW ALL EXISTING UNDERGROUND UTILITIES. SEE NOTE 4 AND SECTION 015010 FOR ADDITIONAL INFORMATION.
4. THE CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITY SERVICE CONNECTIONS UNLESS OTHERWISE INDICATED. CONTRACTOR SHALL REPAIR ALL SERVICE CONNECTIONS AND UTILITIES DAMAGED DURING CONSTRUCTION WHETHER SHOWN ON THE PLAN OR NOT.
5. DEFLECTIONS AT JOINTS SHALL BE A MAXIMUM OF 75% OF THE MANUFACTURER'S RECOMMENDATION.
6. SEE SHEET GC-1 FOR TRENCH SECTIONS.
7. PIPELINE WAS DESIGNED BASED ON DI PIPE. HDPE IS ALSO AN OPTION UNLESS NOTED OTHERWISE. IF HDPE IS SELECTED, THE CONTRACTOR SHALL PROVIDE SUBMITTALS SHOWING THE NEEDED MODIFICATIONS TO ALLOW FOR THE USE OF HDPE PIPE.
8. FULLY RESTRAIN ALL JOINTS.
9. NO DISTURBANCE WILL BE PERMITTED OUTSIDE OF RIGHT-OF-WAY OR PERMANENT EASEMENTS NOTED.

Stantec
611 SW 3rd Avenue, 14th Floor
Portland, OR 97204
Tel +1 (503) 220-5515
www.stantec.com

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Issued	By	Appd	YYYY.MM.DD	Revision	By	Appd	YYYY.MM.DD

Permit/Seal

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Client/Project
McMINNVILLE WATER & LIGHT
LAFAYETTE FINISHED WATER TRANSMISSION MAIN
McMINNVILLE, OR

Project No.: 200200612 3

File Name: 0412304PH

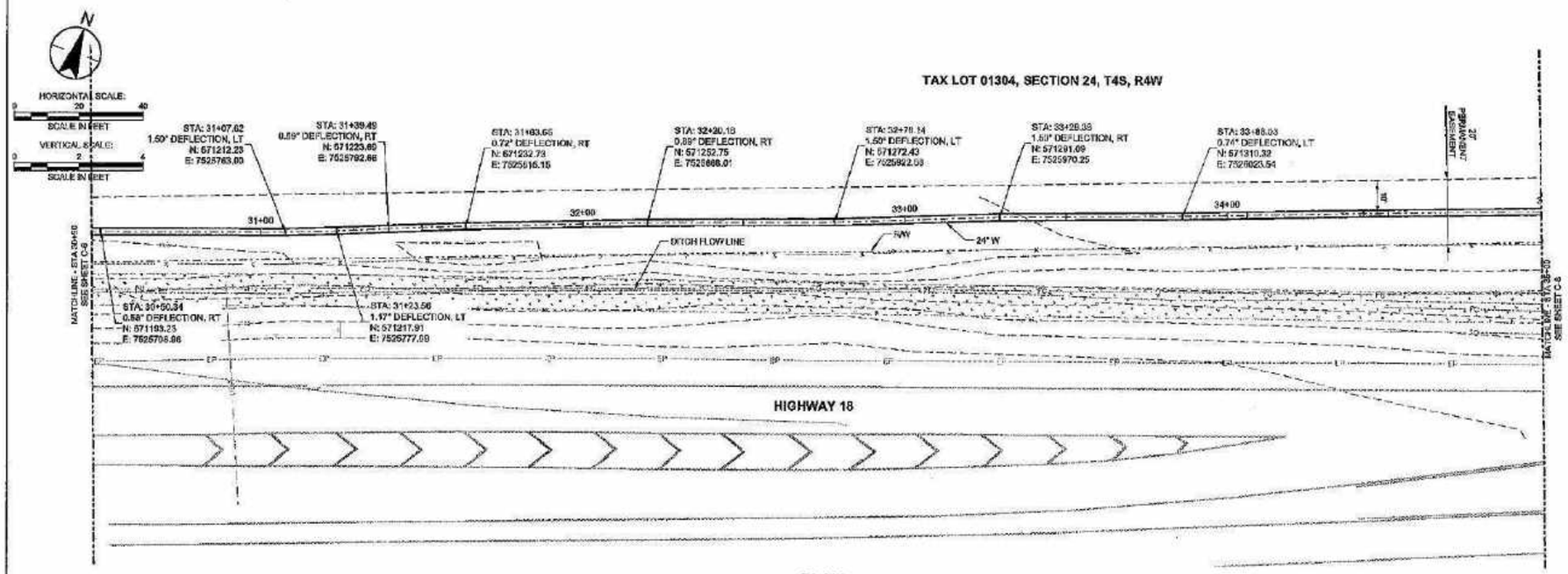
Scale: H: 1"=20' V: 1"=2'

A.Ma	A.Bo2	G.Ma/BS	2012.03.01
Dsn.	Dgn.	Chkd.	YYYY.MM.DD

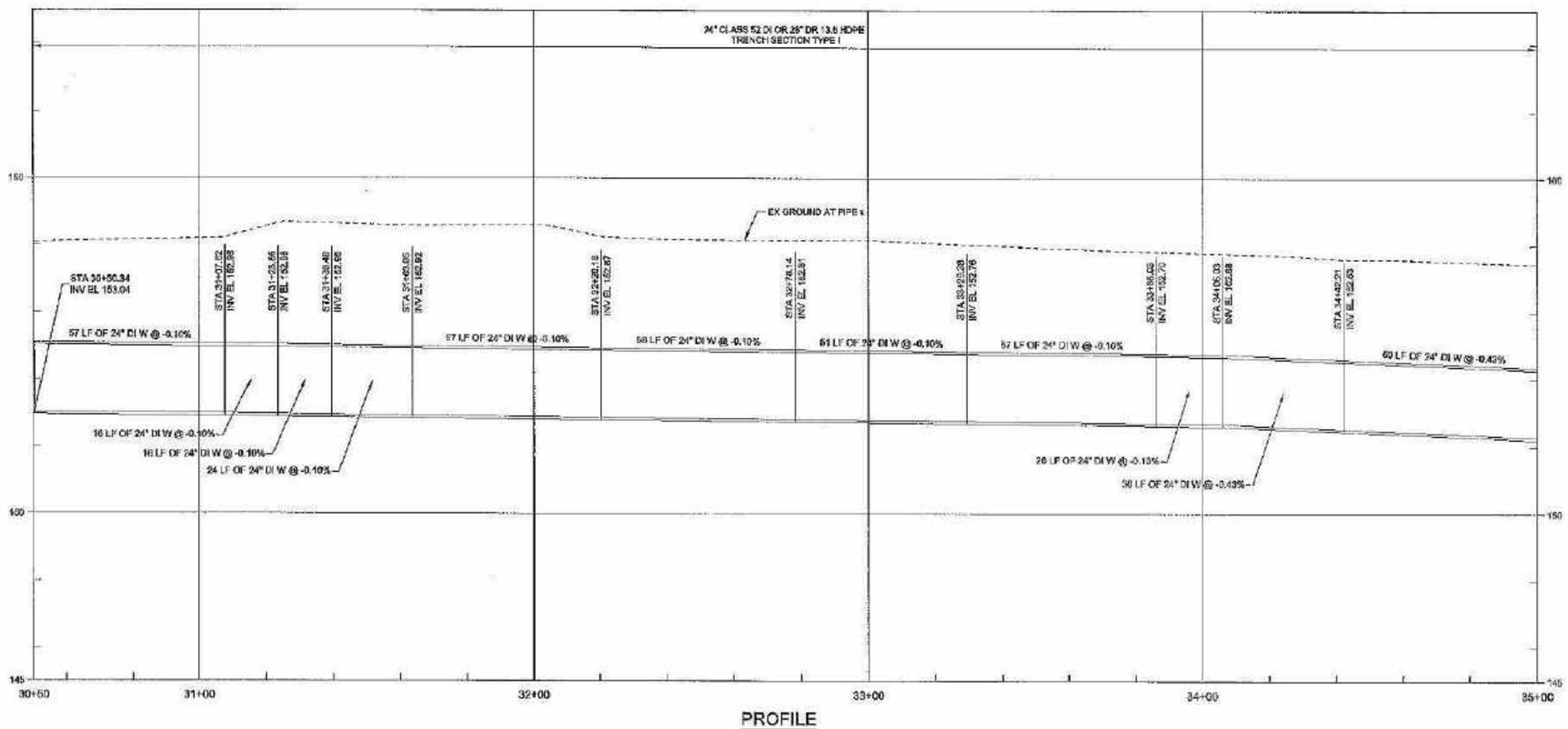
Title
PLAN AND PROFILE
STA 26+00 TO STA 30+50

Revision: Sheet: 11 of 25

Drawing No.
C-6



PLAN



PROFILE

KEY PLAN

GENERAL SHEET NOTES

1. CALL UTILITY NOTIFICATION CENTER AT 800-332-2344 72 HOURS BEFORE YOU DIG.
2. CONSTRUCTION BASELINE IS CENTER LINE AT PIPE.
3. EXISTING UTILITIES ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. DEPTH AND LOCATIONS SHOWN ARE APPROXIMATE AND OBTAINED FROM AVAILABLE UTILITY RECORDS. THE PLANS MAY NOT SHOW ALL EXISTING UNDERGROUND UTILITIES. SEE NOTE 4 AND SECTION 015010 FOR ADDITIONAL INFORMATION.
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Stantec
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601 SW 2nd Avenue, 14th Floor
Portland, OR 97204
Tel.+1 (503) 220-0415
www.stantec.com

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Revision	By	Appd	YYYY.MM.DD

Permit/Seal

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Client/Project
McMINNVILLE WATER & LIGHT
LAFAYETTE FINISHED WATER TRANSMISSION MAIN
McMINNVILLE, OR

Project No.: 2002206123

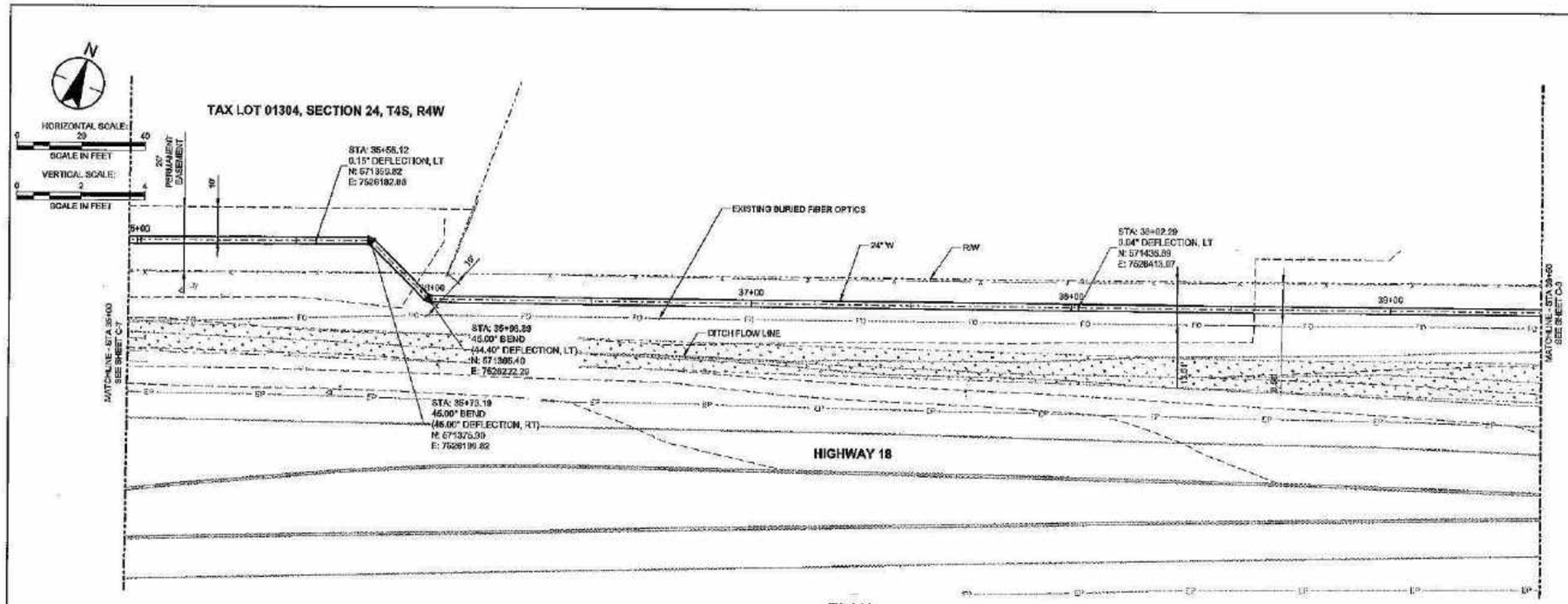
Scale: H: 1"=20' V: 1"=2'

A.JOA	A.EDER	G.HARRIS	2019.10.31
Dwn.	Dgn.	Chkd.	YYYY.MM.DD

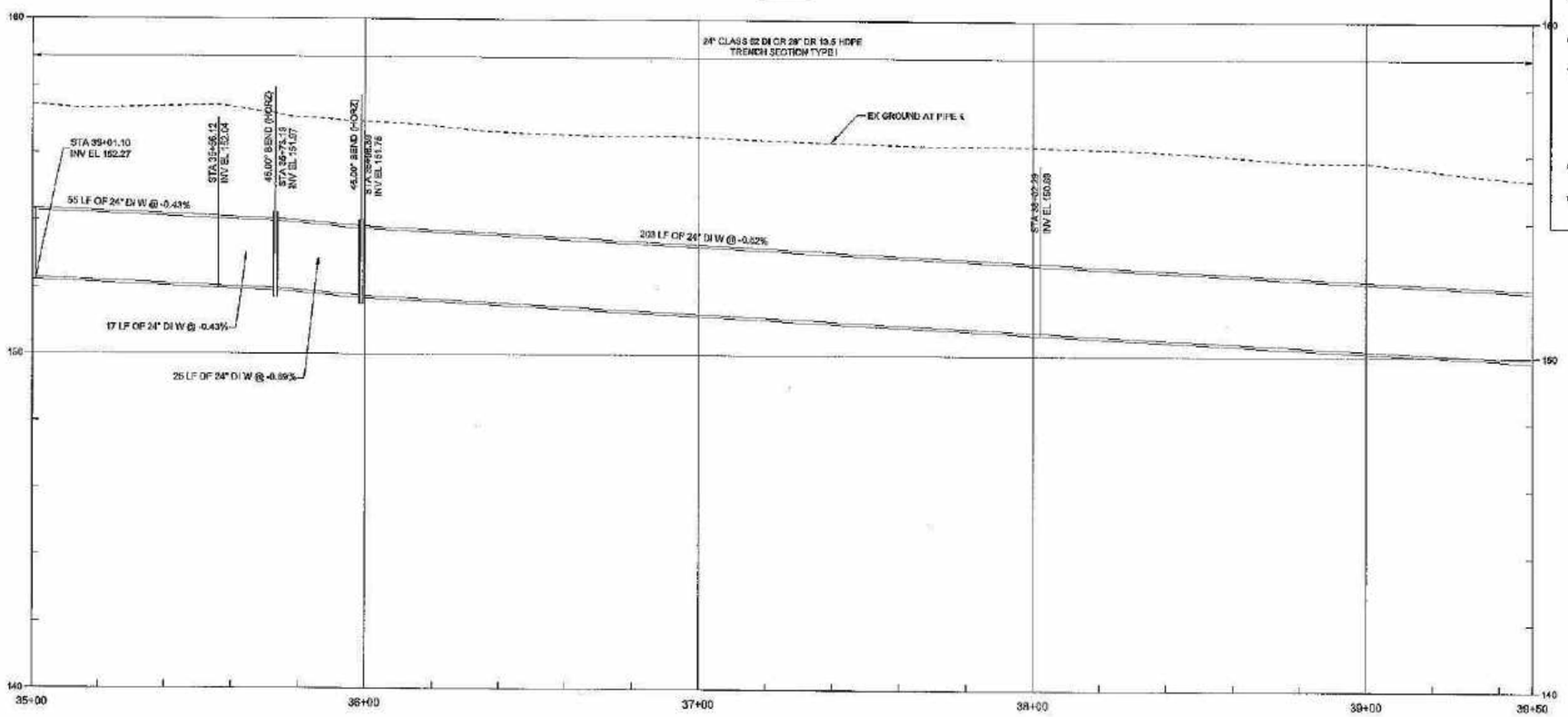
Title
PLAN AND PROFILE
STA 30+50 TO STA 35+00

Revisions Sheet: 12 of 25

Drawing No.
C-7



PLAN



PROFILE

KEY PLAN

GENERAL SHEET NOTES

1. CALL UTILITY NOTIFICATION CENTER AT 503-232-2364 72 HOURS BEFORE YOU DIG.
2. CONSTRUCTION BASELINE IS CENTER LINE AT PIPE.
3. EXISTING UTILITIES ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. DEPTH AND LOCATIONS SHOWN ARE APPROXIMATE AND OBTAINED FROM AVAILABLE UTILITY RECORDS. THE PLANS MAY NOT SHOW ALL EXISTING UNDERGROUND UTILITIES. SEE NOTE 4 AND SECTION 015010 FOR ADDITIONAL INFORMATION.
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601 SW 2nd Avenue, 14th Floor
Portland, OR 97204
Tel: (503) 481-9800
www.stantec.com

The Contractor is solely and the sole responsible for all differences, errors or omissions in the contract documents as related to Contractor's work. Stantec assumes no responsibility for the Contractor's means and methods, safety precautions and programs, or for the Contractor's failure to carry out the work in accordance with the contract documents.

Issue	Date	By	Revision
35%	YYYY/MM/DD	JDP	60% DESIGN
60%	YYYY/MM/DD	JDP	100% DESIGN

Permit/Seal

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Client/Project
McMINNVILLE WATER & LIGHT
LAFAYETTE FINISHED WATER TRANSMISSION MAIN
McMINNVILLE OR

Project No.: 200306123

Scale: H: 1"=20' V: 1"=2'

A. STA	A. DEER	G. BARNES	SAM. M.H.
Dwn.	Dsgn.	Chkd.	YYYY/MM/DD

Title
PLAN AND PROFILE
STA 35+00 TO STA 39+50

Revision: Sheet: 13 of 25

Drawing No.
C-8

City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: January 14, 2020
TO: Jeff Towery, City Manager
FROM: Larry Sherwood, Engineering Services Manager
SUBJECT: Intergovernmental Agreement between the City and McMinnville Water & Light for Water Main & Electric Facilities Design and Construction Services on Old Sheridan Road

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Report in Brief:

This action is the consideration of a resolution to enter into an Intergovernmental Agreement (IGA) with McMinnville Water & Light (MWL) for design and construction support services related to new public water main & electric facility improvements for the Old Sheridan Road Transportation Bond measure project, and to approve Task Order 2 to the City's contract with Harper, Houf, Peterson, Righellis Inc. (HHPR) to fund these services.

Discussion:

The City is currently finalizing the design to improve SW Old Sheridan Road from SW Cypress Lane to Highway 99W. This project will construct improvements to Old Sheridan Road including road widening, the addition of sidewalks and bike lanes, replacement of the bridge over Cozine Creek, traffic signal upgrades, landscaping, storm water facilities, and street lighting. Construction is expected to start in the summer of 2020.

In July of 2017, the City entered into a contract with HHPR to provide design services and construction support for the Old Sheridan Road Improvements Project. To minimize construction conflicts and to allow for efficient completion of the project work, MWL has requested that HHPR also provide design services and construction support for new public water main and electric facilities improvements within the project limits.

HHPR has provided a scope of work and fee statement to provide design and construction support services for the proposed public water main and electric facility improvements, included in the IGA as Exhibit A (Attachment 2). The addition of Task Order 2 (Attachment 3) to HHPR's existing Personal Services Contract with the City will fund these services. The City will be reimbursed by MWL for all costs associated with the IGA and HHPR's Task Order 2.

HHPR will produce plans and specifications for construction of the new public water main and electric facilities and incorporate those into the City's bidding documents for the project. By this intergovernmental agreement under ORS 190.110(4) the parties intend that the City will act for itself and on behalf of MWL to contract with HHPR, the City's project consultant, for design and construction support related to water main and electric facility improvements. The not to exceed fee for HHPR's work for MWL is $35,000.

The City will issue an Invitation to Bid for the construction of the Old Sheridan Road Improvements project in accordance with Oregon Public Contracting Laws and the City's public contracting code. Bids received will be opened and publicly read. The Bid Documents will consist of bid schedules to clearly identify and separate Transportation Bond Measure work funded by the City, and public water main and electric facility

improvements funded by MWL. The lowest bid representing the cumulative total of the bid schedules will be deemed by the City, in consultation with MWL, to be the lowest responsible and responsive bid. A supplemental IGA will be presented to council for construction costs associated with MWL funded public water main and electric facility improvements once bids are received and expected construction costs are known. Construction is anticipated to commence in the summer of 2020 and will be complete in early 2021.

Attachments:

1. Resolution No. 2020-04
2. Intergovernmental Agreement
3. HHPR Task Order No.2

Fiscal Impact:

Funding for the project was included in the voter approved 2014 Transportation Improvement bond measure and is included in the adopted FY 2020 Transportation Fund (45) budget. MWL will reimburse the City for all costs related to the IGA and HHPR's Task Order 2 for design services and construction support for new public water main and electric facilities improvements

Recommendation:

Staff recommends that the City Council adopt the attached resolution approving an Intergovernmental Agreement with McMinnville Water & Light and the execution of Task Order 2 to HHPR's existing personal services contract related to design and construction support for public water main and electric facility improvements for the Old Sheridan Road project.

RESOLUTION NO. 2020 - 04

A Resolution approving an Intergovernmental Agreement between the City of McMinnville and McMinnville Water & Light (MWL) for design and construction services related to new public water main & electrical facility improvements for the Old Sheridan Road Transportation Bond measure project, and the approval of Task Order 2 to the City's contract with Harper, Houf, Peterson, Righellis Inc. (HHPR) to fund these services.

RECITALS:

The City is currently finalizing the design to improve SW Old Sheridan Road from SW Cypress Lane to Highway 99W.

In July of 2017, the City entered into a contract with Harper, Houf, Peterson, Righellis Inc. (HHPR) to provide design services and construction support for the Old Sheridan Road Improvements Project.

To minimize construction conflicts and to allow for efficient completion of the project work, MWL has requested that HHPR also provide design services and construction support for new public water main and electric facilities improvements within the project limits. The not to exceed fee for HHPR's work for MWL is $35,000. The City will be reimbursed by MWL for all costs associated with the IGA and HHPR's Task Order 2.

Per the Intergovernmental Agreement, MW&L will depend on the City to act as contracting agency on behalf of MW&L, and the City will be dependent upon timely distribution from MW&L of funds for to pay for engineering services related to public water main and electric facility improvements as part of the project design and construction.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That entry into an Intergovernmental Agreement with McMinnville Water & Light is hereby approved.
2. That the City Manager is hereby authorized and directed to execute the Intergovernmental Agreement.
3. That the City Manager is hereby authorized and directed to execute Task Order 2 to the Personal Services Contract with HHPR.
4. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14th day of January 2020 by the following votes:

Ayes: _____

Nays: _____

Approved this 14th day of January 2020.

_____
MAYOR

Approved as to form:

_____
CITY ATTORNEY

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF MCMINNVILLE AND
MCMINNVILLE WATER AND LIGHT

THIS INTERGOVERNMENTAL AGREEMENT ('Agreement') is entered into between the City of McMinnville, an Oregon Municipal Corporation of the State of Oregon ('City') and a unit of the City, acting by and through its Water and Light Commission ("McMinnville Water and Light" or "'MWL"), hereinafter collectively referred to as the 'Parties'.

RECITALS:

The City is currently finalizing the design to improve SW Old Sheridan Road from SW Cypress Lane to Highway 99W. The last of the voter approved 2014 Transportation Bond measure projects, this project will construct improvements to Old Sheridan Road including road widening, the replacement of the bridge over Cozine Creek, the addition of sidewalks and bike lanes, traffic signal upgrades, landscaping, storm water facilities, and street lighting. Construction is expected to start in the summer of 2020.

In July of 2017, the City entered into a Personal Services Contract with Harper, Houf, Peterson, Righellis, Inc. (HHPR) to provide design services and construction support for the Old Sheridan Road Improvements project. To minimize construction conflicts and to allow for efficient completion of the project work, MWL has requested that HHPR also provide design services and construction support for new public water main and electric facilities within the project limits.

HHPR will produce plans and specifications for construction of the new public water main and electric facilities and incorporate those into the City's bidding documents for the project. HHPR will provide construction support during the construction of the public water main and electric facilities. HHPR has provided the attached scope of work and fee statement to provide these services **(Exhibit A)**.

By this intergovernmental agreement under ORS 190.110(4) the parties intend that the City will act for itself and on behalf of MWL to contract with HHPR, the City's project consultant, for design services and construction support of the new public water main and electric facilities. The not to exceed fee for HHPR's work for MWL is $35,000.

NOW THEREFORE, it is agreed as follows:

1. TERM

This agreement shall be effective as of the date this agreement is signed by all parties ("Effective Date"). This agreement shall remain in effect until completion and closeout of the project construction, including any and all construction claims. ("termination"; see §5.c. obligations continuing after termination).

2. RESPONSIBILITIES OF CITY

For the duration of this agreement, the City as contracting agency will execute and manage the Personal Services Contract with HHPR, and coordinate HHPR's performance of the work. The City will forward invoices to MWL from HHPR for all work attributed to the design and construction support of MWL's new public water main and electric facilities. In cooperation and consultation with MWL, and except to the extent the City has effectively assigned these rights to MWL, the City as the contracting agency, and at the reasonable request of MWL, will act to enforce any contract claims for HHPR's work on behalf of MWL. In contracting with HHPR, the City will seek to add MWL as an insured (professional liability) and additional insured, and indemnified party in the same manner as the City protects itself.

3. RESPONSIBILITIES OF MWL

For the duration of this agreement, MWL will provide timely review and approval of all HHPR's design work of MWL's new public water main and electric facilities, and will cooperate with the City in defense or enforcement of contract claims, related to MW&L's new public water main and electric facilities. MWL will promptly pay, when due, all invoices from HHPR for all work attributed to the design and construction support of MWL's new public water main and electric facilities.

.4. COLLABORATION AND COOPERATION

The parties shall collaborate, as required, to ensure the needs of all parties are met in the coordination of work by HHPR, and shall notify each other as soon as possible of any concerns regarding the coordination or performance of the work by HHPR. The parties will work diligently toward resolving any issues that may arise for the mutual benefit of the parties.

5. LIABILITY AND INDEMNITY

a. To the extent permitted by the Oregon Tort Claims Act and the Oregon Constitution, each party shall defend, indemnify and hold harmless the other party, and each of that second party's elected or appointed officials, officers, agents and employees, from and against any and all losses, claims, actions, costs, judgments, damages or other expenses resulting from injury to any third party (including injury resulting in death) or damage to property (including loss or destruction), of whatever nature, arising out of or incident to the performance of this agreement by the first party, including, but not limited to, any acts or omissions of the first party's officers, employees, agents, volunteers and others, if any, designated by the first party to perform services under this agreement; provided however that the first party shall not be held responsible for any losses, claims, actions, costs, judgments, damages or other expenses directly, solely and proximately caused by the negligence of the second party.

b. This section does not confer any right to indemnity on any person or entity other than the parties, waive any right of indemnity or contribution from any person or entity, or waive any governmental immunity.

c. The obligations of the parties under this section will survive expiration or termination of this agreement.

6. GENERAL

a. Apportionment of Expenses. MWL will pay all expenses attributed to the design services and construction support for the new public water main and electric facilities.

b. Assignment and Amendment. Any changes to this Agreement must be agreed to in writing by authorized representatives of each party.

c. Notice. Any written notification required for this Agreement shall be made to the following:

If to City:
Larry Sherwood
Engineering Services Manager
231 NE Fifth Street
McMinnville, Oregon 97128

If to MWL:
John Dietz
General Manager
855 NE Marsh Lane
McMinnville, Oregon 97128

d. Counterparts. This Agreement may be executed in any number or counterparts, each of which shall be deemed an original, but all such counterparts together shall constitute but one and the same instrument.

e. Authority. Each party represents and warrants that it is free to enter into this Agreement and to perform each of the terms and conditions of the Agreement.

CITY OF McMINNVILLE

_____
Jeff Towery
City Manager

DATE:_____

APPROVED AS TO FORM
City Attorney

_____

Date: _____

McMINNVILLE WATER AND LIGHT

_____ Date_____
Scott A. Hill
Mayor and Ex-Officio member of the Water and Light Commission

ATTESTED BY:

_____ Date:_____
Trena McManus
Clerk of the Commission

Exhibit A

Job No.: MAC-02B

Date: December 20, 2019

To: James Burke – McMinnville Water and Light

From: Ben Austin, P.E.

Harper Houf Peterson Righellis Inc.
ENGINEERS ◆ PLANNERS
LANDSCAPE ARCHITECTS ◆ SURVEYORS

Project/Subject: **Old Sheridan Road McMinnville Water & Light Scope and Fee**

☐ Fax - Number:_____; Number of pages_____
(If you did not receive the correct number of pages, please call 503-221-1131)
☒ E-mail ☐ Mail ☐ Hand Deliver ☐ Interoffice

The following is the scope and fee for McMinnville Water and Light services to include water line replacement and underground electrical relocation.

TASKS:

Task 9: McMinnville Water and Light Services
The Consultant shall develop plan and profile sheets for the replacement of the existing water main with a new 12" main from SW Goucher Street to OR99W. Water line replacement PS&E will be incorporated into the overall Old Sheridan Road bid package and street restoration and traffic control will be part of the roadway plans. The existing water line will be capped during bridge replacement and a temporary connection design is not required. Conduit and vault layout for McMinnville Water and Light will be shown on electrical conduit plans as part of the Old Sheridan Road plans and specifications for dry utility conduit will be included. Underground facilities are located at the Goucher intersection and at the Cozine Creek bridge. No electrical design or aerial electrical facility design will be completed.

Tasks will including the following:

1.1 **Water Line Design**. Develop 90% plans, specifications and cost estimate for the water line improvements including details for hanging the water line on the new bridge. The Consultant will submit the 90% plans for permitting through the Oregon Health Authority. McMinnville Water and Light will pay all Oregon Health Authority permit fees. Following review comments, the Consultant will prepare 100% plans, specifications and cost estimates for inclusion in the Old Sheridan Road bid package.

1.2 **Electrical Design**. Develop 90% plans, specifications and cost estimate for underground conduit and vault locations as described above. Following review comments, the Consultant will prepare 100% plans, specifications and cost estimates for inclusion in the Old Sheridan Road bid package.

1.3 **Construction**. Provide review of bridge hanger submittals, one bridge hanger site visit, and any contractor clarification related to electrical vault and conduit installation. Provide engineer of record support as requested by McMinnvile Water and Light during construction to address contractor questions or conflicts.

205 SE Spokane Street
Suite 200
Portland, OR 97202
PHONE 503.221.1131
FAX 503.221.1171
www.hhpr.com

SCHEDULE:

90% PS&E – January 30, 2020

Final PS&E – February 14, 2020

Project Bid – March 2020

Construction – April 2020 to October 2020

Contract Completion – December 2020

Old Sheridan Road
McMinnville Water & Light

Harper Houf Peterson Righellis Inc.

December 20, 2019

TASK DESCRIPTIONS	Harper Houf Peterson Righellis, Inc.							OBEC								TOTAL PER TASK
	Project Manager	Quality Control Engineer	Project Engineer	CAD Technician	HHPR Labor	Expenses	HHPR Subtotal	Principal/Vice President	Porject Manager 2	Engineer 6	Engineer 5	Project Controller	OBEC Labor	Expenses	OBEC Subtotal	
	$190.00	$190.00	$175.00	$105.00				$243.00	$188.00	$168.00	$143.00	$115.00				
Task 9: Water Line Replacement																
9.1 Water Line Design	10	8	40	64	$ 17,140.00	$ -	$ 17,140	2	4	12	32	2	$ 8,060.00	$ -	$ 8,060	$ 25,200.00
9.2 Electrical Design	4	4	8	20	$ 5,020.00	$ -	$ 5,020						$ -	$ -	$ -	$ 5,020.00
9.3 Construction Support	4		12	6	$ 3,490.00	$110.00	$ 3,600			6			$ 1,008.00	$172.00	$ 1,180	$ 4,780.00
Total Hours by Staff Type	18	12	60	90	$ 25,650.00	$110.00	$ 25,760.00	2	4	18	32	2	$ 9,068.00	$172.00	$ 9,240.00	**$ 35,000.00**
Hourly Rates	$190.00	$190.00	$175.00	$105.00				$243.00	$188.00	$168.00	$143.00	$115.00				
	$3,420.00	***$2,280.00***	***$10,500.00***	***$9,450.00***	$25,650.00			***$486.00***	***$752.00***	***$3,024.00***	***$4,576.00***	***$230.00***	$9,068.00			

TASK ORDER NO. 2

to the

PERSONAL SERVICES CONTRACT
with

Harper Houf Peterson Righellis, Inc.

This Task Order No. 2 amends the personal services contract, dated July 31, 2017, between the City of McMinnville (City) and Harper Houf Peterson Righellis, Inc. (Contractor) for engineering design and construction services.

The parties mutually covenant and agree as follows:

1. STATEMENT OF WORK

The Contractor will provide final design and construction support services for water and electric facility improvements for the Old Sheridan Road improvements project, as outlined in the executed Intergovernmental Agreement (IGA) with McMinnville Water & Light (MWL) per the attached proposal dated December 20, 2019. The cost for these services is not to exceed $35,000.

2. EFFECTIVE DATE AND DURATION

This Task Order No. 2 is effective on the date at which it is fully executed, and the expiration date of the Personal Services Contract is extended to February 28, 2021.

3. COMPENSATION

The City agrees to pay the Contractor for actual hours worked and allowable expenses incurred by the Contractor and its agents for accomplishing the work required by this Task Order No. 2, with a total sum not to exceed $35,000.

4. OTHER CONDITIONS / REQUIREMENTS

The terms and conditions of the original Personal Services Contract remain in full force and effect.

For the Owner: Approved:	For the Contractor: Approved:
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

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

STAFF REPORT

DATE: **January 14, 2020**
TO: **Mayor and City Councilors**
FROM: **Heather Richards, Planning Director**
SUBJECT: **Resolution No. 2020-05, Annual Financial Report for the McMinnville Urban Renewal Agency, Fiscal Year Ended June 30, 2019**

STRATEGIC PRIORITY & GOAL:

ECONOMIC PROSPERITY Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.	GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.

Report in Brief:
This is the consideration of Resolution No. 2020-05, accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30, 2019, per Oregon Revised Statute 457.460.

Background:
Oregon Revised Statute 457.060 requires that the McMinnville Urban Renewal Agency prepare an Annual Financial Report reporting resources, expenditures, activities and impact to taxing districts for the previous fiscal year and file it with the governing municipality each year, and notice provided in the newspaper of the annual financial report being available for review.

Discussion:
The McMinnville Urban Renewal Advisory Committee voted to recommend the McMinnville Urban Renewal Agency Annual Financial Report for Fiscal Year Ended June 30, 2019 to the McMinnville City Council at their meeting on January 8, 2020.

After the City of McMinnville accepts the report, a public notice will be published in the News Register twice advising the public on the availability of the annual report for review per ORS 457.060.

Attachments:
Resolution No. 2020-05
McMinnville Urban Renewal Agency Annual Financial Report for Fiscal Year Ended June 30th, 2019

Attachments:
Resolution No. 2020-05
Annual McMinnville Urban Renewal Agency Financial Report for the Fiscal Year Ended June 30, 2019.

Fiscal Impact:
There is no anticipated fiscal impact associated with this action.

Recommendation:

Staff recommends approving Resolution No. 2020-05.

"I MOVE TO APPROVE RESOLUTION NO. 2020-05, ACCEPTING THE MCMINNVILLE URBAN RENEWAL AGENCY ANNUAL FINANCIAL REPORT FISCAL YEAR ENDED JUNE 30, 2018."

Attachments:
Resolution No. 2020-05
Annual McMinnville Urban Renewal Agency Financial Report for the Fiscal Year Ended June 30, 2019.

RESOLUTION NO. 2020 - 05

A Resolution of the City of McMinnville accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30th, 2019, per Oregon Revised Statute 457.460.

RECITALS:

The City of McMinnville created an Urban Renewal Area in its downtown core and NE Gateway Area in 2013; and

The Purpose of this plan was to assist in implementing the goals of the McMinnville Comprehensive Plan, the Third Street Streetscape Plan, and other planning documents, to help stimulate the economy, create a unique identify and sense of place, and to support local downtown businesses and development of the downtown and the NE Gateway area; and

Per Oregon Revised Statute 457.460, the McMinnville Urban Renewal Agency must prepare and file an annual financial report with the governing body of the municipality no later than January 31 of each year.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE, OREGON as follows:

1. That the attached (Exhibit A) Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30th, 2019 is hereby accepted and filed with the City of McMinnville.

2. This Resolution will take effect immediately upon passage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14th day of January, 2020 by the following votes:

Ayes: _____

Nays: _____

Approved this 14th day of January, 2020.

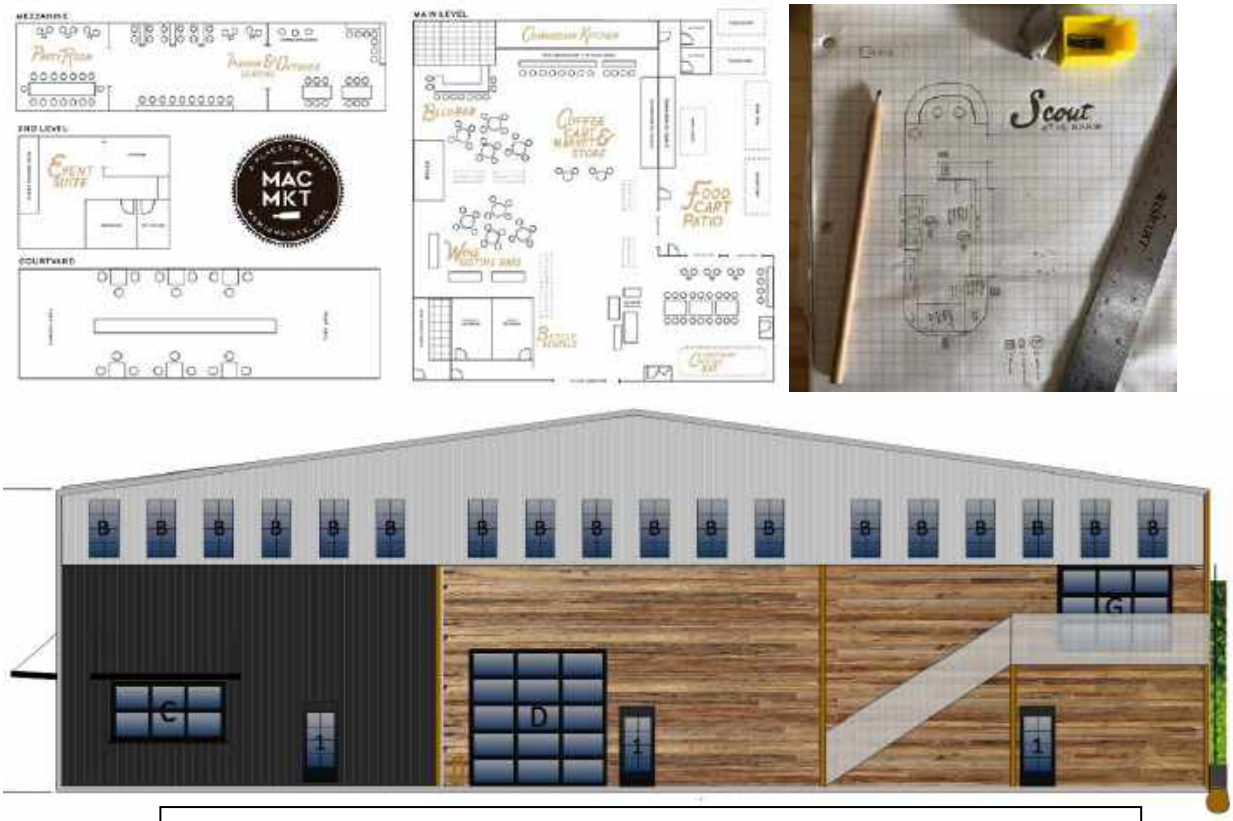
_____
MAYOR

Approved as to form:

_____
CITY ATTORNEY

EXHIBIT A

ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30TH, 2019



MAC MKT, the historic rehabilitation of an old warehouse into a vibrant market and community gathering spot in the NE Gateway District.

McMinnville Urban Renewal Agency

2018 – 2019

This report fulfills the requirements, prescribed in ORS.457.460, for the filing of an annual report detailing the financial activity of an urban renewal area established in Oregon.

Annual Financial Report for Fiscal Year Ended June 30th, 2019

MCMINNVILLE URBAN RENEWAL AGENCY

MCMINNVILLE URBAN RENEWAL AREA HISTORY

The City of McMinnville created an Urban Renewal Area (URA) in its downtown core and NE Gateway area in 2013. The purpose of this plan was to assist in implementing the goals of the McMinnville Comprehensive Plan, the Third Street Streetscape Plan, and other planning documents, to help stimulate the economy, create a unique identity and sense of place, and to support local downtown businesses and the development of the NE Gateway area. Urban renewal provides a method to fund projects and tools to help achieve these recommendations and goals.

Goals

To effectively support the McMinnville Comprehensive Plan and other planning documents, the City of McMinnville formulated a series of Goals and Objectives to guide activities funded by, or related to the URA. The Goals and Objectives are listed in the Plan, and the goals are reiterated here:

Goal 1. Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the urban renewal implementation process.

Goal 2. Encourage the economic growth of the Area as the commercial, cultural, civic, and craft industry center for McMinnville.

Goal 3. Enhance the physical appearance of the district, create a pedestrian environment that encourages the development and redevelopment of active uses such as shopping and entertainment, and support commercial, civic, and craft industrial business activity.

DOWNTOWN COMMERCIAL CORE
The downtown commercial core should be a regional destination as well as the commercial center for the citizens of McMinnville. Its identity should enhance and preserve the qualities of the downtown, including its historic heritage, that make it an economically healthy, attractive, and unique environment for people to live, work, shop, and socialize.

NORTHEAST GATEWAY
The Northeast Gateway area should be a unique destination that reflects the authenticity of historic and current uses within the area – a place where things are crafted, experienced, and enjoyed, and a place for people to live, work, and play.

Goal 4. Encourage development of a transportation network that provides for safe and efficient multi-modal transportation for vehicles, pedestrians, and bicyclists, and encourages the redevelopment and development of parcels within the Area.

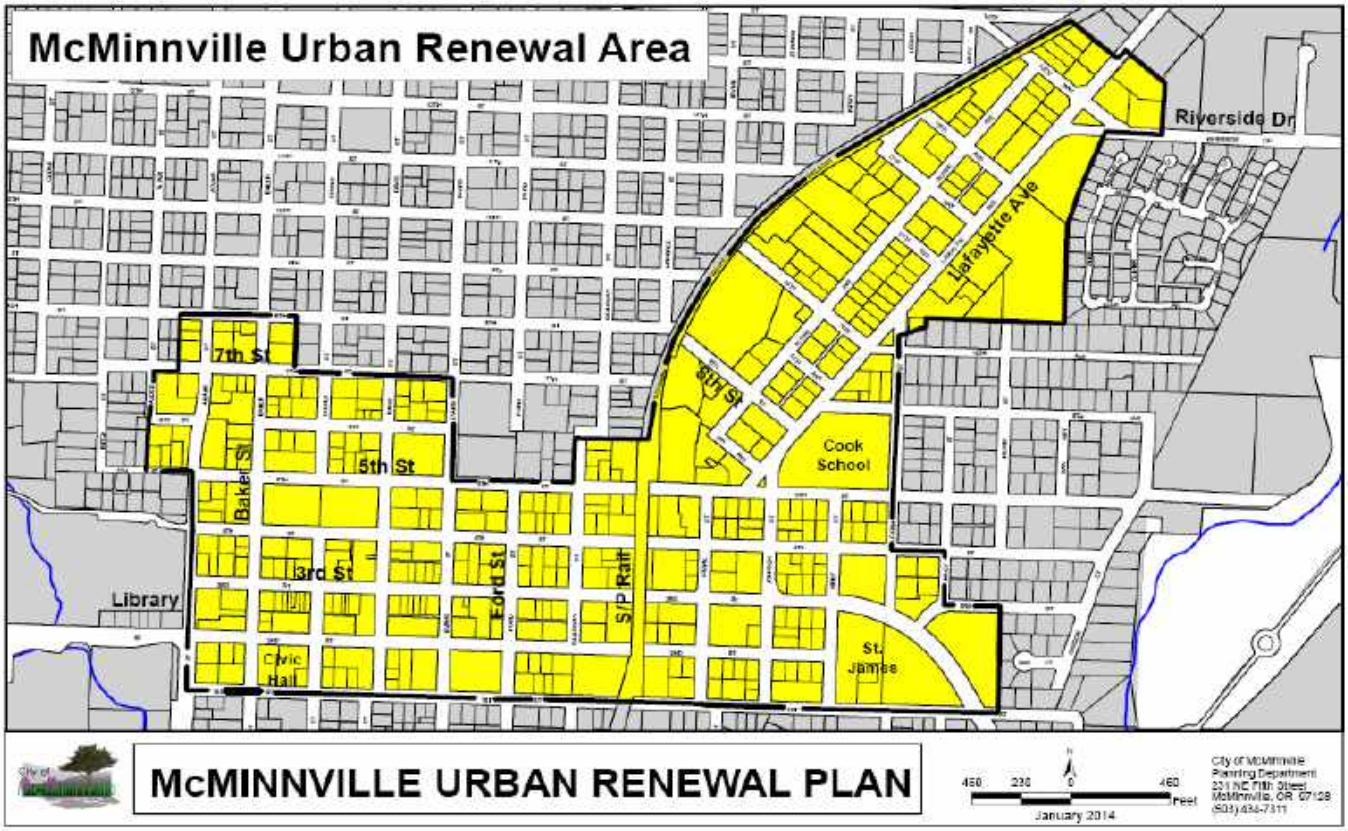
Goal 5. Provide necessary public and private facilities and utilities at levels commensurate with urban development. Public utilities should be extended in a phased manner, and planned and provided in advance of, or concurrent with, development.

Goal 6. Promote development of affordable, quality housing in the Area**.** Promote a residential development pattern that is compact and energy efficient, provides for an urban level of public and private services, and allows unique and innovative development techniques to be employed in residential designs.

Goal 7. Enhance sites and structures of historical, cultural, and/or architectural significance.

Goal 8. Pursue development and redevelopment opportunities that will add economic, civic, educational, craft industry, and cultural opportunities for the citizens of McMinnville, economically strengthen the Area, and attract visitors to the Area.

A full copy of the McMinnville Urban Renewal Plan and Report can be found on the City of McMinnville website at www.ci.mcminnville.or.us



FINANCIAL REPORTING

Money Received

ORS 457.460 (a)

	Urban Renewal Fund	Debt Service Fund	Total
Resources			
Property Taxes - Current	--	$256,458	$256,548
Interagency Loan (City of McMinnville)	$182,630	--	$182,630
Interest income	$7,264	$4,943	$12,207
Miscellaneous	$808	--	$808
Total resources	**$190,702**	**$261,401**	**$452,103**

Money Expended

ORS 457.460 (b)

	Urban Renewal Fund	Debt Service Fund	Total
Expenditures			
Third Street Streetscape Improvement Project	$27,672	--	$27,672
Development Assistance Program	$128,200	--	$128,200
Public Offstreet Parking	$2,675	--	$2,675
Administration	$54,603	--	$54,603
Debt Service	--	$320,137	$320,137
Total Expenditures	**$213,150**	**$320,137**	**$533,287**

Long-term obligations

The Agency and the City entered into an intergovernmental agreement for the City to loan $2,192,300 to the Agency for construction of the Alpine Avenue project. The Agency and City also have an intergovernmental agreement for the Agency to reimburse the City for Urban Renewal planning expenditures and accounts payable. The balance is being repaid over fifteen years as follows:

Fiscal year ending June 30	Principal	Interest	Total
2020	$146,060	$41,228	$187,288
2021	$149,060	$38,233	$187,293
2022	$152,120	$35,177	$187,297
2023	$155,230	$32,058	$187,288
2024	$158,420	$28,875	$187,295
2025 – 2029	$842,170	$94,298	$936,468
2030 – 2032	$454,240	$13,995	$468,235
Total	**$2,057,300**	**$283,864**	**$2,341,164**

FISCAL YEAR 2019-2020

Estimated Revenues

ORS 457.460 (c)

The estimated revenues for fiscal year 2019-2020 are $719,371

Proposed Budget for Current Fiscal Year 2019-2020

ORS 457.460 (d)

	Urban Renewal Fund	Debt Service Fund	Total
Resources			
Beginning Fund Balance	$252,344	$218,139	$470,483
Property Taxes - Current	--	$303,350	$303,350
Property Taxes – Prior	--	$7,500	$7,500
Interagency Loan (City of McMinnville)	$351,831	$44,590	$396,421
Interest income	$1,100	$6,500	$7,600
Miscellaneous	$4,500	--	$4,500
Total resources	**$609,775**	**$580,079**	**$1,189,854**
Expenditures			
3rd Street Improvements	$30,000	--	$30,000
Development Assistance Program	$245,000	--	$245,000
Public Offstreet Parking	$58,000	--	$58,000
District Identity Improvements	$35,000	--	$35,000
Downtown Master Plan	$25,000	--	$25,000
Administration	$81,831	--	$81,831
Debt service	$44,590	$539,119	$583,709
Contingency	$90,354	--	$90,354
Total Expenditures	$609,775	**$539,119**	$1,148,894
Ending Fund Balance	**--**	**$40,960**	**$40,960**

Maximum Indebtedness

ORS 457.460 (e)

	Formal Indebtedness	TOTAL INDEBTEDNESS
Authorized Maximum Indebtedness		$30,000,000
Alpine Avenue (Chase)	$2,192,300	
Design Work (City of McMinnville)	$163,000	
TOTAL	**$2,355,300**	
REMAINING INDEBTEDNESS		**$27,644,700**

Impact on Taxing Districts

ORS 457.460 (f)

Taxing District	Revenue Foregone Permanent Rate
Yamhill County	$52,929
Yamhill County Extension Service	$823
Yamhill County Soil & Water	$548
McMinnville School District 40	$85,531
Willamette Regional ESD	$6,031
City of McMinnville	$103,391
Chemeketa Library	$1,645
Chemeketa Community College Before Bonds	$12,885
TOTAL	**$263,783**

Impacts on school districts

When considering the impact on taxes imposed by overlapping taxing districts, it should be noted that school districts are affected differently than other types of taxing districts. Property taxes were once the primary funding source for K-12 schools, and tax rates varied by district. Today, the State "equalizes" school funding, using a formula that takes into account property tax revenue generated at the school district level and revenue from the State's coffers generated by the statewide income tax, Oregon Lottery, and intergovernmental revenues. Allocation of State revenues to local school districts comes in the form of "general purpose grants." The primary driver of the State allocation is the number of students in each district. This means that local property taxes generated by a school district have no direct impact on school funding in that district. Thus, any impacts that an URA might have on local school district property tax revenues would have no direct impact on school funding in that district. *(Source: Best Practices for Urban Renewal Agencies in Oregon)*

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

STAFF REPORT

DATE: **January 14, 2020**
TO: **Mayor and City Councilors**
FROM: **Heather Richards, Planning Director**
SUBJECT: **Resolution No. 2020 – 06, "Appointing Planning Commission Members"**

STRATEGIC PRIORITY & GOAL:

ENGAGEMENT & INCLUSION
Create a culture of acceptance & mutual respect that acknowledges differences & strives for equity.

OBJECTIVE/S: Grow City's employees and Boards and Commissions to reflect our community

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Report in Brief:
This is the consideration of Resolution No. 2020-06, appointing members to the McMinnville Planning Commission.

Background:
The City of McMinnville has many boards, committees and commissions that support the City's work on a volunteer basis. The City Council makes annual appointments to these boards, committees and commissions at their meeting in December of each year to fill those positions that are being vacated by people whose terms have expired or have resigned from their position.

The City solicits applications by advertising the vacancies in October in the News Register. The applications are then reviewed and interviews conducted by the Mayor, Council President, and the board, committee or commission chair, who then make recommendations to the City Council for appointment.

Discussion:

PLANNING COMMISSION
(4-year term)

Beth Rankin (Ward 1)	Expires December 31, 2023
Robert Banagay (At Large)	Expires December 31, 2023

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

Attachments:
Resolution No. 2020 - 06

Council Options:

1. **APPROVE** Resolution No. 2020 – 06

2. **REQUEST** more time and/or information.

3. **DO NOT APPROVE** Resolution No. 2020-06, directing staff to post notice of continued vacancies and the city's interest in soliciting new applications.

Recommendation/Suggested Motion:
"I MOVE TO APPROVE RESOLUTION NO. 2020 – 06 APPOINTING THE FOLLOWING PEOPLE TO THE MCMINNVILLE PLANNING COMMISSION:

Beth Rankin to the Planning Commission representing Ward 1 to serve a four year term that expires on December 31, 2023.

Robert Banagay to the Planning Commission representing an At-Large position to serve a four year term that expires on December 31, 2023.

RESOLUTION NO. 2020 - 06

A Resolution appointing members to the McMinnville Planning Commission.

RECITALS:

The City of McMinnville has several Boards, Committees, Commissions, and Task Forces made up of volunteers; and

The City Council is responsible for making appointments and re-appointments.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:

1. The City Council appoints the following volunteers the various Boards, Commissions, and Committees as detailed below.

PLANNING COMMISSION
(4-year term)

Beth Rankin (Ward 1)	Expires December 31, 2023
Robert Banagay (At Large)	Expires December 31, 2023

2. This Resolution and these appointments will take effect January 14th, 2020.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14th day of January, 2020 by the following votes:

Ayes:_____

Nays: _____

Approved this 14th day of January, 2020.

_____
MAYOR

Approved as to form:

_____
City Attorney

City Of McMinnville

APPLICATION FOR SERVICE ON BOARD OR COMMISSION

Thank you for your interest in serving your community. The information on this form will help the Mayor and City Council learn about the background of persons interested in serving on a particular board or commission.

Name: Beth Rankin

Address: 859 SW Sitka Drive
McMinnville, OR 97128

Email: [redacted]

Home Phone:

Cell Phone: [redacted]

Work Phone:

Board, Commission or Committee for which you are an applicant:

- ☐ Advisory Board
- ☐ Airport Commission
- ☐ Board of Appeals
- ☐ Budget Committee
- ☐ Citizens' Advisory Committee
- ☐ Historic Landmark Committee
- ☐ Landscape Review Committee
- ☐ McMinnville Affordable Housing Task Force
- ☐ McMinnville Urban Renewal Advisory Committee (MURAC)
- ☒ Planning Commission

Ward in which you reside (if applicable): 1

How many years have you lived in McMinnville? 7

Educational and occupational background: BA-Rutgers University Geography and Urban Planning 4 years as planner for engineering/planning consulting firm, 3 years as staff planner for Tennessee Supreme Court in the state court administrator's office, 14 years owning real estate appraisal firm, 6 years owner commercial food processor working with small farms and backyard growers to reduce food waste.

Why are you interested in serving? I've always tried to be an active member of whatever community where I live because I feel involvement is not only my civic responsibility but I can add my experience and education to others' to help identify possible solutions to issues of concern, while trying to identify impacts on all populations, social and environmental. I also feel it is important to model participation at all levels to the people in the area to enlist their thoughts and cooperation to the best possible successful implementation.

Date December 15, 2019 Signed Beth Rankin

Please return to City Hall, 230 NE Second Street, McMinnville, OR 97128

Beth Rankin
859 SW Sitka Drive
McMinnville, Oregon 97128
[redacted]

Creative Planning

Objective: To provide guidance in the planning process for the economic development and marketing of a business endeavor as either a short-term consultant or part-time long-term independent staff

Experience:
Provided consulting service to a group in Forest Grove, Oregon to establish a year-round indoor local food market from February through August. The project ended up not moving forward because a small group of people willing to serve on the Board of Directors could not be identified.

Assisted with the start-up of The Wild Ramp Market, an indoor year-round local food market located in Huntington, West Virginia. Participation included visiting Producers and then sharing information via a daily blog which served to pique consumer interest. Working at the market included opening, introducing shoppers to the various foods available and the overall purpose of the market, and posting hourly Facebook market reports to inform consumers. Also edited community cookbook, wrote and edited book about development of the market for publication, sewed market shopping totes for Friends of the Market and aprons for Market Volunteers. Provided liaison with local chefs for developing 30 Mile Meal program.

Practice manager for financial adviser office start-up in Huntington, West Virginia. Responsibilities included careful and accurate records management, planning all marketing events requiring coordination with area restaurants and management of mailing lists and follow-up phone calls, maintaining compliance with governmental regulations, and identifying trends in the preparation for marketing to the public.

Patient counselor for start-up of laser vision correction clinic in Nashville, Tennessee. Duties included initial phone screening to encourage caller to make appointment by communicating clearly, informing patients during the clinic visit of surgical and healing issues, providing phone triage for phone post-surgical phone calls, keeping surgical schedule, and overseeing front office staff.

As a planner for an engineering and planning consulting firm, provided planning process guidance for a variety of community development, transportation and military projects throughout the United States and overseas. Tasks included information gathering and communication both in writing according to government requirements and in person at a number of meetings. Planning meetings, responding to the client's and the community's concerns, development of alternative solutions, identification of impacts on natural, social and the economic environment all part of the process.

Education:
BA Urban Planning and Geography, Rutgers University, New Jersey

References:

Year-Round Market in Forest Grove Working Group

Charlene Murdock
Phone: 206-794-1900
Email: charlene.nanacardoon@gmail.com

Charlene is the co-owner of Nana Cardoon, a garden-based learning center serving the Forest Grove community by gathering and sharing a full range of food knowledge and experiences. As an active member of the year-round market working group she has attended all the meetings and is well aware of the guidance I have provided.

The Wild Ramp Market

Gail Stoll Patton, former Chair, Board of Directors
Phone: 304-412-3171
Email: gail@unlimitedfuture.org

Gail Patton is the Director of Unlimited Future, a business incubator in Huntington, West Virginia. She is the Chair of the Board of Directors for The Wild Ramp Market and is well aware of how I assisted in the development and first 18 months of this indoor year-round local market.

City Of McMinnville

APPLICATION FOR SERVICE ON BOARD OR COMMISSION

Thank you for your interest in serving your community. The information on this form will help the Mayor and City Council learn about the background of persons interested in serving on a particular board or commission.

Name: Robert J. Banaggay Jr.

Address: 447 NW Mt. Mazama St.
McMinnville, OR 97128

Email:

Home Phone: [redacted]

Cell Phone: [redacted]

Work Phone: [redacted]

Board, Commission or Committee for which you are an applicant:

- ☐ Advisory Board
- ☐ Airport Commission
- ☐ Board of Appeals
- ☐ Budget Committee
- ☐ Citizens' Advisory Committee
- ☐ Historic Landmark Committee
- ☐ Landscape Review Committee
- ☐ McMinnville Affordable Housing Task Force
- ☐ McMinnville Urban Renewal Advisory Committee (MURAC)
- ☒ Planning Commission

Ward in which you reside (if applicable): _____

How many years have you lived in McMinnville? 7

Educational and occupational background: I have been doing tax work for over 24 years. I am currently a partner with TTR Consulting. My work has included overseeing large portfolios of real property. I have a Bachelor of Accountancy from New Mexico State University and a Masters of Accountancy and Taxation from the University of New Mexico.

Why are you interested in serving? I am interested in serving on this very important commission because I want to help. As a leader in one of McMinnville's fastest growing employers, I would like to lend a hand mapping out the vision for the future. Growing up in a small similar to McMinnville I understand the desire to honor the history and charm of the city. Growth and modernization can happen too. I am extremely excited about the direction our work groups have gone. I would like to help implement.

Date 12-16-19

Signed [signature]

Please return to City Hall, 230 NE Second Street, McMinnville, OR 97128

City of McMinnville
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www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **January 14, 2020**
TO: **Mayor and City Councilors**
FROM: **Chuck Darnell, Senior Planner**
SUBJECT: **Ordinance Nos. 5084 – 5089 – Baker Creek North Development –**

- **CPA 1-19 (Comprehensive Plan Map Amendment),**
- **ZC 1-19 (Zone Change),**
- **PDA 2-19 (Planned Development Amendment),**
- **PD 1-19 (Planned Development),**
- **S 1-19 (Tentative Subdivision), and**
- **L 12-19 (Landscape & Street Tree Plan)**

STRATEGIC PRIORITY & GOAL:

GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.	HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.

Report in Brief:

This action is the consideration of Ordinance Nos. 5084, 5085, 5086, 5087, 5088, and 5089, ordinances approving Baker Creek North, a multiple-phase residential subdivision and adjacent commercial development site. The proposed development plan for Baker Creek North, which is being requested by Stafford Development Company, LLC, requires the following six land use applications and ordinances:

1) **Ordinance No. 5084: CPA 1-19, Comprehensive Plan Map Amendment** on the southwestern portion of the site to reduce the size of an existing area designated as Commercial on the Comprehensive Plan Map. The proposed amendment would result in the Commercial designation being reduced from 11.3 acres to 6.62 acres, and the remaining 4.68 acres of existing Commercially designated land being designated as Residential;

Attachments:
Attachment A: Ordinance No. 5084 including Exhibit A – CPA 1-19 Decision Document
Attachment B: Ordinance No. 5085 including Exhibit A – ZC 1-19 Decision Document
Attachment C: Ordinance No. 5086 including Exhibit A – PDA 2-19 Decision Document
Attachment D: Ordinance No. 5087 including Exhibit A – PD 1-19 Decision Document
Attachment E: Ordinance No. 5088 including Exhibit A – S 1-19 Decision Document
Attachment F: Ordinance No. 5089 including Exhibit A – L 12-19 Decision Document
Attachment G: Public Notices
Attachment H: Agency Comments (McMinnville Water and Light; All other agency comments provided in Decision Documents)
Attachment I: Public Testimony
Attachment J: Draft Planning Commission Minutes, December 5, 2019
Attachment K: CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Application Materials

2) **Ordinance No. 5085: ZC 1-19, Zone Change** from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential);

3) **Ordinance No. 5086: PDA 2-19, Planned Development Amendment** to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site;

4) **Ordinance No. 5087: PD 1-19, Planned Development** to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on the proposed 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities;

5) **Ordinance No. 5088: S 1-19, Tentative Subdivision** to allow for a 10-phase subdivision including a total of 280 single family detached dwelling units, public right-of-way improvements, and open spaces consistent with the proposed Planned Development plan;

6) **Ordinance No. 5089: L 12-19, Landscape Plan Review** for the landscaping of proposed open space tracts within the subdivision phases and a street tree plan for the planting of street trees in the planter strips within the right-of-way adjacent to the single family dwelling unit lots.

Although all land-use applications support one larger commercial and residential development being referred to as Baker Creek North, they each need to be treated as individual land-use decisions and are governed by different regulations and criteria.

Since some of the land-use decisions are dependent upon the successful approval of another land-use decision, the order of consideration and approval should be:

- CPA 1-19 – Comprehensive Plan Map Amendment
- ZC 1-19 – Zone Change
- PDA 2-19 – Planned Development Amendment
- PD 1-19 – Planned Development
- S 1-19 – Tentative Subdivision
- L 12-19 – Landscape Plan, Tree Removal, and Street Tree Plan

The six land use applications were submitted by the applicant for concurrent review, as allowed by Section 17.72.070 of the MMC. When applications are submitted for concurrent review, the applications are subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission is making a recommendation to the City Council for all six land-use applications, and City Council will take final action on all six applications.

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Following the public hearing on December 5, 2019, the Planning Commission deliberated and then took action on each of the six land use applications referenced above. The Planning Commission recommended approval of each of the six land use applications to the City Council, subject to conditions of approval.

Per the McMinnville Municipal Code (MMC), these recommendations will be brought to the City Council in the form of ordinances at the City Council meeting on January 14, 2020. Because the Baker Creek North project involves multiple land use applications and a larger volume of materials, staff will provide an in-depth presentation on the application materials and the recommendation from the Planning Commission at the January 14, 2020 City Council meeting.

Based on direction from the City Council at their meeting on Tuesday, December 10, 2019, staff is scheduling another public hearing for the Baker Creek North land use applications at the City Council level. **That public hearing will be scheduled for the regular City Council meeting on Tuesday, January 28, 2020**. The City Council will need to close the public hearing and take action on the applications that same night in order to meet the City's 120-day decision timeframe required by state statute (ORS 227.178), which expires on February 8, 2020.

There will be no public hearing or opportunity for public testimony at the January 14, 2020 meeting. The January 14, 2020 meeting will only include a detailed staff presentation to familiarize the City Council and public with the application materials and the recommendation from the Planning Commission. A more abbreviated version of the staff report will then be provided during the public hearing on January 28, 2020, followed by the typical process for a public hearing that provides an opportunity for applicant and public testimony prior to the City Council's deliberation and action.

Background:

The subject site includes approximately 70.26 acres of land. Of those 70.26 acres, 48.7 acres are proposed to be zoned R-4 (Multiple Family Residential), 6.62 acres are proposed to be zoned C-3 (General Commercial), and 14.92 acres are proposed to be dedicated as a public park.

The 48.7 acre R-4 portion of the site is also proposed to be included in a new Planned Development (PD 1-19) that will allow for the development of 280 single family detached dwelling units, which is shown as a ten phase subdivision in the Tentative Subdivision (S 1-19) plans. The 14.92 acre parcel that is proposed to be dedicated as a public park would be dedicated at the time of platting a subdivision phase within this residential Planned Development Overlay District.

The 6.62 acre C-3 portion of the site is currently subject to a Planned Development Overlay District regulated by Ordinance 4633. The applicant is proposing to amend this existing Planned Development Overlay District by reducing its size to be the same size as the 6.62 acre C-3 portion of the Baker Creek North site, and also by amending existing conditions of approval in Ordinance 4633 that regulate uses allowed and development of the commercial property within the Planned Development Overlay District. The 6.62 acre C-3 portion of the site would be located in a separate Planned Development Overlay District than the remaining 48.7 acre R-4 portion of the site. Specific development plans have not been

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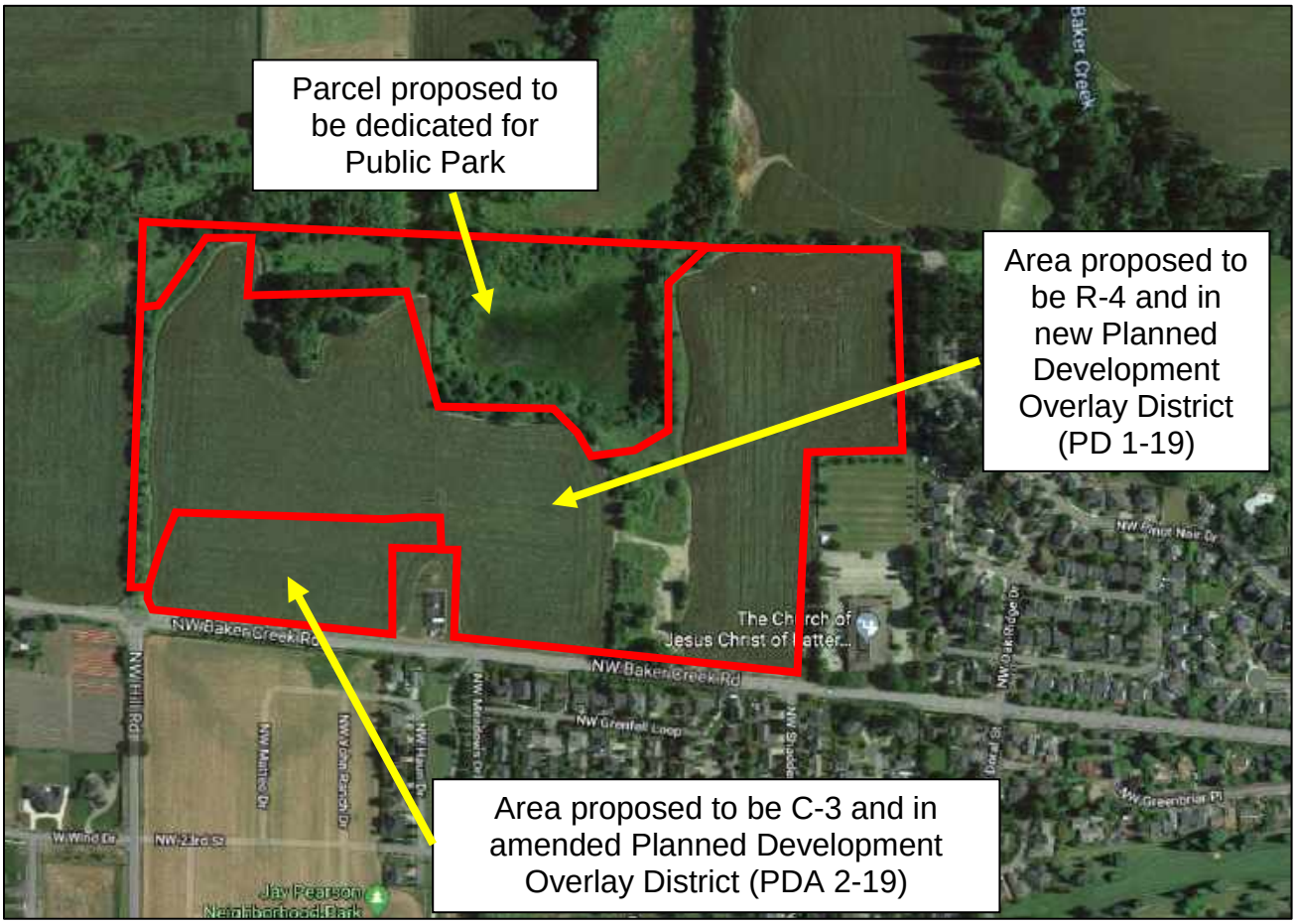
submitted for the 6.62 acre C-3 portion of the site, and would be required at a later time (this will be discussed in more detail below).

The site is generally located northeast of the intersection of Baker Creek Road and Hill Road. The entire site is currently undeveloped. ***See Figure 1 (Vicinity Map) below.***

Figure 1. Vicinity Map (Subject Site Areas Approximate)



Attachments:
Attachment A: Ordinance No. 5084 including Exhibit A – CPA 1-19 Decision Document
Attachment B: Ordinance No. 5085 including Exhibit A – ZC 1-19 Decision Document
Attachment C: Ordinance No. 5086 including Exhibit A – PDA 2-19 Decision Document
Attachment D: Ordinance No. 5087 including Exhibit A – PD 1-19 Decision Document
Attachment E: Ordinance No. 5088 including Exhibit A – S 1-19 Decision Document
Attachment F: Ordinance No. 5089 including Exhibit A – L 12-19 Decision Document
Attachment G: Public Notices
Attachment H: Agency Comments (McMinnville Water and Light; All other agency comments provided in Decision Documents)
Attachment I: Public Testimony
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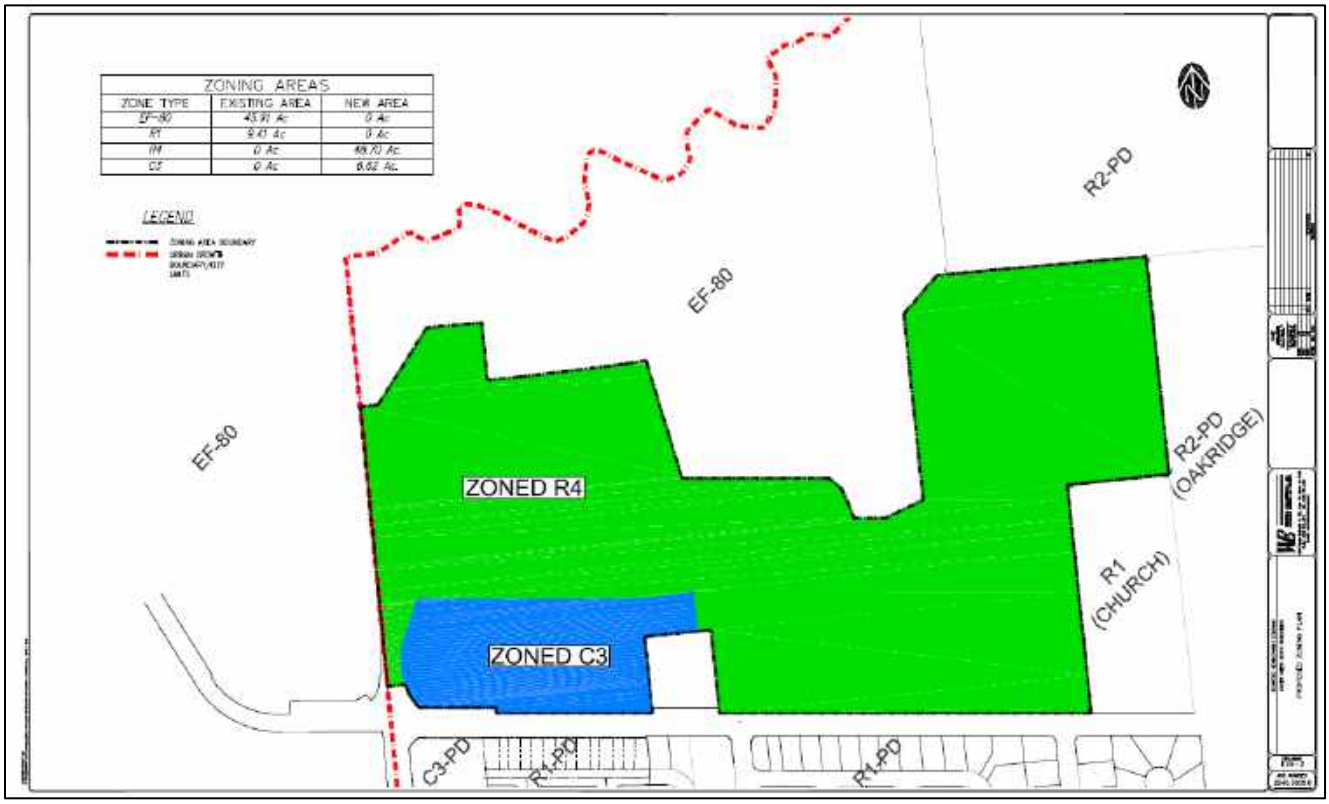
The zoning as proposed is identified in Figure 2 below. The Comprehensive Plan Map amendments proposed by the applicant would correspond with the proposed zoning map, with the C-3 portion of the site being designated as Commercial and the remainder of the site being designated as Residential.

Figure 2. Proposed Zoning



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The development plan associated with the Planned Development (PD 1-19), and as shown in the corresponding Tentative Subdivision (S 1-19) plans, would result in the development of 280 single family detached dwelling units. The plans also include the creation of 18 open space tracts that provide recreational space, pedestrian connectivity, and natural open space in various locations throughout the Planned Development Overlay District. The proposed development plan is identified in Figure 3 below.

Figure 3. Proposed Development Plan

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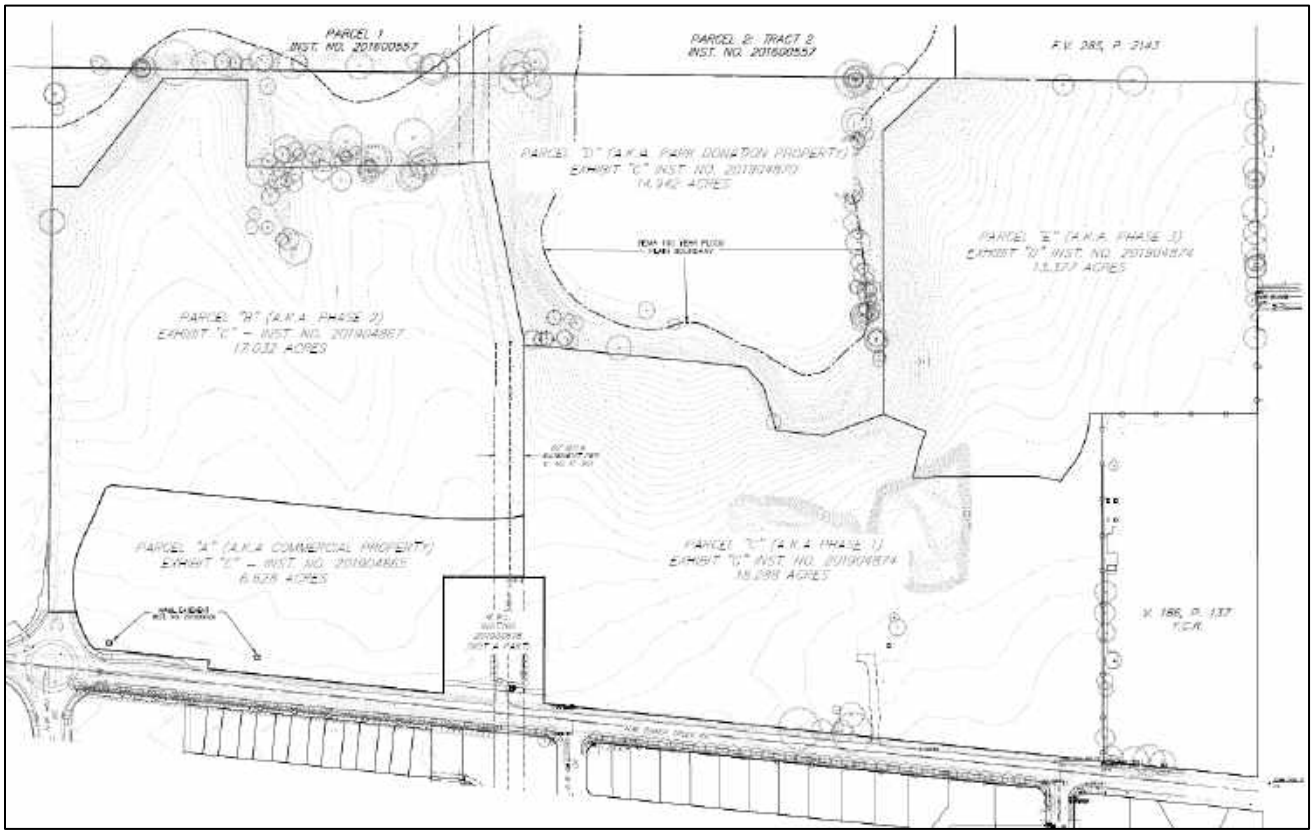
The Planned Development (PD 1-19) application includes a description of the dedication of a parcel for a public park. This parcel is not proposed to be included in the Planned Development Overlay District, because it exists today as a parcel and will not need to be created as a tract during future subdivision of the property, if the land-use applications are approved as proposed. This park dedication parcel is identified as "Parcel D" in Figure 4 below.

Figure 4. Proposed Park Dedication Parcel (Parcel D)



Discussion:

Decisions and/or recommendations for approval of all six land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are six different decision documents that provide the Findings of Fact and Conclusionary Findings for each land-use application. These documents outline the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

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Applicable Review Criteria

Comprehensive Plan Map Amendment and Zone Change

The Comprehensive Plan Map Amendment (CPA 1-19) and Zone Change (ZC 1-19) requests are subject to the review criteria in Section 17.74.020 of the MMC and require the applicant to demonstrate that:

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 serve 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 statute), 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.

Planned Development and Planned Development Amendment

The applicant is also requesting the application of two Planned Development Overlay Districts (PD 1-19 and PDA 2-19) on portions of the subject site. A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the MMC. For subdivisions that are part of a Planned Development Overlay District they need to meet the criteria in the MMC, including compliance with the standards for subdivisions and the zoning district unless amended standards have been adopted as part of the Planned Development Overlay District. The applicant has provided a request for a Tentative Subdivision (S 1-19) that is consistent with the new Planned Development Overlay District (PD 1-19) requested for concurrent review.

Generally, 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.

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard subdivision application against the zoning departures requested. It should be noted that the MMC does not contain mechanisms to achieve many of the additional benefits possible through Planned Development outside of that process.

The specific review criteria for a Planned Development in Section 17.51.030(C) of the McMinnville Municipal Code require the City Council to determine that:

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

As mentioned above, the land-use application submittals include both a request for a new Planned Development Overlay District (48.7 acres of residential property) and a request for a Planned Development Amendment (PDA 2-19) to amend an existing Planned Development Overlay District that is currently regulated by Ordinance 4633 (6.62 acres of commercial property). Therefore, the land-use applications as requested would result in two separate Planned Development Overlay Districts on different portions of the subject site.

The Planned Development Amendment application (PDA 2-19) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the MMC, which are the same as the criteria for a new Planned Development, as referenced above. The specific review criteria for Planned Development Amendments in Section 17.74.070 of the MMC require the applicant to demonstrate that:

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.

Tentative Subdivision

Applications for a Tentative Subdivision are subject to the standards in Chapter 17.53 (Land Division Standards) of the MMC. In addition, the tentative subdivision should be consistent with any Planned Development Overlay District, which is the case in this situation.

Landscape Plan

The landscape plan submitted for review includes a few different components under different sections of the MMC. The landscape plan includes proposed trees to be removed during the development of the site, proposed landscaping within open space tracts, and a proposed street tree plan for the planting of street trees in the planter strips within the right-of-way.

The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the MMC. Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
B. The tree is in conflict with public improvements.
C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The Street Tree Plan is subject to applicable criteria and standards found in Chapter 17.58 (Trees) of the MMC. As it relates to street trees, the purpose of Chapter 17.58 is to establish and maintain the maximum amount of tree cover on public and private land in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the city; to increase property values and build stronger ties within neighborhoods; and to promote a diverse, healthy, and sustainable community forest.

The Landscape Plan is subject to landscaping planning factors found in Section 17.57.070 (Area Determination – Planning Factors) of the MMC. The specific planning factors required to be taken under consideration for the review of the landscape plan are below:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

Analysis of Land-Use Requests

The applicant has provided extensive narrative and findings to support the requests for the six land-use applications described above. The applicant's narrative and findings are provided in their application materials. The Planning Commission has reviewed and recommended Decision Documents for each land-use application and request, where the applicant's findings are reiterated and in some cases refined or amended with a condition of approval in order to meet the applicable Comprehensive Plan policies and review criteria. The detailed analysis and the Planning Commission's recommended findings and conditions of approval are contained in each Decision Document attached to this staff report, but staff has also provided an overview of each land-use application and the Planning Commission recommendation below.

Staff would remind the City Council that, because each application is being reviewed and considered separately, that one application could move forward for approval without the following applications being approved. Therefore, in some cases staff and the Planning Commission are suggesting that a decision on a land-use application is not rendered, and does not take effect, until and unless other applications (submitted for concurrent review) are also approved by the City Council. This will be discussed in more detail below where applicable.

Comprehensive Plan Map Amendment (CPA 1-19)

The applicant is requesting an amendment of the Comprehensive Plan Map to reduce the size of an existing 11.3 acre Commercially designated area to a 6.62 acre Commercially designated area. The remaining 4.76 acres of the existing Commercially designated area would be amended to a Residential Comprehensive Plan Map designation.

Overall, the request would provide for additional residential land within the city. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 buildable acres of residential land deficit. The most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial

land within the McMinnville Urban Growth Boundary of 35.8 acres. While both land types (residential and commercial) are identified as needed, the need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "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." The reduction of the Commercial designation is supported by this, because the housing policies are required to be given added emphasis and the proposal would result in additional residential land. Also, the reduced size of the Commercially designated area would better support neighborhood and community serving commercial uses on the property, which are intended to be developed by the applicant and will be discussed in more detail in the Planned Development Amendment request below.

Zone Change (ZC 1-19)

The applicant is requesting to rezone the subject site from its existing R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) zones to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential). The C-3 zone would coincide with the area proposed to be designated as Commercial on the Comprehensive Plan Map.

The portion of the site proposed to be zoned C-3 would allow for the development of commercial uses on the site that would provide commercial uses and services in an area of the city that is currently lacking in those types of uses and services. The proposed zone change meets the Comprehensive Plan policies related to McMinnville's economy and allows for the continued growth and diversification of the commercial and employment uses within the city. However, the proposed C-3 zone may not achieve the maximum efficiency of the land or allow for appropriate commercial uses that are compatible with adjacent land uses. This is addressed partly in the applicant's Planned Development Amendment request, where the applicant proposes to develop neighborhood commercial uses and multiple family dwelling units on the subject site. The C-3 zone would allow for those types of uses to be developed, but would also permit a number of other commercial uses that may not be compatible with the surrounding area.

The portion of the site that is proposed to be zoned R-4 meets most of the locational requirements in the Comprehensive Plan for higher density housing. The site is located on an arterial street and a future transit route, and will be located adjacent to commercial uses and services (the C-3 zoned portion of the Baker Creek North site). The site is not subject to any development limitations, as the R-4 zoned area is located south of the Baker Creek riparian and floodplain areas. However, there are some locational requirements that are not currently achieved by the site. The site is not currently adjacent to any private or public open space, and because the zone change is considered independent of any specific

development plan, it has not been identified that the site can be buffered from adjacent lower density residential uses.

In addition, the applicant submitted a traffic impact analysis that identified that the surrounding transportation network had capacity to support the development of the site under the proposed C-3 and R-4 zone. However, the traffic analysis only analyzed the transportation network's capacity for the development of 280 homes (associated with the concurrent Planned Development request) and the adjacent commercial parcel. The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review.

To address the issues of compatible and appropriate commercial uses, the high density housing locational requirements, and the ability for the surrounding transportation network to support the development allowed in the proposed zones, a condition of approval is suggested to state that the decision for approval of the Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council. The Planned Development and Planned Development Amendment applications address these issues, as will be discussed in more detail below.

Planned Development Amendment (PDA 2-19)

The applicant is proposing to amend an existing Planned Development Overlay District regulated by Ordinance 4633 to reduce the size to be consistent with the proposed 6.62 acre C-3 portion of the site (as described above), and also to amend existing conditions of approval to allow up to 120 multiple family dwelling units on the site and require a minimum of 2 acres of neighborhood commercial uses. The existing Planned Development Overlay District includes the following conditions:

1. That development of the site is subject to the requirements of McMinnville Ordinance No. 4605, Section 2(a) – (g).
2. That no multiple-family residential use shall be allowed on the site

The reference to Ordinance 4605 was a clerical error, and was intended to reference Ordinance 4506. Ordinance 4506 provided design and development standards in Section 2(a) – (g), which were as follows:

a. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines where adjacent to residentially zoned lands.
b. Detailed plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible.
c. No use of any retail commercial use shall normally occur between the hours of 12:30 a.m. and 6:00 a.m.

d. No building shall exceed the height of 35 feet.
e. That if outside lighting is to be provided, it must be directed away from residential areas and public streets.
f. That signs located within the planned development site be subject to the following limitations:
    1. All signs must be flush against the building and not protrude more than 12 inches from the building face, except that up to two free standing monument-type signs not more than six feet in height and which meet the requirements of (2) and (3) below are allowed;
    2. All signs, if illuminated, must be indirectly illuminated and nonflashing;
    3. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
g. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
    1. Off-street parking and loading;
    2. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.

Overall, the applicant's proposal has special objectives that would be consistent with applicable Comprehensive Plan goals and policies. The applicant is proposing to develop the site with neighborhood commercial uses, which is supported by Comprehensive Plan policies and would provide a type of commercial use and service in the city that is currently not provided in this area. The development of multiple family dwelling units on the subject site could also allow for more efficient and maximum use of the commercial property. The site meets the locational requirements for higher density housing, similarly to the arguments provided for the Zone Change (ZC 1-19) above. However, there are a number of Comprehensive Plan policies that the Planning Commission did not find to be adequately addressed in the applicant's request to create an opportunity for maximum efficiency and potentially more intense development of the subject site. The Planning Commission did find that the Comprehensive Plan policies related to avoiding auto-oriented strip development (Policy 24.00), reducing conflicts with adjacent land uses (Policy 25.00), providing appropriate sizes and scales of commercial uses (Policy 26.00), providing neighborhood commercial uses in residential areas (Policy 27.00), and addressing access, circulation, and pedestrian/bicycle design aspects of commercial development (Policies 29.00, 30.00, and 31.00) can all be achieved if the commercial site is designed appropriately.

To address these concerns, and also meet the applicable Planned Development Amendment review criteria related to the development providing special objectives that warrant a departure from the underlying requirements (the existing conditions of approval in Ordinance 4633), the Planning Commission is recommending a number of conditions of approval. The recommended conditions of approval would allow for multiple family dwellings on the commercial site, if they are integrated with neighborhood commercial uses through a mixed use building or in a development plan that integrates the uses between buildings. The conditions of approval would also define what neighborhood commercial uses are within this Planned Development Overlay District, because the applicant had not specified what those uses could be. The condition does provide an opportunity for the applicant to request additional uses to be considered neighborhood commercial uses at the time that they submit their development plans for review. The conditions of approval also include a number of site and building design standards to ensure that the commercial and mixed used development meets all applicable Comprehensive Plan policies, and that the resulting development within the Planned Development Overlay District achieves a special objective that is required by the Planned Development review criteria

to allow for a departure from the standard regulation requirements. The Planning Commission did decide to revise the staff-suggested condition of approval slightly, and are recommending that some language be included that allows for the applicant to submit detailed development plans that differ from the site and building design standards, which would be reviewed by the Planning Commission in the future to determine whether the alternative site and building designs proposed at that time meet the intent of the required site and building design standards. The intent of this is to allow for flexibility in the future development of the site to respond to market conditions, but would still allow for the Planning Commission to make the final decision on the proposed alternative designs.

Staff would note that the existing Planned Development Overlay District was adopted following a series of past land-use applications, which is explained in more detail in the PDA 2-19 Decision Document. In response to the past land use planning and a previous identification of a need for five acres of commercial development in this area of the city (per Ordinance 4506), the Planning Commission is recommending that the minimum amount of neighborhood commercial use within the Planned Development Overlay District be five acres. More specifically, the Planning Commission is recommending a condition to require that five acres of the site retain, at a minimum, ground floor commercial uses and that multiple family dwelling units be allowed on the remainder of the site as part of a mixed use development.

In regards to allowing multiple family dwelling units that are currently prohibited by Ordinance 4633, the Planning Commission has found that the conditions within the City of McMinnville have changed significantly since the time the Planned Development Overlay District was originally adopted in 1996. Since that time, the City has completed studies and analyses of the availability of land for the development of residential uses. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit. The City has also completed more recent updates to the Residential Buildable Lands Inventory, which was reference by the applicant. While that analysis has not yet been acknowledged, it also identifies a need for additional land for the development of residential uses. The proposed amendment to allow multiple family dwelling units on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

The specific conditions of approval recommended by the Planning Commission are provided below.

Planned Development (PD 1-19)

The applicant has requested the approval of a new Planned Development Overlay District that would allow for the development of 280 single family detached dwellings. The Planned Development includes requests for a number of modifications of underlying zoning requirements including reductions in minimum lot sizes, the use of lot size averaging, exceptions to typical lot dimensions, reduced side yard setbacks, reduced lot frontages, increased number of lots utilizing an access easement, increased maximum driveway widths, increased block lengths and block perimeters, and reduced setbacks between

street trees and utilities. The Planned Development includes the creation of 18 open space tracts that will provide recreational amenities, pedestrian connections, and preservation of natural open space. In addition, the applicant is proposing to dedicate a parcel adjacent to the developed portion of the Planned Development Overlay District for a public park as identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan.

A major component of the Planned Development plan that requires modifications from the underlying zoning requirements is related to the lot sizes, orientation, and development pattern proposed. The applicant is proposing 7 different typical lot types that differ in lot width and size, ranging from 26 feet in width to 70 feet in width and ranging from 2,340 square feet in size to 17,977 square feet in size. The 7 different lot types are proposed to be located throughout the Planned Development Overlay District, but are generally arranged in a manner that transitions in density from a higher density on the southern portion of the site to a lower density on the northern portion of the site. This orientation places higher density near the arterial street (Baker Creek Road) which is identified as a future transit route, and places lower density on the portions of the site that begin to slope downward toward the Baker Creek riparian and floodplain areas that are more environmentally sensitive. The development plan does not include any development within any mapped waterway, wetland, or floodplain, but some of these lands are proposed to be preserved within the parcel that will be dedicated to the City for use as a public park.

Overall, the Planning Commission has found that the proposed planned development would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning requirements. The proposal would provide greater flexibility and greater freedom of design in the development of land; encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage the developer to use a creative approach 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.

The range of different lot types provides an opportunity for the provision of a variety of housing types and sizes, which will also provide an opportunity for housing products at a wider range of price points. However, the lot sizes and dimensions proposed do vary from the requirements of the underlying R-4 zone. The narrower lots (26 feet and 30 feet in width) are proposed to be alley loaded, which will mitigate potential vehicle conflicts with the pedestrian environment in the sidewalk space and also will result in an aesthetic where the dwelling unit front façades are not dominated by garages. In order to ensure that the denser lot development pattern does not result in a cookie-cutter pattern of single family residential development, the Planning Commission is recommending conditions of approval that would require architectural design standards and a review process for proposed building elevations by the Planning Director. In addition, no similar home design would be allowed to be built in adjacency to another, including both sides of the street.

To make up for the reduced lot sizes and setbacks within the Planned Development, the proposal includes the creation of 18 open space tracts and the dedication of one additional 14.92 acre parcel for use as a public park. These open space tracts would not be required under typical zoning requirements, so they provide a benefit to the entire community that would not be achieved under a standard subdivision. Staff and the Planning Commission are suggesting that the City accept ownership of four of

the proposed open space tracts and the proposed park dedication parcel (Parcel D). Within these tracts, the applicant is proposing to extend the BPA pedestrian and bicycle trail to the north from its current terminus on the south side of Baker Creek Road. The BPA trail would extend to the north through the center of the new Planned Development Overlay District and terminate with a trailhead within the park dedication parcel. From that point, a natural bark chip trail is proposed to be developed generally around the perimeter of the floodplain area within the park dedication parcel. This natural bark chip trail would connect to a parcel to be created in the approved and planned Oak Ridge Meadows subdivision to the northeast. The development and dedication of these tracts will allow for park improvements that are identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan, including the BPA trail extension, a special use park, and a greenway trail connection between the BPA trail and Tice Park (in the future). In addition to these public improvements, other open space tracts would be developed, which would be private, to provide recreation areas, pedestrian connections, and natural open space for residents within the Planned Development Overlay District. The Planning Commission is recommending conditions of approval that would specify the improvements that would be provided in the public and private open space tracts and parcel.

Natural features are proposed to be preserved within the Planned Development Overlay District. Stands of large, mature trees are proposed to be preserved within open space tracts and in rear yards of some of the larger lots. The Planning Commission is recommending a condition of approval to require that any additional tree removal be reviewed and approved by the Planning Director prior to removal. Another natural feature proposed to be preserved through the Planned Development is the sloped area along the northern portion of the site, which slopes downward toward the Baker Creek riparian and floodplain area. Larger lots are proposed in this area to better preserve the sloped area, and conditions of approval are included to require that additional geo-technical analysis occur on the sloped portions of the site prior to development, as recommended in the Geo-Technical Report provided in the application materials.

The unique lot development pattern includes alley loaded lots, as described above, as well as some blocks that exceed maximum block length and maximum block perimeter length. The alley loaded lots will minimize vehicular conflicts, and a condition of approval is recommended by the Planning Commission to require that these alleys be privately maintained as they will only be providing access to the dwelling units that are located adjacent to them. A condition of approval is also recommended by the Planning Commission to allow for block length and block perimeter length to be exceeded. This is based on the proposed open space tracts and the fact that mid-block pedestrian connections are proposed in any location where block lengths are exceeded. One other component of the public right-of-way improvements that was requested by the applicant was driveway widths that exceed the maximum width allowed by the MMC. The Planning Commission did not agree with the applicant's request for wider driveways on each lot, and has recommended a condition of approval to allow for wider driveways on the private lots, but that, except for the 40 foot wide lots, the driveway tapers down at the property line and not exceed the maximum driveway width allowed between the property line and the street. This will reduce driveway openings and crossing of the sidewalk space, and will provide additional space for utilities and street trees within the right-of-way.

With the conditions of approval described above, the Planning Commission has found that the proposed planned development would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict

interpretation of the zoning ordinance, and would achieve the Planned Development review criteria and Comprehensive Plan policies. The specific conditions of approval recommended by the Planning Commission are provided below.

Tentative Subdivision (S 1-19)

As discussed above, the applicant has requested the approval of a new Planned Development Overlay District that would allow for the development of 280 single family detached dwellings. The applicant has also submitted a request for a Tentative Subdivision (S 1-19) that is consistent with the Planned Development plans. The subdivision plans include more specific detail on right-of-way improvements and lot platting that would carry out the Planned Development plans. The tentative subdivision plan identifies the development of the 280 single family lots and 18 open space tracts in ten phases. The Planning Commission has found that the subdivision plans are consistent with the Planned Development (PD 1-19), and if that is approved, the tentative subdivision plans could be approved.

The Planning Commission is recommending some conditions of approval that are more typical of the subdivision process to require proper documents to be prepared to allow for the maintenance of open space tracts (Covenants, Conditions, and Restrictions (CC&Rs) and a Homeowner's Association), allow the subdivision phasing proposed and include a timeframe for final platting, require some minor amendments to and clarification of public right-of-way improvements (intersection angles, alleys in private tracts or easements, street profiles, and right-of-way dedication), describe right-of-way improvements required, and describe the process to be followed during improvements and final platting. The Planning Commission is recommending that the conditions of approval related to residential building architectural design from the Planned Development (PD 1-19) also be included in the Tentative Subdivision (S 1-19) approval. In addition, the Planning Commission is recommending a condition of approval to require that 25 percent of the lots within each subdivision phase be offered for sale to provide an opportunity for housing variety within each subdivision phase.

Finally, a condition of approval is recommended to state that the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.

The specific conditions of approval recommended by the Planning Commission are provided below.

Landscape Plan (L 12-19)

As discussed above, the landscape plan submitted for review includes a few different components under different sections of the MMC. The landscape plan includes proposed trees to be removed during the development of the site, proposed landscaping within open space tracts, and a proposed street tree plan for the planting of street trees in the planter strips within the right-of-way.

The applicant is requesting the removal of 17 deciduous trees, primarily native white oaks, from the subject property as part of the proposed development project. Thirteen (13) of the trees are located in or immediately adjacent to proposed street and right-of-way improvements. The additional four (4) trees requested for removal are located within proposed building envelopes on lots. Construction of the streets

and right-of-way improvements and building construction would necessitate the removal of the trees from those areas. If the planned development and subdivision applications are approved, then the tree removal request would meet the criterion related to the removal being part of an approved development project. Conditions of approval have been included to clarify the applicant's responsibility, ensure safety, and limit the trees approved for removal to the 17 identified on the plan.

The Street Tree Plan submitted by the applicant proposes street trees located along the public rights-of-way within and adjacent to the proposed Baker Creek North Planned Development and subdivision. The trees specified on the plan are either found on the recently updated McMinnville Street Tree List (approved by Resolution 2019-26), or exhibit preferred characteristics of street trees. The six (6) specified street tree selections are all appropriate species.

Generally, the location and spacing of street trees in the subdivision would provide tree lined streets and minimize conflict with public improvements. Street trees have been placed in appropriate locations, taking into account public improvements within the right-of-way. Conditions of approval have been included to identify other locations where additional trees may be appropriate to maximize the number of street trees provided, and to ensure street trees do not conflict with the transmission line easement that runs through the planned development.

The spacing of the street trees throughout the subdivision is approximately 30 feet when not disrupted by setbacks from improvements. Thirty (30) feet is the standard maximum spacing for medium street trees allowed by the zoning ordinance, but it exceeds the maximum standard spacing of 20 feet for small stature street trees. Varying lot sizes and driveway and utility locations create some distances between trees greater than 30 feet. To achieve the tree spacing that is shown on the street tree plan, the applicant has proposed modifications to the setback standards from water meters and driveways. Additional root barrier is required when trees are within the standard setbacks from those improvements. Conditions of approval for the street tree plan have been included to allow some modification to spacing standards and to ensure compliance to other applicable street tree standards.

The applicant has proposed landscaping for 17 of the 18 common area tracts found throughout the proposed planned development. The landscape plans specify planting and amenities for open space areas that include playgrounds, active and passive recreation spaces, pedestrian access ways, a stormwater detention area, subdivision entry and perimeter planting, and a preserved native oak grove. The plants specified throughout the common area tracts are a mix of native and ornamental plants that would provide seasonal interest, define and support the intended purpose of the tracts, and screen and buffer uses as appropriate. Generally, staff found the proposed landscaping to be compatible with the project and surrounding properties. Conditions of approval have been included to ensure that landscaping and amenities adjacent to and within the transmission line easement and adjacent to the electric substation are sized and located to help avoid future conflict. A condition of approval requires landscaping in Pump Station Tract G, the only common area tract that landscaping was not proposed for. The applicant has provided an irrigation plan specifying an automatic irrigation system for the majority of proposed landscaping. A condition of approval requires the extension of the automatic irrigation system to Tract S.

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Finally, conditions of approval are included to require the submittal of a revised landscape plan reflecting revisions to the plan and conditions of approval to the Planning Department for final approval, and that the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.

Planning Commission's Recommended Conditions of Approval

Comprehensive Plan Map Amendment (CPA 1-19)

None.

Zone Change (ZC 1-19)

1. That the decision for approval of Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council.

Planned Development Amendment (PDA 2-19)

1. Ordinance 4633 is repealed in its entirety.

2. That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. "Integrated" means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are 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 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

4. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when

detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.

a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.
c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of 45 feet without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.
d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.
g. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.
h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site

that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.

i. That signs located within the planned development site be subject to the following limitations:
    1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
    2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
    3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
    4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
    5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
    6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
    7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.
        A. Awning Sign
            i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
            ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
            iii. Lettering and signboard may be integrated along the valance or awning fascia.
        B. Projecting and Blade Sign
            i. Maximum sign area shall be 4 square feet (per side).

ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.

iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.

iv. Distance from building wall to signboard shall be a maximum of 6 inches.

v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.

vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.

ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.

iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.

j. Outside lighting must be directed away from residential areas and public streets.

5. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.

6. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
   a. Off-street parking and loading;
   b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
   c. Seating for food and beverage establishments; and
   d. Food carts.

7. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road.

8. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will

be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

Planned Development (PD 1-19)

1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.

3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
    a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
    b. SFD-45: Minimum 4 foot side yard setback
    c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
    d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback

4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric Code (NEC) clearances.

5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.

6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a

Homeowner's Association (HOA) for the benefit of the public until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park land to the City of McMinnville.

7. That the tracts and parcel dedicated as public park and open space are improved to City standards prior to dedication to the City of McMinnville. Specifically, the following improvements are required in the following tracts and parcel:
    a. Tract I – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    b. Tract J - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    c. Tract K – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract

documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.

e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Track I, Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.

f. Tract G – This tract is identified for a sanitary sewer pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. The proposed sanitary sewer pump station site also appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained.

8. That the private open space and recreational tracts be improved or preserved as shown in the Planned Development plans. Specifically, the following improvements are required in the following tracts:

   a. Tract A – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.

   b. Tract B – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment, open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.

   c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.

   d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.

e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
m. Tract S – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.

9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. A development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted to the City for review and approval of the design and engineering prior to construction.

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10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.

11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.

12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.

14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.

    That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements

(i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision, as identified in Drawing L 1.0, Drawing L4.0, Drawing L 5.0, Drawing L6.0, and the tree protection detail in Drawing L6.0 and approved as part of L 12-19 as part of this development project.

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

15. That lots with less than 40 feet of street frontage shall be accessed from an alley / alley loaded.

16. That all alleys will be private. Any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.

17. That Lots 206 – 210 shall be allowed to share one private access drive. The access drive shall be provided within an access easement and be maintained by the properties utilizing the access drive for access.

18. That driveways on each private lot shall be the maximum width requested by the applicant depending on the type of lot. Except for SFD-40 lots, the driveway width shall be tapered down at the property line and not exceed the maximum 40 percent driveway width required by Section 12.20.030(B) between the property line and the street. SFD-40 lots may have maximum driveway widths of 20 feet between the property line and the street. The maximum driveway width on the private lot for each lot type shall be:
    a. SFD-70 and SFD-60 Lots: 30 feet wide driveways
    b. SFD-50 and SFD-40 Lots: 20 feet wide driveways
    c. SFD-45 Lots: 18 feet wide driveways
    d. SFD-30a & SFD-26a Lots: Driveways the same width of the dwelling, and only providing access from an alley

    Variances to driveway width and location due to unique lot configurations may be requested through the process in Section 12.20.080 (Variances-issuance conditions-City Engineer authority) of the McMinnville Municipal Code. Variances will be required for lots that have reduced frontage dimensions on curved corners of streets (Mercia Street, Charles Street, and Edgar Street) and for some corner lots.

19. That the maximum block length within the Baker Creek North Planned Development shall be 645 feet and the maximum block perimeter shall be 2,325 feet.

20. All front facades and public facing building elevations must meet the following design standards.

    Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

    The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

    a. Style and Massing
        i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
            1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
    b. Quality and Type of Exterior Materials
        i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
        ii. A minimum of two types of building materials shall be used on the front elevations.
        iii. Elevations shall have trim, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
        iv. In addition, elevations will include at least four of the following.
            1. Windows – mullions, trim, orientation, sashes
            2. Gables
            3. Dormers
            4. Architectural bays
            5. Awnings made of fabric, metal or wood-framed
            6. Change in wall planes
            7. Ground floor wall lights/sconces
            8. Transom windows
            9. Balconies or decks
            10. Columns or pilasters – not decorative
    c. Front Porches / Entry Areas
        i. Front porches shall be at least 36 square feet in area, with a minimum dimension of 6 feet by 6 feet.
        ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
        iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.

d. Roof Design and Materials
    i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
    ii. Elevations shall contain more than one single, continuous ridgeline or eave.
e. Exterior Doors and Windows
    i. Windows shall be provided on all elevations and blank walls will be avoided.
f. Garage Door Types
    i. Pair garages where possible to maximize planting strip and potential for street trees.
    ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
    iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
        1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
        2. The building includes one of the following:
            a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
            b. A covered balcony above the garage that is:
                i. At least the same length as the street-facing garage wall;
                ii. At least 6 feet deep; and
                iii. Accessible from the interior living area of the dwelling unit.
            c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
                i. Change in elevation of roof ridges
                ii. Change in direction of roof ridges
                iii. Eave overhangs of over 12 inches
                iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
                v. Porch of at least 48 square feet in area
                vi. Dormer or bay windows
                vii. Shutters on all windows
                viii. Accent siding
                ix. Decorative gable vents
                x. Garage doors with windows and decorative paneling
                xi. Decorative front door (minimum 25 percent glazing)
                xii. Front door with transom and sidelight windows
    iv. Garages shall be recessed from entrances or covered front porches.
g. Exterior Lighting
h. Sample Exterior Colors

i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

21. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

    Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

Tentative Subdivision (S 1-19)

1. That the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.

2. 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 Planning Director as required as part of L 12-19 as part of this development project for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Planning Director, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

    A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.

B. Each year the applicant shall install street trees, from October 1 to April 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.
C. It shall be the applicant's responsibility to relocate street 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.

3. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval.

4. 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. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public park (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

5. That plat phasing is approved as depicted in Drawing EXH-6 in the applicant's submittal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

6. That the Tentative Subdivision Plan, Phase 1A shall expire two (2) years from the date this decision is final without appeal and the decision of PD 1-19 is final without appeal. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), 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.

7. That each subsequent phase of the subdivision, following Phase 1A, shall expire five (5) years from the date of this approval, which extends past 2024 as proposed in the application materials. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), 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.

Attachments:
Attachment A: Ordinance No. 5084 including Exhibit A – CPA 1-19 Decision Document
Attachment B: Ordinance No. 5085 including Exhibit A – ZC 1-19 Decision Document
Attachment C: Ordinance No. 5086 including Exhibit A – PDA 2-19 Decision Document
Attachment D: Ordinance No. 5087 including Exhibit A – PD 1-19 Decision Document
Attachment E: Ordinance No. 5088 including Exhibit A – S 1-19 Decision Document
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Attachment G: Public Notices
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Attachment K: CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Application Materials

8. That the applicant shall provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale for a period of six months for each subdivision phase. The applicant shall provide information detailing the number of lots that will be made available for individual sale for review and approval by the Planning Director prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.

9. That the public and private open space tracts shall be constructed per the specifications outlined the conditions of approval for the Planned Development Overlay District (PD 1-19).

10. That the required greenway trail system and access ways within and connecting to the dedicated public park parcel (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be constructed prior to the issuance of building permits for Phase 2A or Phase 3A per Section 17.53.075(D) of the McMinnville Municipal Code.

11. All front facades and public facing building elevations must meet the following design standards.

    Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

    The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

    a. Style and Massing
        i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
            1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
    b. Quality and Type of Exterior Materials
        i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
        ii. A minimum of two types of building materials shall be used on the front elevations.
        iii. Elevations shall have trim, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
        iv. In addition, elevations will include at least four of the following.
            1. Windows – mullions, trim, orientation, sashes

2. Gables
3. Dormers
4. Architectural bays
5. Awnings made of fabric, metal or wood-framed
6. Change in wall planes
7. Ground floor wall lights/sconces
8. Transom windows
9. Balconies or decks
10. Columns or pilasters – not decorative

c. Front Porches / Entry Areas
   i. Front porches shall be at least 36 square feet in area, with a minimum dimension of 6 feet by 6 feet.
   ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
   iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.

d. Roof Design and Materials
   i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
   ii. Elevations shall contain more than one single, continuous ridgeline or eave.

e. Exterior Doors and Windows
   i. Windows shall be provided on all elevations and blank walls will be avoided.

f. Garage Door Types
   i. Pair garages where possible to maximize planting strip and potential for street trees.
   ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
   iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
      1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
      2. The building includes one of the following:
         a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
         b. A covered balcony above the garage that is:
            i. At least the same length as the street-facing garage wall;
            ii. At least 6 feet deep; and
            iii. Accessible from the interior living area of the dwelling unit.
         c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:

i. Change in elevation of roof ridges
ii. Change in direction of roof ridges
iii. Eave overhangs of over 12 inches
iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
v. Porch of at least 48 square feet in area
vi. Dormer or bay windows
vii. Shutters on all windows
viii. Accent siding
ix. Decorative gable vents
x. Garage doors with windows and decorative paneling
xi. Decorative front door (minimum 25 percent glazing)
xii. Front door with transom and sidelight windows

iv. Garages shall be recessed from entrances or covered front porches.

g. Exterior Lighting

h. Sample Exterior Colors

i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

12. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

13. That the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90º as practical. The current "Y" configuration is not consistent with MMC Section 17.53.101(F).

14. That all alleys will be private alleys and that any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.

15. That the street improvement between the curbs on Meadows Drive and Shadden Drive shall have the City's typical "Teepee" section instead of the offset crown to allow for the curb elevations to match on each side of the street. This street improvement section is proposed to accommodate the additional right turn lane within the street at the intersections of Meadows Drive and Shadden Drive with Baker Creek Road.

16. That at the time of submittal of final plats for review, different street names shall be proposed to replace "Harold Drive" and "Emma Street" to avoid the creation of duplicative street names within the city.

17. That the public improvements shall be completed to address the following requirements of McMinnville Water and Light:

a. With 15 foot front yard setbacks, electrical transformers shall be located toward the front of public utility easements to ensure that a minimum of 8 feet of clearance is provided between the transformer and combustible surfaces, and doors and windows that open.
b. The wider multi-use path in lieu of a sidewalk on the west side of Meadows Drive from Baker Creek Road to Kent Street is located partially within the public utility easement. Electric and other utility requirements within the public easement shall be coordinated with the construction of the wider multi-use path. If the sidewalk is placed prior to utilities, conduit shall be pre-placed to facilitate the provision of future utilities.
c. Street lighting plan will need to be designed by a licensed engineer. Street lighting shall include lighting at
d. The terminus of Shadden Drive and William Drive shall be improved to provide sufficient conduit and vaults to facilitate the extension of McMinnville Water and Light's systems beyond the extent of the subdivision.

18. The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.

19. The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.

20. The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.

21. 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.

22. 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.

23. At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.

24. 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.

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Attachment C: Ordinance No. 5086 including Exhibit A – PDA 2-19 Decision Document
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Attachment E: Ordinance No. 5088 including Exhibit A – S 1-19 Decision Document
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25. 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.

26. 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.

27. 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.

28. 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.

29. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

30. 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.

31. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.

32. 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.

33. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

34. 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.

35. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, 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.

36. 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.

37. 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.

38. 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.

39. That an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

Landscape Plan (L 12-19)

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.

2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.

3. That all costs and liability associated with tree removal shall be borne by the applicant.

4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.

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5. That only the 17 existing trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.

6. That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.

7. That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.

8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.

11. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

12. That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.

13. That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

14. That the approved street tree species for the Baker Creek North subdivision are:
    a. Small Trees
        i. *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac)
    b. Medium Trees
        i. *Acer rubrum 'October Glory'* (October Glory Red Maple)
        ii. *Cercidiphyllum japonicum* (Katsura Tree)
        iii. *Ginkgo biloba 'Magyar'* (Magyar Ginkgo)
        iv. *Ostrya virginiana* (American Hophornbeam)
        v. *Prunus sargentii* (Sargent Cherry)

15. That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:
    a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
    b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
    c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
    d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
    e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
    f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
    g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
    h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
    i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
    j. Lots 35, 117,130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
    k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.

17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.

18. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk 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, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.

19. Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.

20. Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.

Attachments:
Attachment A: Ordinance No. 5084 including Exhibit A – CPA 1-19 Decision Document
Attachment B: Ordinance No. 5085 including Exhibit A – ZC 1-19 Decision Document
Attachment C: Ordinance No. 5086 including Exhibit A – PDA 2-19 Decision Document
Attachment D: Ordinance No. 5087 including Exhibit A – PD 1-19 Decision Document
Attachment E: Ordinance No. 5088 including Exhibit A – S 1-19 Decision Document
Attachment F: Ordinance No. 5089 including Exhibit A – L 12-19 Decision Document
Attachment G: Public Notices
Attachment H: Agency Comments (McMinnville Water and Light; All other agency comments provided in Decision Documents)
Attachment I: Public Testimony
Attachment J: Draft Planning Commission Minutes, December 5, 2019
Attachment K: CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Application Materials

21. That the applicant is reminded that trees are not to be planted within:
    a. Five (5) feet of a private driveway or alley;
    b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
    c. Twenty (20) feet of street light standards or street intersections.

22. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

23. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

24. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

Attachments:

A. Ordinance No. 5084, including:
   Exhibit A – CPA 1-19 Decision Document
B. Ordinance No. 5085, including:
   Exhibit A – ZC 1-19 Decision Document
C. Ordinance No. 5086, including:
   Exhibit A – PDA 2-19 Decision Document
D. Ordinance No. 5087, including:
   Exhibit A – PD 1-19 Decision Document
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Fiscal Impact:

The recommended conditions of approval for the Planned Development Overlay District (PD 1-19) and Tentative Subdivision (S 1-19) result in the dedication of 4 tracts within the subdivision phases and one additional parcel for use as public parks. These tracts and parcel encompass the land and improvements that would allow for the extension of the BPA multi-use path system north of Baker Creek Road, and the larger parcel proposed to be accepted by the City as a public special use park. Maintenance costs are associated with the public ownership of these tracts and parcels. Conditions of approval are included to require that the larger 14.92 acre parcel (Parcel D) that will be dedicated as a public park be maintained by the Homeowner's Association until 2032, at which time the maintenance responsibility will be transferred to the City. This is included to allow time for discussion and preparation for the increase in maintenance costs associated with additional park land within the City's park system.

Alternative Courses of Action:

As discussed in more detail above, the City Council has provided direction to staff to schedule and hold a public hearing on the land use applications on January 28, 2020, and will then have an opportunity to take action on each ordinance. More detail on specific alternative courses of action for each ordinance will be provided in the staff report that will be included in the January 28, 2020 City Council meeting packet.

Recommendation:

Staff recommends that the City Council follow the Planning Commission's recommendation to approve each of the six land-use applications, with the conditions described above and that are included in the draft ordinances. Recommended motions for each land-use application and ordinance will be provided in the staff report that will be included in the January 28, 2020 City Council meeting packet.

CD

Attachments:
Attachment A: Ordinance No. 5084 including Exhibit A – CPA 1-19 Decision Document
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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

RECITALS:

The Planning Department received an application (CPA 1-19) from Stafford Development Company, LLC requesting approval of a Comprehensive Plan Map Amendment. The property is currently designated on the Comprehensive Plan Map as Commercial land. The requested Comprehensive Plan Map Amendment would result in the Commercial designation being reduced in size and the balance of the property being designated as Residential on the Comprehensive Plan Map; and

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867, Yamhill County Deed Records. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Comprehensive Plan Map Amendment review criteria listed in Section 17.74.020 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and

2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 28th day of January, 2020, by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Attest:

_____
CITY RECORDER

Approved as to form:

_____
CITY ATTORNEY

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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDEMENT FROM A COMMERCIAL DESIGNATION TO A MIX OF RESIDENTIAL AND COMMERCIAL DESIGNATIONS AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

DOCKET: CPA 1-19 (Comprehensive Plan Map Amendment)

REQUEST: Approval to amend the Comprehensive Plan Map designations of a property from its current designation of Commercial to a mix of Commercial and Residential designations. The proposal would reduce the size of the existing Commercially designated area from 11.3 acres to 6.62 acres of Commercially designated land and 4.68 acres of Residentially designated land.

LOCATION: The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867, Yamhill County Deed Records. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: EF-80 (Exclusive Farm Use)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY & ACTION: The McMinnville City Council approves or denies the land-use application.

HEARING DATE & LOCATION: January 28, 2020, Civic Hall, 200 NE 2nd Street, McMinnville Oregon

PROCEDURE: An application for a Comprehensive Plan Map Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville

Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Comprehensive Plan Map Amendment are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; and Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Comprehensive Plan Map Amendment (CPA 1-19).

//

DECISION: APPROVAL

//

City Council:____Date:____________________
Scott Hill, Mayor of McMinnville

Planning Commission:_____________________________________Date:____________________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: _____________________________________Date:____________________
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Comprehensive Plan Map Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (CPA 1-19) is a request for a Comprehensive Plan Map Amendment to amend the Comprehensive Plan Map designation of a property from the current designation of Commercial to a mix of Residential and Commercial. The requested amendment would reduce the size of the existing Commercially designated area from 11.3 acres to 6.62 acres in size and designate the remaining 4.68 acres of land Residential. The Comprehensive Plan Map Amendment request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Planned Development Amendment, Zone Change, Planned Development, Subdivision, and Landscape Plan Review process to allow for the development of a 280 lot subdivision and future commercial development.

See Vicinity Map (Figure 1), Existing Comprehensive Plan Map (Figure 2), and Proposed Site Plan (Figure 3) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)

Figure 2. Existing Comprehensive Plan Map

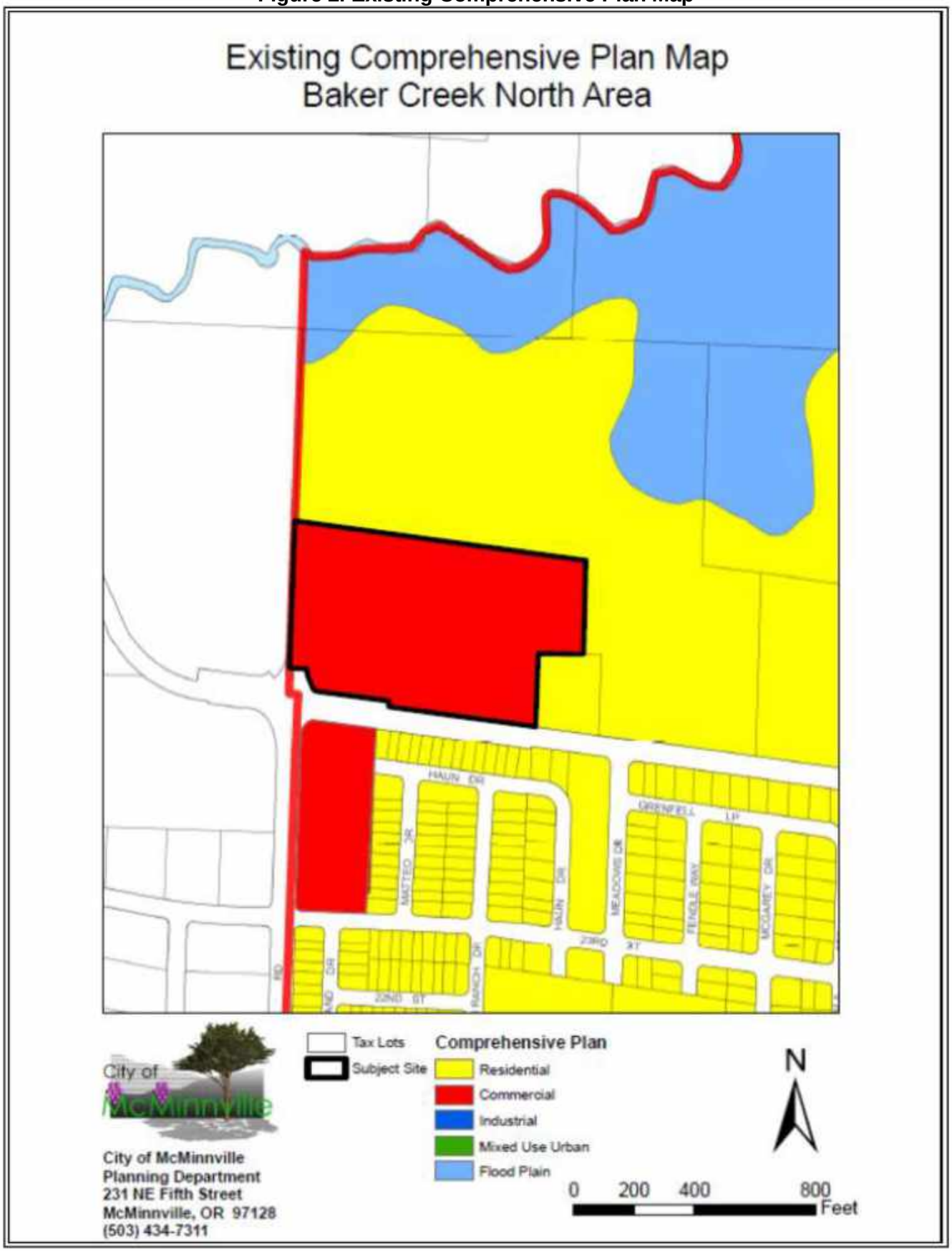
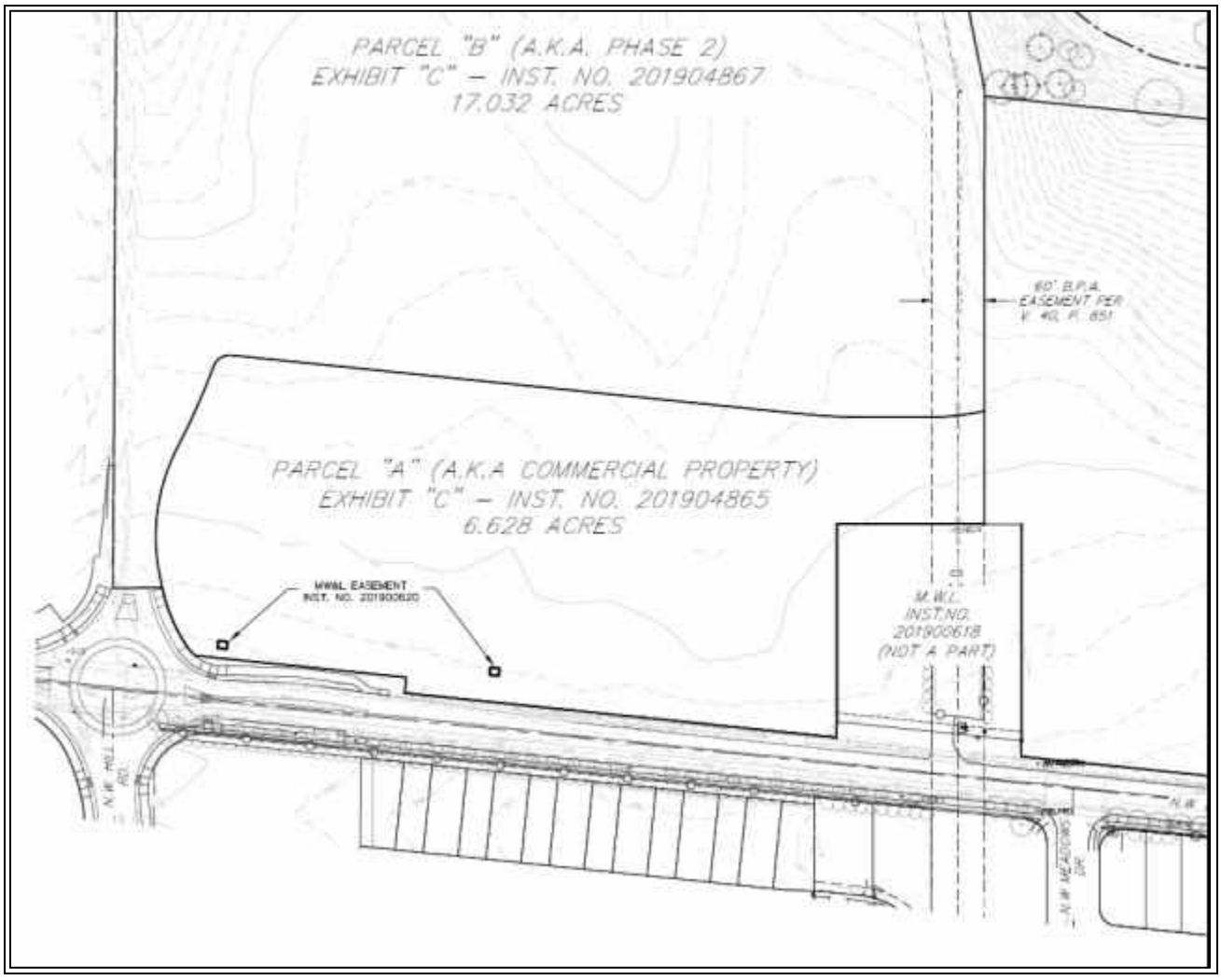


Figure 3. Proposed Site Plan
***Note – Parcel A identifies proposed Commercial Comprehensive Plan Designation. Remainder of site proposed to be Residential**



Background

Excerpts from Land Use Application Narrative and Findings:

> "Ordinance 4633 was approved in October of 1996 resulting in the commercial designation of 11.3 acres of the site and a commercial planned development overlay (C3-PD) which restricts development with two conditions of approval.
>
> * * *
>
> The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:
>
> 1. No more than 120 multi-family units may be developed on the site.

2. At least 2-acres of neighborhood commercial uses shall be developed on the site.

The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone.

It is the applicant's understanding that this area was designated commercial at a time when expansion of the City's urban growth boundary (UGB) westward was being pursued and this commercial area was hoped to be a large commercial center for McMinnville's (north)westward expansion. This UGB expansion to the northwest did not materialize. This has left the site with a glut of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, being a developer who has owned the site for almost four years, and having purchased it from a bankruptcy trustee, attests to this lack of demand for so much commercial land based on the lack of interest from others in the property for such uses. The commercially designated area is too large for the current pattern of development in McMinnville. A large commercial development is not appropriate since it would drain economic activity from the downtown commercial core and other established commercial centers in McMinnville. The proposed planned development amendment as established by Ordinance No. 4633, and an amendment to the Comprehensive Plan Map to decrease the area designated commercial as proposed, will allow the remaining commercial area to be regulated under current C3 zone standards. This will allow the property to more freely meet the market needs for uses allowed by the C3 zone, supporting a mix of uses such as neighborhood commercial and needed multi-family housing. The proposed amended planned development conditions will ensure this outcome."

The City notes that much of the applicant's narrative above describes the Planned Development Overlay District that was adopted by Ordinance 4633. That same ordinance also amended the Comprehensive Plan Map to create the current Commercially designated property that is the subject of the current Comprehensive Plan Map Amendment request. The City notes that any findings for the amendments to the Planned Development Overlay District that was adopted by Ordinance 4633 will be addressed in the Decision Document for the Planned Development Amendment (PD 2-19) land use application that was submitted for concurrent review with the Comprehensive Plan Map Amendment.

Summary of Criteria & Issues

The application (CPA 1-19) is subject to Comprehensive Plan Map Amendment review criteria in Section 17.74.020 of the Zoning Ordinance. Requests to amend the Comprehensive Plan Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Comprehensive Plan Map Amendments in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

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 serve 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 statute), 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.

The applicant has provided findings to support the request for a Comprehensive Plan Map Amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

None.

III. ATTACHMENTS:

1. CPA 1-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
    a. Public Testimony
        i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
        ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
    b. Staff Memorandums
        i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

  The Engineering Department provided comments, but they were applicable to the Planned Development and Tentative Subdivision applications that were submitted for concurrent review with the Comprehensive Plan Map Amendment request. The Engineering Department comments are included in the Decision Documents for the Planned Development and Tentative Subdivision land use applications.

- McMinnville Water and Light

  Included as Attachment #2

- Oregon Department of State Lands

  Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.

2. The applicant submitted the Comprehensive Plan Map Amendment application (CPA 1-19) on April 30, 2019.

3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

   Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M

2. **Size:** Approximately 11.3 acres.

3. **Comprehensive Plan Map Designation:** Commercial

4. **Zoning:** EF-80 (Exclusive Farm Use)

5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
   a. **Historic Resources:** None
   b. **Other:** None

8. **Other Features:** The site is generally flat, with a minor slope to the north. There are no significant or distinguishing natural features associated with this property.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in Section 17.74.020 of the Zoning Ordinance.

Comprehensive Plan Volume II:

Per Section 17.74.020 (A) of the McMinnville Zoning Ordinance the application must be consistent with the goals and policies of the Comprehensive Plan;

The following Goals and Policies from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals and policies as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.* (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City's last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-

way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

FINDING: SATISFIED. The City concurs with the applicant's findings, but only in regards to Comprehensive Plan Map Amendment request. Findings related to the Planned Development Amendment request, which was submitted for concurrent review with the Comprehensive Plan Map Amendment, are provided in the Decision Document for the Planned Development Amendment land use application. The City clarifies that the Comprehensive Plan Map Amendment and Planned Development Amendment described by the applicant, though processed concurrently in accordance with applicable State law and Section 17.72.070 of the McMinnville Municipal Code, are two separate requests, and that the Comprehensive Plan Map Amendment could move forward without the Planned Development Amendment.

The City adds that Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "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. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)."

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Also, the City adds that the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary. The deficit was identified at an amount of 35.8 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

Figure 26. Comparison of Land Demand to Supply (2013-33)

	Acres by Plan Designation			
	Commercial	Industrial	Total	Comments
Vacant Land Demand				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
Totals	**166.8**	**153.2**	**319.9**	Employment land demand
Available Land Supply				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
Surplus/(Deficit)	**(35.8)**	**235.9**	**200.1**	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.

Source: E. D. Hovee & Company, LLC

The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

The 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is "To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands and discouraging strip development." More specifically, the 2013 Economic Opportunities Analysis suggested that "appropriately locating future neighborhood and community serving commercial lands". The proposed Comprehensive Plan Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands.

Policy 21.04 The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.

APPLICANT'S RESPONSE: The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City's Sanitary Sewer system's capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy's workforce and appropriately scaled commercial area.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.

APPLICANT'S RESPONSE: The proposed C3 zoned area of the site is in an area already designated for commercial on the City's comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according the City's comprehensive plan goals and policies.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the Comprehensive Plan Map Amendment reduces the size of the Commercial designated area within the subject site. However, the Comprehensive Plan Map Amendment results in 6.62 acres of Commercial property, which is large enough to support neighborhood serving commercial uses and services that would be available to residents in the northwest area of the city.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

APPLICANT'S RESPONSE: The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the Comprehensive Plan Map Amendment reduces the size of the Commercially designated area within the subject site. This does result in a lesser utilization of existing Commercially designated land. However, as described in the finding for Policy 21.01 above, both commercial and residential lands were identified as needed land types in the Economic Opportunities Analysis and Residential Buildable Lands Inventory. The need for residential land was much higher than the need for additional commercial land. Additionally, per Comprehensive Plan Policy #27, which states that, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers." By reducing the size of the comprehensive plan map commercially designated land in this area, it will help to ensure that the commercial development is compatible for a neighborhood commercial center.

In addition, the 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is "To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands and discouraging strip development." More specifically, the 2013 Economic Opportunities Analysis suggested that "appropriately locating future neighborhood and community serving commercial lands". The proposed Comprehensive Plan Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands.

The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land. The Comprehensive Plan Map Amendment results in 6.62 acres of Commercial property oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The Commercial

property will allow for efficient use of land in a node at that intersection which will not result in strip development along either street corridor.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

APPLICANT'S RESPONSE: As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City's 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

FINDING: SATISFIED. The City does not concur with the applicant's findings. The Comprehensive Plan Map Amendment reduces the size of the Commercially designated area within the subject site. This does result in a lesser utilization of existing Commercially designated land. However, as described in the finding for Policy 21.01 above, both commercial and residential lands were identified as needed land types in the Economic Opportunities Analysis and Residential Buildable Lands Inventory. The need for residential land was much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land. The Comprehensive Plan Map Amendment results in 6.62 acres of Commercial property oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The Commercial property will allow for efficient use of land in a node at that intersection which will not result in strip development along either street corridor.

In addition, the 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is "To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands and discouraging strip development." More specifically, the 2013 Economic Opportunities Analysis suggested that "appropriately locating future neighborhood and community serving commercial lands". The proposed Comprehensive Plan Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands. Larger commercial sites may be better suited for larger, general commercial uses that serve the entire community as city-wide destinations. Neighborhood and community serving commercial lands would be smaller in scale and intended to serve the surrounding neighborhood as the name suggests. Therefore, reducing the size of the commercial land would reduce the potential for the site to operate as a destination commercial site and would support neighborhood or community serving commercial uses in an appropriate area of the city, as the surrounding area is all developed and guided for residential use.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

APPLICANT'S RESPONSE: The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

FINDING: SATISFIED. The Comprehensive Plan Map Amendment results in the reduced 6.62 acres of Commercial property still being oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The Commercial property will be in a node at that intersection which will not result in strip development along either street corridor.

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City's ability to meet its commercial land needs.

The EOA provides specific recommendations to fulfill the City's economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant's proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

APPLICANT'S RESPONSE: There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

FINDING: SATISFIED. The City concurs with the applicant's response, and adds that the reduction in the size of the Commercially designated land may result in less conflict with adjacent land uses based on the reduced footprint and potentially scale of development that would be available for the development of commercial uses.

Policy 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates "heavy traffic". That type of commercial should be located on arterials and in the central business district per this policy. The applicant's attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

FINDING: SATISFIED. The City concurs with the applicant's responses, and adds that although Baker Creek and Hill Road are minor arterials, due to the location of this property in a residential development, the City does not feel that it should be a large regional shopping facilities, but should be a neighborhood serving commercial center per Comprehensive Plan Policy #27, which states that, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers." By reducing the size of the comprehensive plan map commercially designated land in this area, it will help to ensure that the commercial development is compatible for a neighborhood commercial center. Additionally the reduction in allowable space for commercial uses will reduce the impacts of the future commercial uses on the surrounding transportation network and utility infrastructure.

In addition, the 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is "To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands and discouraging strip development." More specifically, the 2013 Economic Opportunities Analysis suggested that "appropriately locating future neighborhood and community serving commercial lands". The proposed Comprehensive Plan Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands, as described above.

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

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

Policy 59.00 *Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing*

shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED. The City concurs with the applicant's findings, but notes that the 2018 Buildable Lands Inventory referenced in the applicant's findings has not yet been acknowledged.

In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "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. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)."

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Also, the City adds that the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary. The deficit was identified at an amount of 35.8 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

Figure 26. Comparison of Land Demand to Supply (2013-33)

	Acres by Plan Designation			
	Commercial	Industrial	Total	Comments
Vacant Land Demand				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
Totals	**166.8**	**153.2**	**319.9**	Employment land demand
Available Land Supply				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
Surplus/(Deficit)	**(35.8)**	**235.9**	**200.1**	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.
Source: E. D. Hovee & Company, LLC

The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

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

Policy 71.00 *The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

APPLICANT'S RESPONSE: As required, the applicant has addressed applicable policies of the Comprehensive Plan to demonstrate consistency with the proposed Zoning Map amendments. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

While the 2001 Residential Land Needs Analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply. As indicated by the attached Preliminary Development Plans, the applicant is proposing to rezone a portion of the site R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs (see Exhibit 3).

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "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. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)."

Although the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary (please see figure 26 below), the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

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Notes: All acreage figures are rounded to nearest 1/10th of an acre.

Source: E. D. Hovee & Company, LLC

The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Comprehensive Plan Map Amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed

complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

17.74.020 Comprehensive Plan Map Amendment and Zone Change - 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:

17.74.020(A). *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

APPLICANT'S RESPONSE: This Applicant's Statement has demonstrated how the proposed Comprehensive Plan Map and Zoning Map Amendment applications are consistent with applicable goals and policies of the Comprehensive Plan in the responses above under III. Findings A. of the McMinnville Comprehensive Plan.

FINDING: SATISFIED. The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

17.74.020(B). *The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;*

APPLICANT'S RESPONSE: Several changes have occurred in the neighborhood or community to warrant the proposed amendments. First of all, the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I designated Baker Creek Road adjacent to the site as a planned transit corridor. This makes it an appropriate action for the R-1 zoned parcel to be rezoned to R-4, as well as applying the R-4 zone to the remainder of the planned

development site's area that does not have urban zoning. This type of residential zone will promote the type of density proposed with the planned development overlay and the type of density needed to support future transit service along this corridor. All of the lots are within ¼ mile of this planned transit corridor, providing consistency with Comprehensive Plan policies for this zoning classification.

It is the applicant's understanding, that a portion of the subject site was designated commercial at a time when a northwest expansion of the City's urban growth boundary was being pursued and a future commercial center was desired for this area of McMinnville. However, this expansion to the northwest did not materialize. This has left the site with an excess of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, who is a developer who has owned the site for almost four years after purchasing it from a bankruptcy trustee, attests to the lack of demand for so much commercial land through the lack of interest from others in the property for such uses. The commercially designated area is too large given the current pattern of development in McMinnville. A large commercial development is not appropriate and would drain economic activity from the downtown core and established commercial centers in McMinnville. The proposed planned development amendment and the amendment to the Comprehensive Plan Map will decrease the area designated commercial and will allow the property to more freely meet the market needs permitted under the C-3 zone. As discussed previously, development of the remaining commercial land will likely be a mix of neighborhood commercial and multi-family housing.

An additional change in the community is the successful development of the surrounding area with medium and high-density single-family housing. For example, the Baker Creek East and West development to the south, which was a modification of the original Shadden Claim planned development, improved the area with a gross housing density of 5.83 dwelling units per acre. The proposed Baker Creek North development is proposed to be 5.75 dwelling units per acre, so the proposed amendments allow the proposed development which is of a similar gross density to the adjacent developments.

The proposed amendments are also timely as the demand for housing increases. As the last large tracts of buildable land in the City are consumed, the proposed amendments will ensure that the subject site is efficiently developed with high density housing and provides housing diversity in an area that contains medium and low density neighborhoods (i.e. Oak Ridge, Michelbook Meadows, Adjacent new development to the northeast).

Approval of the amendments will allow for an orderly development of the area. The earlier phases of the planned development are along the south side of the site, where utilities exist and small and medium sized lots meet the current market needs. Later phases will allow for more housing diversity with small, medium, and large lots to serve the broad housing needs of the community. The new lots in the planned development, and the development of multi-family units on the commercial lot, will provide economic support for neighborhood commercial uses on the C-3 zoned parcel.

The City of McMinnville completed its last Economic Opportunity Analysis (EOA) in 2013. The report indicates that there is a 35.8 acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designate some of the 235.9 acres of surplus Industrial land for commercial use. Since this surplus of Industrial land can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial designated land from 11.3 acres to 6.62 acres will not diminish the City's ability to meet its commercial land needs.

In 2001, the City of McMinnville completed a Residential Land Needs Analysis for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R-4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

Over the last two decades, the City's deficient residential land supply has continued to be a lingering problem and housing costs have risen to a point where they are now unattainable for many residents. To address these issues, the City is currently updating its Housing Needs Analysis. This study indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will allow the development of 891 dwelling units which can't be accommodated by the current R-4 land supply.

The applicant's proposal to zone 48.7 acres of the site R-4 will increase the density of existing Residential designated land to permit the develop additional housing in the community. As demonstrated by the attached Typical Lots Plan and Site Plan, the proposed Comprehensive Plan Map and Zoning Map Amendments will facilitate the development of 280 small, medium, and large sized single-family lots within the proposed planned development area. The proposed map amendments will also allow the future development of apartment units in addition to neighborhood commercial within the C-3 zoned portion of the site, further working to meet the housing needs of the community.

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "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. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)."

Although the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary (please see figure 26 below), the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Figure 26. Comparison of Land Demand to Supply (2013-33)

	Acres by Plan Designation			
	Commercial	Industrial	Total	Comments
Vacant Land Demand				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
Totals	**166.8**	**153.2**	**319.9**	Employment land demand
Available Land Supply				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
Surplus/(Deficit)	**(35.8)**	**235.9**	**200.1**	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.

Source: E. D. Hovee & Company, LLC.

The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

17.74.020(C). *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

APPLICANT'S RESPONSE: This narrative and the attached plans show that utilities and services can be efficiently provided to serve the proposed and potential uses in the proposed residential and commercial zoning districts.

FINDING: SATISFIED. The City concurs with the applicant's findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. Based on comments received, 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

CD

Attachment B

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)

RECITALS:

The Planning Department received an application (ZC 1-19) from Stafford Development Company, LLC requesting approval of a Zone Change to amend the zoning designations of a 55.32 acre property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits to R-4 (Multi-Family Residential) and C-3 (General Commercial); and

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Zone Change review criteria listed in Section 17.74.020 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and

2. That the requested Zone Change is approved, subject to the following condition:

   1) That the decision for approval of Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 28th day of January, 2020, by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Attest:

_____
CITY RECORDER

Approved as to form:

_____
CITY ATTORNEY

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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE 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) AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

DOCKET: ZC 1-19 (Zone Change)

REQUEST: Approval to amend the zoning designations of a 55.32 acre property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits to R-4 (Multi-Family Residential) and C-3 (General Commercial). The requested amendment would rezone the southwestern portion of the site that is designated as Commercial on the Comprehensive Plan Map to C-3 (6.62 acres) and the remainder of the subject site to R-4 (48.7 acres).

LOCATION: The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY & ACTION: The McMinnville City Council approves or denies the land-use application.

HEARING DATE & LOCATION: January 28, 2020, Civic Hall, 200 NE 2nd Street, McMinnville Oregon

PROCEDURE: An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The deadline for the 120 day processing timeline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Zone Change (ZC 1-19), **subject to the conditions of approval provided in Section II of this document.**

//

DECISION: APPROVAL WITH CONDITIONS

//

City Council:____ Date:_____________________
Scott Hill, Mayor of McMinnville

Planning Commission:_______________________________________ Date:_____________________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: _____Date:_____
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Zone Change request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.

The application (ZC 1-19) is a request for a Zone Change to rezone a 55.32 acre property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits. The requested amendment would rezone the southwestern 6.62 acres of the site to C-3 (General Commercial), and the remaining 48.7 acres of the site to R-4 (Multiple Family Residential). The Zone Change request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Planned Development Amendment, Planned Development, Subdivision, and Landscape Plan Review process to allow for the development of a 280 lot subdivision and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

> The requested amendment will rezone two areas of the site. The applicant is proposing to zone a total of 48.7 acres of the site to an R4 designation. Of the 48.7 acres, the southwest 9.41 acres is existing R1 zoned land that will convert to R4 with this request. The remaining 39.29 acres to be zoned R4 currently has no urban zoning, only remnant County zoning. In addition, the requested map amendment will zone another 6.62 acres to C3, which also is an area that currently has no urban zoning, only remnant County zoning. The portion of the site to be zoned C3 conforms to the previously mentioned Comprehensive Plan Map amendment. […]

The 6.62 acre portion of the site proposed to be zoned C-3 (General Commercial) is consistent with the property designated as Commercial on the Comprehensive Plan Map as reduced in size by the Comprehensive Plan Map Amendment request (Docket Number CPA 1-19) submitted for concurrent review with the proposed Zone Change.

See Vicinity Map (Figure 1), Existing Zoning (Figure 2), and Proposed Zoning (Figure 3) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)

Figure 2. Existing Zoning

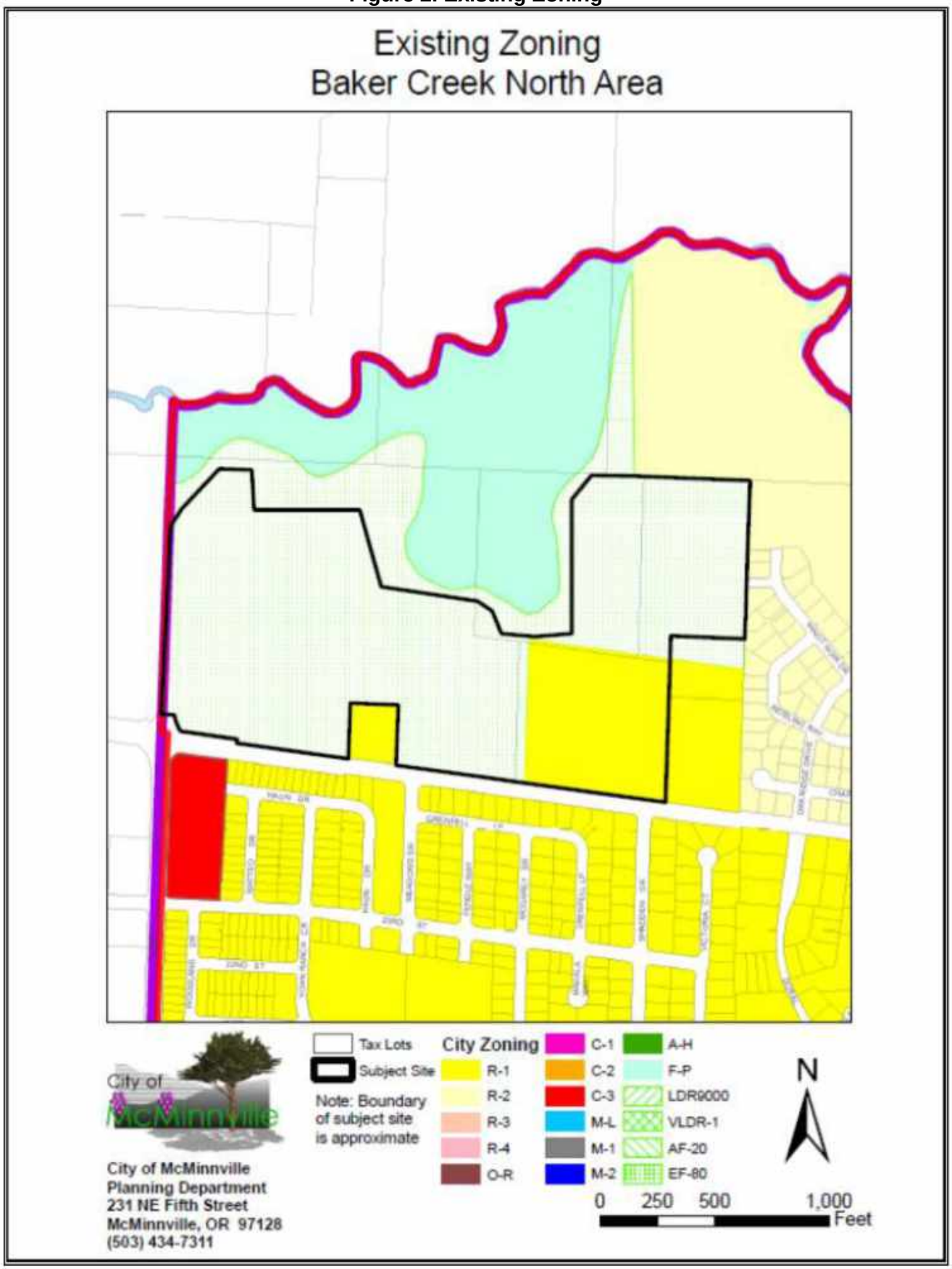
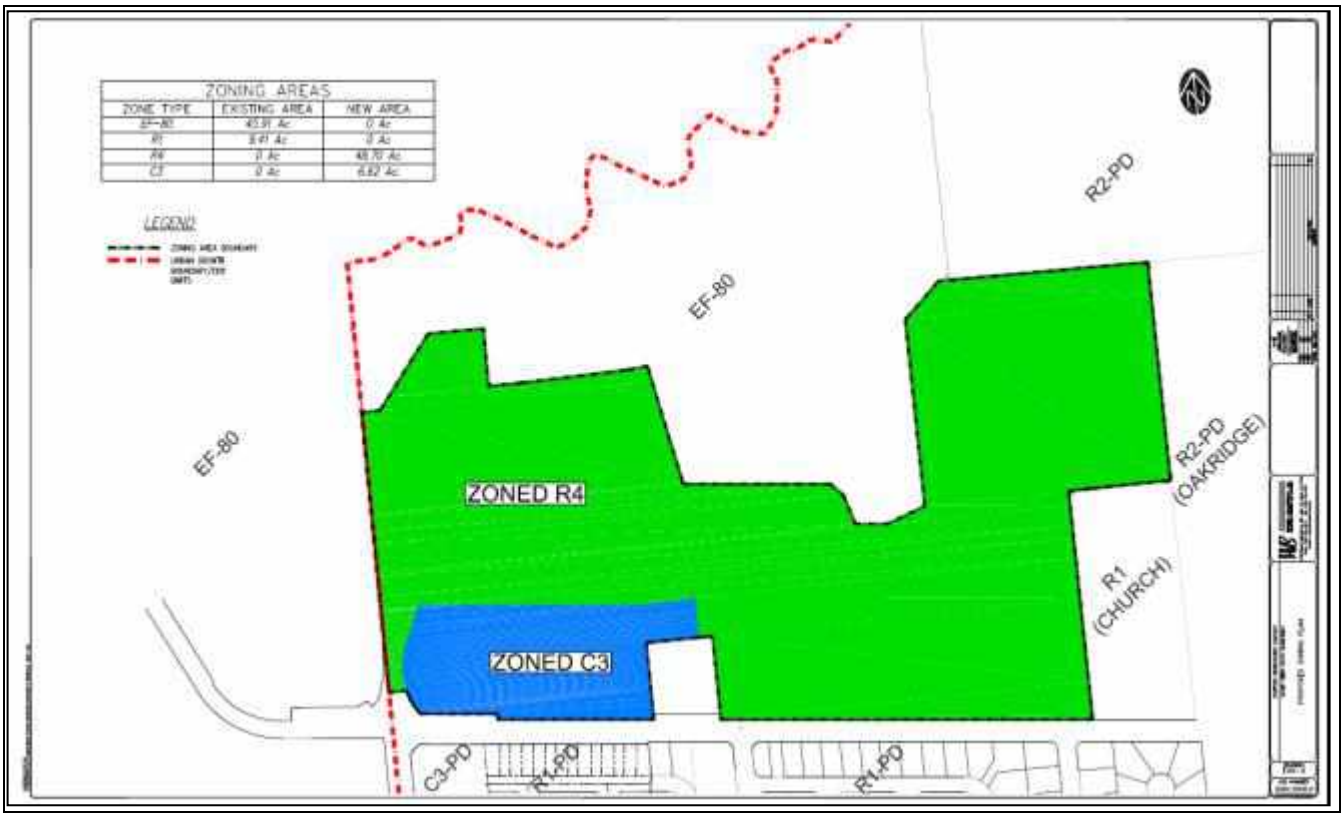


Figure 3. Proposed Zoning



Summary of Criteria & Issues

The application (ZC 1-19) is subject to Zone Change review criteria in Section 17.74.020 of the Zoning Ordinance. Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

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 serve 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 statute), 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.

The applicant has provided findings to support the request for a Zone Change. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That the decision for approval of Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council.

III. ATTACHMENTS:

1. ZC 1-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
    a. Public Testimony
        i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
        ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
    b. Staff Memorandums
        i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- <u>McMinnville Engineering Department</u>

  The Engineering Department provided comments, but they were applicable to the Planned Development and Tentative Subdivision applications that were submitted for concurrent review with the Comprehensive Plan Map Amendment request. The Engineering Department comments are included in the Decision Documents for the Planned Development and Tentative Subdivision land use applications.

- <u>McMinnville Water and Light</u>

Included as Attachment #2

- Oregon Department of State Lands

  Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.

2. The applicant submitted the Zone Change application (ZC 1-19) on April 30, 2019.

3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

   Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.

2. **Size:** Approximately 55.32 acres

3. **Comprehensive Plan Map Designation:** Mix of Commercial and Residential

4. **Zoning:** R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)

5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
   a. **Historic Resources:** None
   b. **Other:** An area to the north of the subject site is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels, but is not part of this zone change application.

8. **Other Features:**
   a. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
   b. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in Section 17.74.020 of the Zoning Ordinance.

Comprehensive Plan Volume II:

Per Section 17.74.020 (A) of the McMinnville Zoning Ordinance the application must be consistent with the goals and policies of the Comprehensive Plan;

The following Goals and Policies from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals and policies as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.* (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City's last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land

supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings in regards to the proposed zoning of the Commercially designated 6.62 acres as C-3 (General Commercial). The proposed C-3 zoned area of the site is consistent with the area that is proposed to be designated as Commercial on the Comprehensive Plan Map, which is proposed under the Comprehensive Plan Map Amendment (CPA 1-19) that was submitted for concurrent review with this Zone Change request. The proposed zoning of C-3 will allow for the continued growth and diversification of McMinnville's economy, and will provide employment opportunities, goods, and services for residents in the surrounding area of the city.

The City also notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will define allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 21.04 The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.

APPLICANT'S RESPONSE: The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City's Sanitary Sewer system's capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy's workforce and appropriately scaled commercial area.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.

APPLICANT'S RESPONSE: The proposed C3 zoned area of the site is in an area already designated for commercial on the City's comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according the City's comprehensive plan goals and policies.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings, and adds that the proposed C-3 zoned area of the site is consistent with the area that is proposed to be designated as Commercial on the Comprehensive Plan Map, which is proposed under the Comprehensive Plan Map Amendment that was submitted for concurrent review with this Zone Change request.

The City also notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will define allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

APPLICANT'S RESPONSE: The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings, and adds that the proposed C-3 (General Commercial) zone allows for the widest range and variety of commercial uses on the existing Commercially designated land, which maximizes the efficiency of the use of those lands.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will define allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

APPLICANT'S RESPONSE: As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City's 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The proposed C-3 (General Commercial) zone allows for the widest range and variety of commercial uses on the existing Commercially designated land, which maximizes the efficiency of the use of those lands. The City notes that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27 "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

APPLICANT'S RESPONSE: The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The Zone Change results in 6.62 acres of C-3 zoned property being oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The C-3 zoned property will be in a node at that intersection which will not result in strip development along either street corridor.

Per Comprehensive Plan Policy #27 "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City's ability to meet its commercial land needs.

The EOA provides specific recommendations to fulfill the City's economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant's proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings in regards to the C-3 zoning of the site allowing for the development of smaller-scaled uses on the area of the subject site designated as Commercial.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

APPLICANT'S RESPONSE: There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

FINDING: SATISFIED. The City concurs with the applicant's responses, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial uses minimize conflicts with adjacent land uses.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

This zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas, and specific design and development standards have been recommended as part of that land-use approval to ensure compatibility with surrounding uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates "heavy traffic". That type of commercial use should be located on arterials and in the central business district per this policy. The applicant's attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will

demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial uses are of a size and scale that is suitable for their location.

The applicant has submitted a Planned Development Amendment application (PDA 2-19) for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

This zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas, and specific design and development standards have been recommended as part of that land-use approval to ensure compatibility with surrounding uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 27.00 *Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.*

APPLICANT'S RESPONSE: This commercial designated area is across the street from residential areas. No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the proposed C3 zoned area will be appropriately scaled as allowed by the C3 zone. There are residential areas around the commercial parcel and neighborhood oriented commercial uses of no less than 2 acres are proposed with the amendment to the planned development overlay, which will make future commercial uses less intensive than envisioned by the current Ordinance 4633.

FINDING: SATISFIED. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial uses are compatible with surrounding residential areas.

The applicant has submitted a Planned Development Amendment application (PDA 2-19) for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633

as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per this Comprehensive Plan Policy, the recommended land-use approval for PDA 2-19 contains many conditions that define the allowed commercial uses and the design and development standards for the commercial portion of the planned development that would ensure that the uses are neighborhood commercial serving uses and not large destination commercial uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. Consideration to land uses and traffic patterns will be given for any commercial uses proposed in the future on the proposed C3 zoned area, if access to arterials is sought. The proposed residential development plans internal circulation roads and access to the minor arterial Baker Creek Road at three points: 1) An extension of the north leg of Hill Road and Baker Creek Road roundabout in the form of a street proposed as Hill Lane, 2) An extension of Meadows Drive north from its current intersection with Baker Creek Road where new striping will be added for bike lanes, and 3) An extension of Shadden Drive north from its current intersection with Baker Creek Road where new striping will also be added for bike lanes. Both Meadows and Shadden drive will have additional pavement width on the west side of their sections to allow for a right turn lane.

FINDING: SATISFIED. The City concurs with the applicant's responses, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial development of the site is designed with adequate and functional access and circulation patterns to support the specific commercial development proposed in the future.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27, which states that, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers," this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas, and specific design and development standards have been recommended as part of that land-use approval to ensure compatibility with surrounding uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 30.00 Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.

APPLICANT'S RESPONSE: The C3 zoned area is located adjacent to NW Baker Creek Road, a minor arterial street. Future access to the commercial uses will not focus traffic through residential neighborhoods or reduce the carrying capacity of the adjacent streets. The traffic analysis provided with this application showed that, in the worst case scenario, the capacity of adjacent streets is sufficient.

FINDING: SATISFIED. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial development of the site is designed with adequate and functional access and circulation patterns to support the specific commercial development proposed in the future. The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Policy 31.00 Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. A design to minimize bike and pedestrian conflicts and provide connections can be considered at the time of a future commercial development application. These travel modes are facilitated by the proposed semi-grid like street pattern of the adjacent residential developments and other pathways.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial development of the site is designed in a manner that minimizes bicycle and pedestrian conflicts and provides pedestrian connections to adjacent residential development.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application. A condition of approval in that land-use approval has been developed to address this Comprehensive Plan policy.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Proposal 6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

APPLICANT'S RESPONSE: The submitted plans indicate that the applicant is not currently proposing to develop the C3 zoned portion of the site. Prior to development of the site, a commercial use development application will be submitted for review of the proposed site design, circulation, parking facilities, and landscaping features. The traffic study provided with this application demonstrates that in the worst case scenario, there is sufficient off-site capacity in the surrounding street network for future uses of the commercial site.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to review the future commercial development area for all applicable policies and regulations.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be address in the Decision Document for that land use application. A condition of approval in that land-use approval has been developed to address this Comprehensive Plan policy.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

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

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

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

APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing

Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed zoning of 48.7 acres of the subject site to the R-4 zone will allow for more opportunity for a variety of housing types and the development of quality housing for all residents of McMinnville. Additionally, the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to

zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings, but notes that the specific development plan is associated with a Planned Development application (PD 1-19) submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 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.

APPLICANT'S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

APPLICANT'S RESPONSE: This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

FINDING: SATISFIED. The City concurs with the applicant's findings. Further, as the applicant has noted and is outlined both above and later in this report, the proposal addresses McMinnville's current identified need for, and severe shortage of, lands zoned for multi-family housing in the City. As the applicant notes, the acreage can accommodate the immediate need for such dwelling units, currently unable to be constructed within the City because of the the City's limited current R4 land supply, without doing so at the expense of long-term planning for either Commercial or Industrial land needs.

Policy 71.05 *The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)*

APPLICANT'S RESPONSE: As required, the applicant has addressed applicable policies of the Comprehensive Plan to demonstrate consistency with the proposed Zoning Map amendments. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

While the 2001 Residential Land Needs Analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply. As indicated by the attached Preliminary Development Plans, the applicant is proposing to rezone a portion of the site R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs (see Exhibit 3).

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed zoning of 48.7 acres of the subject site to the R-4 zone will allow for more opportunity for the development of needed housing types. Additionally, the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Policy 71.09 *Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:*

APPLICANT'S RESPONSE: Much of the proposed planned development area north of Augustine, Charles and Wessex, respectively, will be developed with blocks in a medium-density range (4-8 dwelling units per net acre) like most of McMinnville. Those lots south of Augustine, Charles, and Wessex, respectively, have density ranges by block from about 10 to 15 units a net acre. Bringing the overall site to just over 8 dwelling units per net acre.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on its own does not require a development plan that would specify density of the actual residential development.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

1. Areas that are not committed to low density development;

APPLICANT'S RESPONSE: The applicant is requesting approval of a Zoning Map Amendment to change 9.41 acres of existing R1 zoned land to an R4 classification. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that 63.9 acres of additional R4 zoned land should be added the UGB. As mentioned above, the City is currently conducting a Housing Needs Analysis and has found that McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB for the 2018-2041 planning period.

When the City's UGB last expansion effort was undertaken in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since a future UGB expansion effort could have similar challenges, some existing low-density residential land should be changed to medium and high-density designations. The proposed R4 zoning of the 9.41 acres of existing R1 zoned land will permit an increase in residential density, helping to address the City's critical need for additional housing units without expanding the City's UGB.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

2. Areas that have direct access from collector or arterial streets;

APPLICANT'S RESPONSE: The attached Preliminary Development Plans indicate that the proposed R4 zoned portion of the site, and the C-3 zone area, are located directly adjacent to NW Baker Creek Road, a minor arterial street (see Exhibit 3). The proposed planned development is provided consolidated access onto NW Baker Creek Road from the proposed extensions of NW Hill Lane, NW Meadows Drive, and NW Shadden Drive.

FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

APPLICANT'S RESPONSE: The submitted Preliminary Development Plans indicate that the proposed R4 zoned area of the site is not constrained by environmental factors such as topography, flooding, or poor drainage. The proposed planned development is located outside

of the riparian corridor along Baker Creek north of the site, where a 100-year floodplain limits development.

FINDING: SATISFIED. The City concurs with the applicants findings, and clarifies that the areas proposed to be zoned R-4 are south of the existing 100-year floodplain.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

4. Areas where the existing facilities have the capacity for additional development;

APPLICANT'S RESPONSE: The Existing Conditions Plan demonstrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant worked with City staff to confirm sewer and other utility capacity exits. The submitted plan also indicates that NW Hill Road's transportation facilities have recently been upgraded and a roundabout has been installed at the intersection with NW Baker Creek Road adjacent to the site. The City is adding center turn lane striping to Baker Creek Road. These transportation facilities can accommodate future development of the subject site as well as other developable properties in McMinnville's northwest quadrant. This is further demonstrated by the transportation study provided with this application.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings. However, the City notes that the applicant provided a traffic analysis report that modeled the buildout of a specific development plan that is associated with a Planned Development application (PD 1-19) and Planned Development Application (PDA 2-19) submitted for concurrent review with this Zone Change request. That development plan includes 280 single family homes, and the traffic analysis report only analyzed the transportation network's capacity for the development of those 280 homes and the adjacent commercial parcel.

The traffic analysis is based on the figures provided in the Traffic Analysis Report for Baker Creek North Development (dated July 2019) that accompanied the land use application materials. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and the number of trips that would be generated by each individual single family dwelling. The average daily trips for a single family dwelling unit is 9.44 trips per unit (ITE 210). As the traffic analysis report and the accompanying Transportation Planning Rule memo assumed the development of only 280 single family dwelling units on the subject site and development on the adjacent commercial parcel, the analysis assumed 2,643 average daily trips generated by the development of the subject site.

The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review. Because the traffic analysis report does not provide an analysis of the impacts of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, a condition of approval is included to tie this land-use approval with the subsequent approval of PD 1-19 and PDA 2-19.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

5. Areas within one-quarter mile of existing or planned public transportation; and

APPLICANT'S RESPONSE: The proposed R4 zoned area and C3 zoned area are currently located within ¼ mile of planned public transportation as described in the October 2018 Yamhill

County Transit Area Transit Development Plan (YCTA TDP) Volume I (see also response to Policy 70.01 above).

APPLICANT'S RESPONSE TO POLICY 71.01: The Baker Creek North site is located within a ¼ mile of the north side of a planned transit corridor. The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the area of Baker Creek North as adjacent to a planned transit corridor in Figure 2-11 (page 2-18), Figure 6-18 and 6-19 (pages 6-26 and 6-27 respectively).

The area is labeled as 1b. Baker Creek Road and Hill Road on the TDP's Figure 2-11 Potential Future Transit Service Areas. Route "5" is labeled as a future route serving Baker Creek Road on the TDP's Figure 6-18 System Map and Figure 6-19 McMinnville map, both subtitled Near-Term, Short-Term and Mid-Term Changes. Finally, the TDP's page 6-31 shows this planned new transit corridor as Project ID number SL9.

The significance of the proximity of the Baker Creek North site being within ¼ mile of this transit corridor is that that area is not limited by the 6 units per acre density applied to areas outside of ¼ mile of a planned transit corridor by Policy 71.01. The proposed planned development amendment condition to allow no more than 120 dwelling units would allow multi-family to be dispersed into this area. This area is also within a ¼ mile of the transit corridor, so it is not limited by the 6 units per acre policy.

The submitted Preliminary Development Plans indicate that 280 single-family dwellings will be constructed within the site's 48.7 acre planned development. Virtually the entire planned development site is inside the transit corridor, less than ¼ miles away from Baker Creek Road. The planned development area has a gross density of 5.75 units per acre, and a net density of 8.16 dwelling units per net acre. Therefore, the planned densities meet this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

APPLICANT'S RESPONSE: There are no low density residential areas adjacent to the Baker Creek North site that are planned for high density residential uses.

There is a church and a residential development known as Oak Ridge east of the site that was developed with an R2-PD overlay zone. There is also a proposed development northeast of the site, which is a new residential development and a modification of an old approved development. These areas are not low density even though underlying zoning may be R-2 because net density is over 4 units per acre, classifying them as medium density developments per Policy 71.09 above. The proposed lots in this area of Baker Creek North Planned Development are larger, therefore they will not be development at a higher density. The attached Preliminary Development Plans demonstrate that the proposed lots adjacent to the Oak Ridge development are extra deep to retain the mature trees along this boundary. The trees and extra deep rear yards will help buffer this existing development, regardless of how density is measured for the adjacent development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City does not concur with the applicant's findings, primarily in that the zoning classification of the land to the northeast is R-2 (Single Family Residential) which is described as "Low Density Residential Development"

in Policy 71.06 of the McMinnville Comprehensive Plan. However, the City finds that the size of the proposed R-4 zoned portion of the site allows the opportunity for buffering from these low density residential areas. The specific development plan referenced by the applicant is associated with a Planned Development application submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application. However, without the development characteristics within the Planned Development described by the applicant, the applicant has not demonstrated that the R-4 zoned area can be buffered from adjacent low density residential areas. Therefore, a condition of approval is included to ensure that the decision for approval of the Zone Change request is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) application is approved by the City Council.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 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;*

APPLICANT'S RESPONSE: In 2001, the City adopted the McMinnville Housing Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meeting higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application in 2011. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

As mentioned above in response to Policy 71.09 1., the City is currently conducting a Housing Needs Analysis and has found that an additional 449 acres should be added to the UGB to meet housing needs over the next 20 year planning period. When the City's last attempt to expand the UGB occurred in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since only a portion of the current housing need can currently be accommodated by Residential designated land within the UBG, some low-density residential land will need to be changed to medium and high-density designations. The proposed R4 zoned portion of the site, most of which has not yet received urban zoning, is not currently committed to low or medium density housing. This area and the 9.41 acres zoned R1 that will change to R-4 classification will allow a needed increase in residential density, helping to address the City's critical need for additional housing units. These factors make this area appropriate for high density residential development.

FINDING: SATISFIED. The City concurs with the applicant's findings and adds that the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential 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;*

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 2., there are no established low-density residential areas adjacent to the site. To the south of the site, the proposed planned development is buffered from existing residential areas with an R1-PD zone overlay by NW Baker Creek Road, a minor arterial street. To the east of the site is the Oak Ridge Subdivision, which has been developed with medium-sized lots in the R2-PD zone overlay. The proposed development has extra deep lots adjacent to the Oak Ridge lots to allow existing trees to remain in the rear yards as a buffer. Mitigation measures to buffer the proposed development are not required since there are no low-density residential areas adjacent to the site.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City does not concur with the applicant's findings, primarily in that the zoning classification of the land to the northeast is R-2 (Single Family Residential) which is described as "Low Density Residential Development" in Policy 71.06 of the McMinnville Comprehensive Plan. However, the City finds that the size of the proposed R-4 zoned portion of the site allows the opportunity for buffering from these low density residential areas. The specific development plan referenced by the applicant is associated with a Planned Development application submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application. However, without the development characteristics within the Planned Development described by the applicant, the applicant has not demonstrated that the R-4 zoned area can be buffered from adjacent low density residential areas. Therefore, a condition of approval is included to ensure that the decision for approval of the Zone Change request is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) application is approved by the City Council.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

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

3. *Areas which have direct access from a major collector or arterial street;*

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 4., the proposed R4 zoned portion of the site is located directly adjacent to NW Baker Creek Road, an arterial street. The proposed planned development is provided with consolidated access to NW Baker Creek Road, a minor arterial street, from the proposed extensions of NW Hill Lane, NW Meadows Drive, NW Shadden Drive. Therefore, the proposed access is appropriate for the high-density development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

4. *Areas which are not subject to development limitations;*

APPLICANT'S RESPONSE: The development site is appropriate for high-density development since it is not constrained by development limitations.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

5. Areas where the existing facilities have the capacity for additional development;

APPLICANT'S RESPONSE: The submitted Existing Conditions Plan illustrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant completed analysis in conjunction with the City which concluded sewer capacity exists to serve the site. The submitted plan also indicates that NW Hill Road's transportation facilities were recently upgraded with the addition of a roundabout at the intersection with NW Baker Creek Road. Center turn lanes on Baker Creek Road were also added by the City. The transportation improvements were designed to accommodate future development of the subject site and other developable properties in the northwest area of McMinnville. Sufficient existing capacity of facilities adjacent to the site make it appropriate for high density residential development. This is further evidenced by the traffic analysis provided by the applicant with this application.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings. However, the City notes that the applicant provided a traffic analysis report that modeled the buildout of a specific development plan that is associated with a Planned Development application (PD 1-19) and Planned Development Application (PDA 2-19) submitted for concurrent review with this Zone Change request. That development plan includes 280 single family homes, and the traffic analysis report only analyzed the transportation network's capacity for the development of those 280 homes and the adjacent commercial parcel.

The traffic analysis is based on the figures provided in the Traffic Analysis Report for Baker Creek North Development (dated July 2019) that accompanied the land use application materials. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and the number of trips that would be generated by each individual single family dwelling. The average daily trips for a single family dwelling unit is 9.44 trips per unit (ITE 210). As the traffic analysis report and the accompanying Transportation Planning Rule memo assumed the development of only 280 single family dwelling units on the subject site and development on the adjacent commercial parcel, the analysis assumed 2,643 average daily trips generated by the development of the subject site.

The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review. Because the traffic analysis report does not provide an analysis of the impacts of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, a condition of approval is included to tie this land-use approval with the subsequent approval of PD 1-19 and PDA 2-19.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

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

6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;

APPLICANT'S RESPONSE: As discussed above in response to Policy 71.09 5., all of the proposed R-4 zoned and C-3 zoned areas are located within one-half mile of planned public

transit routes. This proximity to planned public transit routes makes this area appropriate for high density residential development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

7. Areas within one-quarter mile from neighborhood and general commercial shopping centers;

APPLICANT'S RESPONSE: The applicant is proposing a Zoning Map amendment to designate 6.62 acres within the C3 zone in the southwest corner of the site, conforming to the Commercial Comprehensive Plan designation for that parcel. This proximity to a commercial designated land qualifies this site for high density residential development, and the proposed R4 zoning classification requested.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

8. Areas adjacent to either private or public permanent open space;

APPLICANT'S RESPONSE: Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The private and public open space referenced by the applicant are included within the proposed development plans that are associated with a Planned Development application submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application. However, without those private and public open spaces within the Planned Development, the subject site is not adjacent to either private or public permanent open space. Therefore, a condition of approval is included to ensure that the decision for approval of the Zone Change request is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) application is approved by the City Council.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the

allowed density shall be set through adopted 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.

APPLICANT'S RESPONSE: The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site's development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract "G" in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on its own does not require a development plan that would specify density of the actual residential development.

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.*

APPLICANT'S RESPONSE: The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on its own does not require a development plan that would specify the actual residential development.

Policy 81.00 *Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.*

APPLICANT'S RESPONSE: Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on

its own does not require a development plan that would specify the actual residential development.

Policy 90.00 *Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.*

APPLICANT'S RESPONSE: The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.00 *High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*

APPLICANT'S RESPONSE: As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.*

APPLICANT'S RESPONSE: No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.*

APPLICANT'S RESPONSE: To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings and adds that this zone change request is contingent upon the approval of a Planned Development application (PD 1-19) and Planned Development Amendment (PDA 2-19) that will have conditions of approval to respond to this Comprehensive Plan Policy.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Urban Policies

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

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

APPLICANT'S RESPONSE: As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to the site from adjacent main lines.

FINDING: SATISFIED. The City concurs with the applicant's findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. Based on comments received, 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Comprehensive Plan Map Amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

17.74.020 Comprehensive Plan Map Amendment and Zone Change - 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:

17.74.020(A). *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

APPLICANT'S RESPONSE: This Applicant's Statement has demonstrated how the proposed Comprehensive Plan Map and Zoning Map Amendment applications are consistent with applicable goals and policies of the Comprehensive Plan in the responses above under III. Findings A. of the McMinnville Comprehensive Plan.

FINDING: SATISFIED. The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

17.74.020(B). *The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;*

APPLICANT'S RESPONSE: Several changes have occurred in the neighborhood or community to warrant the proposed amendments. First of all, the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I designated Baker Creek Road adjacent to the site as a planned transit corridor. This makes it an appropriate action for the R-1 zoned parcel to be rezoned to R-4, as well as applying the R-4 zone to the remainder of the planned development site's area that does not have urban zoning. This type of residential zone will promote the type of density proposed with the planned development overlay and the type of density needed to support future transit service along this corridor. All of the lots are within ¼ mile of this planned transit corridor, providing consistency with Comprehensive Plan policies for this zoning classification.

It is the applicant's understanding, that a portion of the subject site was designated commercial at a time when a northwest expansion of the City's urban growth boundary was being pursued and a future commercial center was desired for this area of McMinnville. However, this expansion to the northwest did not materialize. This has left the site with an excess of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, who is a developer who has owned the site for almost four years after purchasing it from a bankruptcy trustee, attests to the lack of demand for so much commercial land through the lack of interest from others in the property for such uses. The commercially designated area is too large given the current pattern of development in McMinnville. A large commercial development is not appropriate and would drain economic activity from the downtown core and established commercial centers in McMinnville. The proposed planned development amendment and the amendment to the Comprehensive Plan Map will decrease the area designated commercial and will allow the property to more freely meet the market needs permitted under the C-3 zone. As discussed previously, development of the remaining commercial land will likely be a mix of neighborhood commercial and multi-family housing.

An additional change in the community is the successful development of the surrounding area with medium and high-density single-family housing. For example, the Baker Creek East and West development to the south, which was a modification of the original Shadden Claim planned development, improved the area with a gross housing density of 5.83 dwelling units per acre. The proposed Baker Creek North development is proposed to be 5.75 dwelling units per acre, so the proposed amendments allow the proposed development which is of a similar gross density to the adjacent developments.

The proposed amendments are also timely as the demand for housing increases. As the last large tracts of buildable land in the City are consumed, the proposed amendments will ensure that the subject site is efficiently developed with high density housing and provides housing diversity in an area that contains medium and low density neighborhoods (i.e. Oak Ridge, Michelbook Meadows, Adjacent new development to the northeast).

Approval of the amendments will allow for an orderly development of the area. The earlier phases of the planned development are along the south side of the site, where utilities exist and

small and medium sized lots meet the current market needs. Later phases will allow for more housing diversity with small, medium, and large lots to serve the broad housing needs of the community. The new lots in the planned development, and the development of multi-family units on the commercial lot, will provide economic support for neighborhood commercial uses on the C-3 zoned parcel.

The City of McMinnville completed its last Economic Opportunity Analysis (EOA) in 2013. The report indicates that there is a 35.8 acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designate some of the 235.9 acres of surplus Industrial land for commercial use. Since this surplus of Industrial land can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial designated land from 11.3 acres to 6.62 acres will not diminish the City's ability to meet its commercial land needs.

In 2001, the City of McMinnville completed a Residential Land Needs Analysis for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R-4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

Over the last two decades, the City's deficient residential land supply has continued to be a lingering problem and housing costs have risen to a point where they are now unattainable for many residents. To address these issues, the City is currently updating its Housing Needs Analysis. This study indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will allow the development of 891 dwelling units which can't be accommodated by the current R-4 land supply.

The applicant's proposal to zone 48.7 acres of the site R-4 will increase the density of existing Residential designated land to permit the develop additional housing in the community. As demonstrated by the attached Typical Lots Plan and Site Plan, the proposed Comprehensive Plan Map and Zoning Map Amendments will facilitate the development of 280 small, medium, and large sized single-family lots within the proposed planned development area. The proposed map amendments will also allow the future development of apartment units in addition to neighborhood commercial within the C-3 zoned portion of the site, further working to meet the housing needs of the community.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City clarifies that the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

It should also be noted that per the McMinnville City Code section 17.74.020, when the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and

state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

17.74.020(C). *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

APPLICANT'S RESPONSE: This narrative and the attached plans show that utilities and services can be efficiently provided to serve the proposed and potential uses in the proposed residential and commercial zoning districts.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. Based on comments received, 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

The City also notes that the applicant provided a traffic analysis report that modeled the buildout of a specific development plan that is associated with a Planned Development application (PD 1-19) and Planned Development Application (PDA 2-19) submitted for concurrent review with this Zone Change request. That development plan includes 280 single family homes, and the traffic analysis report only analyzed the transportation network's capacity for the development of those 280 homes and the adjacent commercial parcel.

The traffic analysis is based on the figures provided in the Traffic Analysis Report for Baker Creek North Development (dated July 2019) that accompanied the land use application materials. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and the number of trips that would be generated by each individual single family dwelling. The average daily trips for a single family dwelling unit is 9.44 trips per unit (ITE 210). As the traffic analysis report and the accompanying Transportation Planning Rule memo assumed the development of only 280 single family dwelling units on the subject site and development on the adjacent commercial parcel, the analysis assumed 2,643 average daily trips generated by the development of the subject site.

The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review. Because the traffic analysis report does not provide an analysis of the impacts of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, a condition of approval is included to tie this land-use approval with the subsequent approval of PD 1-19 and PDA 2-19.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

CD

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

RECITALS:

The Planning Department received an application (PDA 2-19) from Stafford Development Company, LLC requesting approval of a Zone Change to amend an existing Planned Development Overlay District to reduce the size of the existing Planned Development Overlay District to the size of a proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site; and

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867, Yamhill County Deed Records. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

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

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and

2. That the requested Planned Development Amendment is approved, subject to the following conditions:

1. That Ordinance 4633 is repealed in its entirety.

2. That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. "Integrated" means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are 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 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

4. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.
    a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
    b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA

bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.

c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of 45 feet without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.

d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.

e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.

f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.

g. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.

h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.

i. That signs located within the planned development site be subject to the following limitations:
    1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
    2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
    3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
    4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to

the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.

5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.
    A. Awning Sign
        i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
        ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
        iii. Lettering and signboard may be integrated along the valance or awning fascia.
    B. Projecting and Blade Sign
        i. Maximum sign area shall be 4 square feet (per side).
        ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
        iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.
        iv. Distance from building wall to signboard shall be a maximum of 6 inches.
        v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
        vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.
    C. Wall Signs
        i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.

ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.

iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.

j. Outside lighting must be directed away from residential areas and public streets.

5. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.

6. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
   a. Off-street parking and loading;
   b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
   c. Seating for food and beverage establishments; and
   d. Food carts.

7. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road.

8. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 28th day of January, 2020, by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Attest:

_____
CITY RECORDER

Approved as to form:

_____
CITY ATTORNEY

CITY OF MCMINNVILLE
PLANNING DEPARTMENT
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF 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 AND AMEND THE EXISTING CONDITIONS OF APPROVAL

DOCKET: PDA 2-19 (Planned Development Amendment)

REQUEST: Approval to amend an existing Planned Development Overlay District to reduce the size of the existing Planned Development Overlay District to the size of a proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site.

LOCATION: The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867, Yamhill County Deed Records. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: C-3 (General Commercial)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY & ACTION: The McMinnville City Council approves or denies the land-use application.

HEARING DATE & LOCATION: January 28, 2020, Civic Hall, 200 NE 2nd Street, McMinnville Oregon

PROCEDURE: An application for a Planned Development Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2019.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

<u>DECISION</u>

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Planned Development Amendment (PDA 2-19), **subject to the conditions of approval provided in Section II of this document.**

//

DECISION: APPROVAL WITH CONDITIONS

//

City Council:____ Date:_____________________
Scott Hill, Mayor of McMinnville

Planning Commission:______________________________________ Date:_____________________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: _____________________________________ Date:_____________________
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (PDA 2-19) is a request for a Planned Development Amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of a proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site. The Planned Development Amendment request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development, Subdivision, and Landscape Plan Review to allow for the development of a 280 lot subdivision and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

> "The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:
>
> 1. No more than 120 multi-family units may be developed on the site.
> 2. At least 2-acres of neighborhood commercial uses shall be developed on the site.
>
> The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone."

See Vicinity Map (Figure 1), Ordinance No. 4633 Planned Development Boundary (Figure 2), and CPA 1-19 Commercially Designated Area - Proposed Site Plan (Figure 3) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)

Figure 2. Ordinance No. 4633 Planned Development Boundary

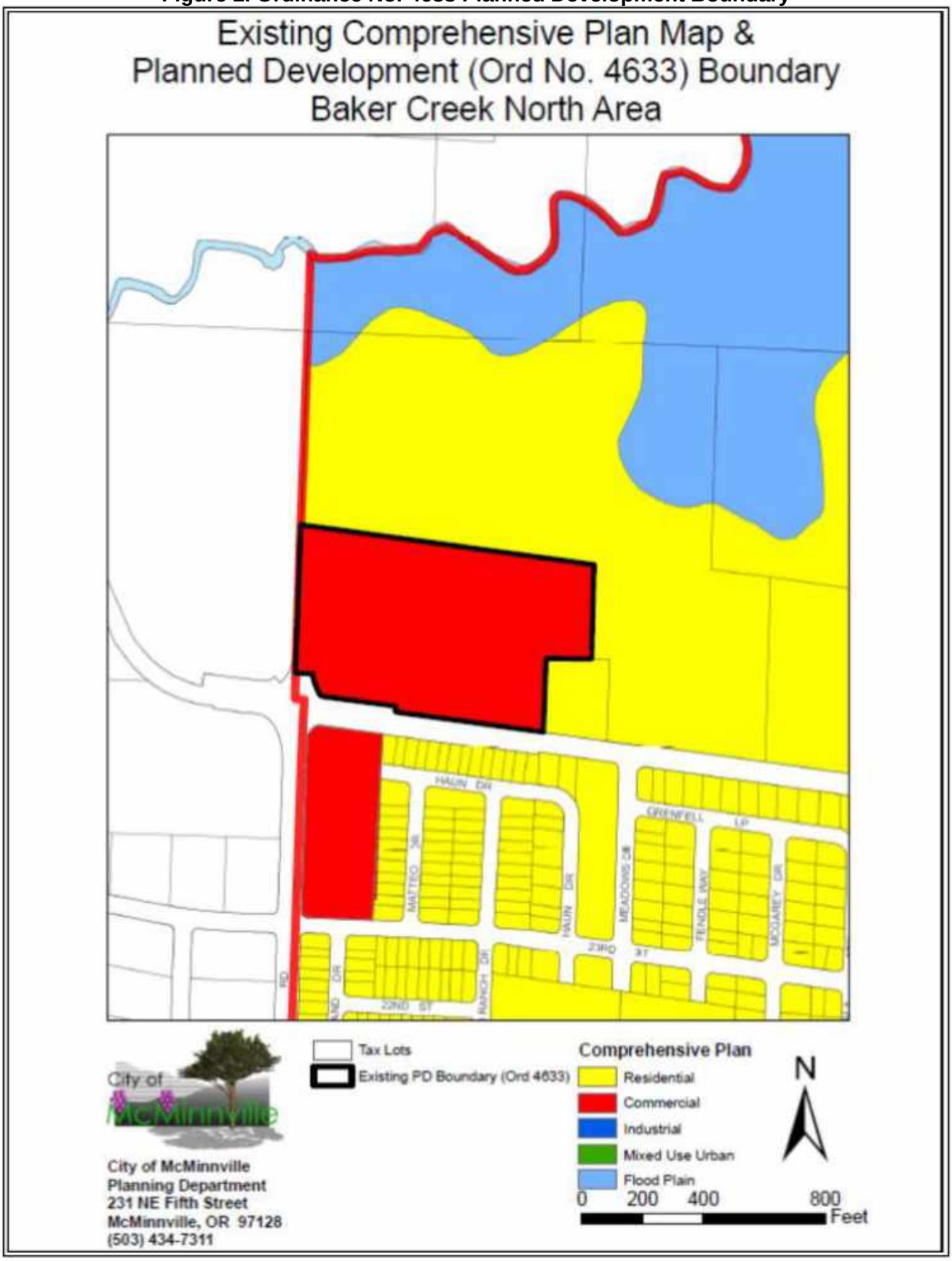
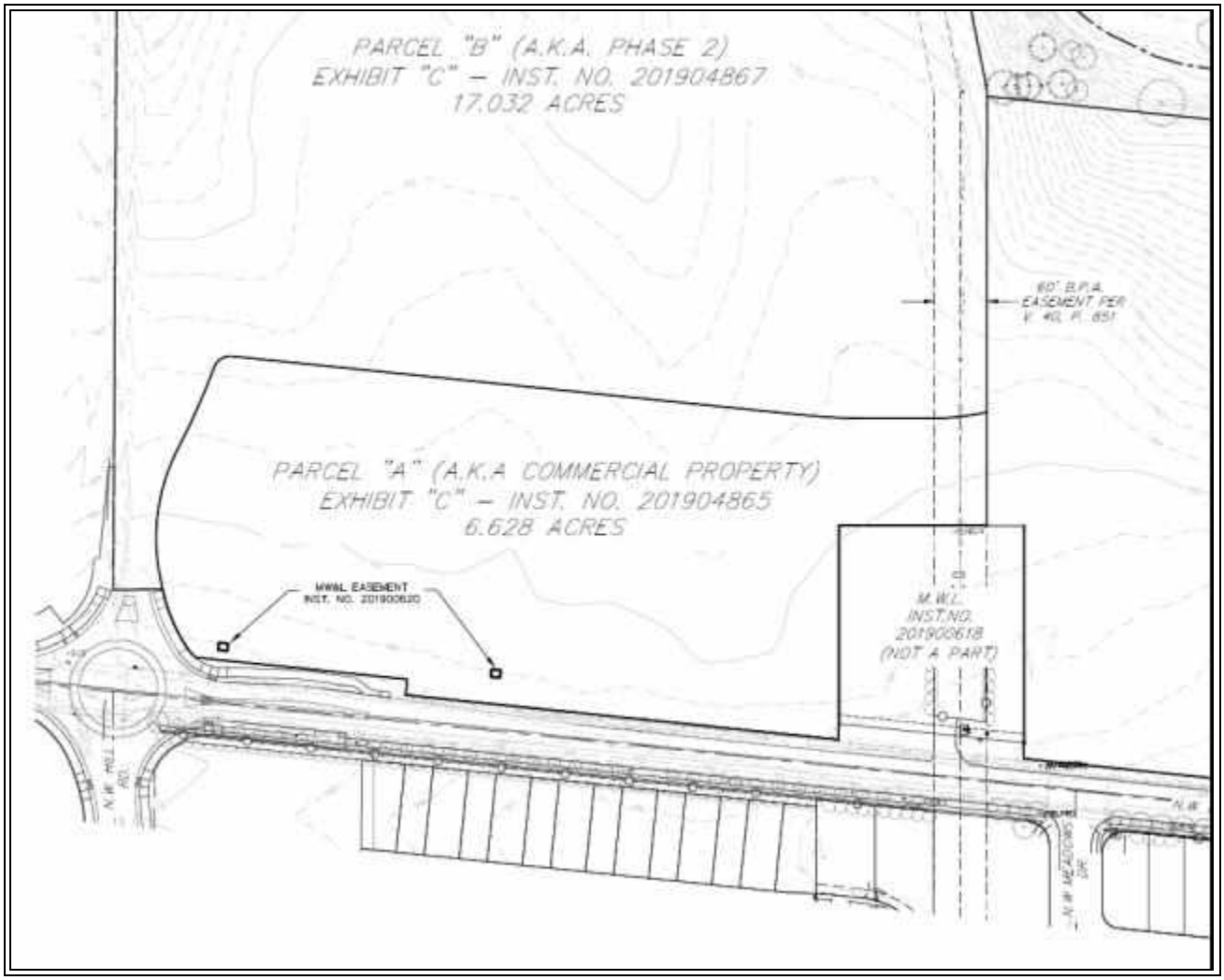


Figure 3. CPA 1-19 Commercially Designated Area
***Note – Parcel A identifies proposed reduced size of Planned Development Overlay District**



Background

Excerpts from Land Use Application Narrative and Findings:

> "Ordinance 4633 was approved in October of 1996 resulting in the commercial designation of 11.3 acres of the site and a commercial planned development overlay (C3-PD) which restricts development with two conditions of approval.
>
> * * *
>
> The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:
>
> 1. No more than 120 multi-family units may be developed on the site.
> 2. At least 2-acres of neighborhood commercial uses shall be developed on the site.

The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone.

It is the applicant's understanding that this area was designated commercial at a time when expansion of the City's urban growth boundary (UGB) westward was being pursued and this commercial area was hoped to be a large commercial center for McMinnville's (north)westward expansion. This UGB expansion to the northwest did not materialize. This has left the site with a glut of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, being a developer who has owned the site for almost four years, and having purchased it from a bankruptcy trustee, attests to this lack of demand for so much commercial land based on the lack of interest from others in the property for such uses. The commercially designated area is too large for the current pattern of development in McMinnville. A large commercial development is not appropriate since it would drain economic activity from the downtown commercial core and other established commercial centers in McMinnville. The proposed planned development amendment as established by Ordinance No. 4633, and an amendment to the Comprehensive Plan Map to decrease the area designated commercial as proposed, will allow the remaining commercial area to be regulated under current C3 zone standards. This will allow the property to more freely meet the market needs for uses allowed by the C3 zone, supporting a mix of uses such as neighborhood commercial and needed multi-family housing. The proposed amended planned development conditions will ensure this outcome."

Clarification of Land Use History

Ordinance 4633, which is the subject of this Planned Development Amendment, was adopted on October 6, 1996, and adopted a Comprehensive Plan Map Amendment of approximately 12.34 acres of land as a Commercial designation (Section 2 of Ordinance No. 4633), and also placed a Planned Development Overlay District on the same property (Section 3 of Ordinance No. 4633). These actions were processed under land use application docket number CPA 2-96.

The Comprehensive Plan Map Amendment reviewed and approved under docket number CPA 2-96 and Ordinance 4633 was applied for in response to another Comprehensive Plan Map Amendment and Planned Development request reviewed under land use application dockets CPA 1-96 and ZC 1-96. Applications CPA 1-96 and ZC 1-96 were associated with land south of Baker Creek Road, and amended the Comprehensive Plan Map designation of some of that land from Commercial to Residential and also approved a Planned Development Overlay District south of Baker Creek Road.

Ordinance 4633, which adopted a Comprehensive Plan Map Amendment of approximately 12.34 acres of land as a Commercial designation, and placed a Planned Development Overlay District on the same property, was approved with two conditions of approval. Those conditions of approval were identified in Section 3 of Ordinance 4633 in association with the Planned Development Overlay District and read as follows:

1. That development of the site is subject to the requirements of McMinnville Ordinance No. 4605, Section 2(a) – (g).
2. That no multiple-family residential use shall be allowed on the site.

The first condition of approval references a section within Ordinance 4605. However, Ordinance 4605 does not contain subsections (a) – (g) within Section 2, and Ordinance 4605 was associated with the approval of the annexation of property near Highway 18 and Old Sheridan Road into the City of McMinnville. Upon further inspection, condition #1 in Ordinance 4633 was intended to reference Section 2 (a) – (g) of Ordinance 4506, and it appears that there was a clerical error in the drafting of the

language within Ordinance 4633. The staff report on file with the McMinnville Planning Department for docket number CPA 2-96 includes references to Ordinance 4506, and Ordinance 4506 is also attached to the staff report. The staff report suggests that the conditions of approval from Ordinance 4506 be applied to the site that was the subject of CPA 2-96 and eventually approved by Ordinance 4633.

The applicant is requesting that the two existing conditions of approval within Ordinance 4633 be removed and replaced with the new conditions of approval referenced above as a Planned Development Amendment. The City does not believe that Ordinance No. 4626 is applicable to this review, but does agree that the applicant has the right to apply to amend the Planned Development Overlay conditions of approval in Ordinance No. 4633. This will be discussed in more detail in the findings for applicable policies and review criteria in Section VII (Conclusionary Findings) below.

Finally, the Planned Development Overlay District regulated by Ordinance 4633 was more recently amended by Ordinance 5076, which reduced the size of the Planned Development Overlay District to the existing 11.3 acres that are included in the Baker Creek North site. The reduction of the size of the Planned Development Overlay District resulted in the removal of the McMinnville Water and Light substation property from the overlay district. Therefore, the remaining 11.3 acres of the Planned Development Overlay District within the Baker Creek North site is the entirety of the remaining Planned Development Overlay District.

Of these 11.3 acres, CPA 1-19 (Comprehensive Plan Map Amendment application), if approved and is being considered as part of this project bundle of land-use decision, would amend the Comprehensive Plan Map for the commercially designated land associated with the Planned Development Overlay in Ordinance No. 4633 (as amended by Ordinance No. 5076) from 11.3 acres to 6.62 acres.

Summary of Criteria & Issues

The application (PDA 2-19) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. 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.

The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

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.

The applicant has provided findings to support the request for a Planned Development Amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

Generally, 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.

Consideration of a planned development request is discretionary in nature and includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements. In this case, the subject site is already regulated by an existing Planned Development (Ordinance No. 4633) and the request is to reduce the size of the Planned Development Overlay District to the size of the commercially designated area identified by the comprehensive plan map amendment (CPA 1-19) associated with this development project, 6.62 acres that will be rezoned to C-3 (General Commercial) with a zoning map amendment request (ZC 1-19) also associated with this development project, and amend the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site.

The requests for a Comprehensive Plan Map Amendment and Zone Change were submitted for concurrent review with this Planned Development Amendment request, which if all approved, would result in the reduced Planned Development Overlay District having a Commercial designation on the Comprehensive Plan Map and being zoned C-3.

II. CONDITIONS:

1. Ordinance 4633 is repealed in its entirety.

2. That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. “Integrated” means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are 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 10,000 square feet in size, except for grocery stores. The applicant may request

any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

4. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.
    a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
    b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.
    c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of 45 feet without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.
    d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
    e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
    f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.
    g. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.
    h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable

open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.

i. That signs located within the planned development site be subject to the following limitations:
    1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
    2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
    3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
    4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
    5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
    6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
    7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.
        A. Awning Sign
            i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
            ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
            iii. Lettering and signboard may be integrated along the valance or awning fascia.
        B. Projecting and Blade Sign
            i. Maximum sign area shall be 4 square feet (per side).
            ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
            iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.

iv. Distance from building wall to signboard shall be a maximum of 6 inches.

v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.

vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.

ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.

iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.

j. Outside lighting must be directed away from residential areas and public streets.

5. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.

6. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
   a. Off-street parking and loading;
   b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
   c. Seating for food and beverage establishments; and
   d. Food carts.

7. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road.

8. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

III. ATTACHMENTS:

1. PDA 2-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
   a. Public Testimony
      i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)

ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)

b. Staff Memorandums

i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)

4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

  The Engineering Department provided comments, but they were applicable to the Planned Development and Tentative Subdivision applications that were submitted for concurrent review with the Comprehensive Plan Map Amendment request. The Engineering Department comments are included in the Decision Documents for the Planned Development and Tentative Subdivision land use applications.

- McMinnville Water and Light

  Included as Attachment #2

- Oregon Department of State Lands

  Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.

2. The applicant submitted five land use applications (CPA 1-19, ZC 1-19, PD 1-19, S 1-19, L 12-19) on April 26, 2019.

3. Those application materials were deemed incomplete on May 30, 2019. One of the reasons for the applications being deemed incomplete is that they impacted the land regulated by Planned Development Overlay District Ordinance No. 4633, and the applicant had not addressed the Planned Development Amendment review process or criteria. The applicant submitted revised application materials on September 11, 2019, which included the Planned Development Amendment request.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

   Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M

2. **Size:** Approximately 11.3 acres.

3. **Comprehensive Plan Map Designation:** Commercial

4. **Zoning:** EF-80 (Exclusive Farm Use)

5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
   a. **Historic Resources:** None
   b. **Other:** None

8. **Other Features:** The site is generally flat, with a minor slope to the north. There are no significant or distinguishing natural features associated with this property.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.* (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City's last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2 and #8. The amendment of the boundary of the Planned Development Overlay District is necessary to respond to the approval of the Comprehensive Plan Map Amendment and Zone Change on the subject site that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The amendment of the boundary results in a reduction of the Planned Development Overlay District size to correspond with the 6.62 acre site that is designated as Commercial and zoned C-3 (General Commercial).

The suggested amendment of the existing conditions of approval could reduce the amount of the site being developed with commercial uses and services to only 2 acres of the site, with the remainder of the site being used as multifamily. To ensure that the site is still utilized for commercial use, a condition of approval is included to allow for multiple family dwelling units within the Planned Development Overlay District, but only if the multiple family units are integrated with commercial uses and that the minimum commercial acreage be increased to five acres. This integration of multiple family units and commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

For the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurants" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 21.04 The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.

APPLICANT'S RESPONSE: The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City's Sanitary Sewer system's capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy's workforce and appropriately scaled commercial area.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.

APPLICANT'S RESPONSE: The proposed C3 zoned area of the site is in an area already designated for commercial on the City's comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according the City's comprehensive plan goals and policies.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2 and #8. Multi-family is an allowed use in the C-3 zone. However, the City would still like to see neighborhood serving commercial in this area that is large enough to serve the northwest residential development of McMinnville, approximately 1000 homes. In order to ensure that the 6.62 acres still has a significant amount of commercial development, two conditions of approval are included that will allow multiple family dwelling units as requested by the applicant, but only if the multiple family units are integrated with commercial uses, and that the minimum amount of acreage for commercial development is five acres and not two acres as requested by the applicant. This integration of

multiple family units and commercial uses will ensure the provision of commercial uses and services that are not presently available to residents surrounding the subject site.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

APPLICANT'S RESPONSE: The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

FINDING: SATISFIED WITH CONDITION OF APROVALS #2, #3 and #8. The proposed Planned Development Amendment would reduce the size of the Planned Development Overlay District. However, the amendment of the boundary of the Planned Development Overlay District is necessary to respond to the approval of the Comprehensive Plan Map Amendment and Zone Change on the subject site that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The amendment of the boundary results in a reduction of the Planned Development Overlay District size to correspond with the 6.62 acre site that is designated as Commercial and zoned C-3 (General Commercial).

The suggested amendment of the existing conditions of approval could reduce the amount of the site that could provide commercial uses and services to only 2 acres of the site, with the remainder of the site being used as multifamily. The integration of multifamily units could actually maximize the efficiency of the existing commercially designated land, if designed appropriately. To ensure that the development of the site maximizes the efficiency of the commercial land that is being reduced in size, two conditions of approval are included to allow for multiple family dwelling units within the Planned Development Overlay District, but only if the multiple family units are integrated with commercial uses and that the minimum amount of acreage for commercial development is five acres and not two acres as requested by the applicant. This integration of multiple family units and commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

Additionally, per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers." As such, a condition of approval has also been provided that defines neighborhood commercial uses to ensure that this planned development amendment still achieves the city's vision of neighborhood serving commercial development in this northwest residential area, preserving the larger commercial land uses for C3 zones land along major commercial corridors. For the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurants" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

APPLICANT'S RESPONSE: As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City's 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2 and #3. The amendment of the existing conditions of approval could reduce the amount of the site that could provide commercial uses and services to only 2 acres of the site, with the remainder of the site being used as multifamily. The integration of multifamily units could actually maximize the efficiency of the existing commercially designated land, if designed appropriately. To ensure that the development of the site maximizes the efficiency of the commercial land that is being reduced in size, a condition of approval is included to allow for multiple family dwelling units within the Planned Development Overlay District, but only if the multiple family units are integrated with commercial uses. This integration of multiple family units and commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

Additionally, per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers." As such, a condition of approval has also been provided that defines neighborhood commercial uses to ensure that this planned development amendment still achieves the city's vision of neighborhood serving commercial development in this northwest residential area, preserving the larger commercial land uses for C3 zones land along major commercial corridors. For the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurants" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

APPLICANT'S RESPONSE: The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. The Planned Development Amendment results in the reduced 6.62 acres of Commercial property still being oriented towards the intersection of NW Hill Road and NW Baker Creek Road. Based on the size of the Commercial property, it can be developed in such a way as to not result in strip development

along either street corridor. To ensure that the development of the site is in the form of a cluster or node, a condition of approval is included to require that the site be developed with shared access points and shared internal circulation, and that the buildings be oriented towards the surrounding right-of-ways. To reduce auto-oriented building design, standards are included to require parking to be located behind or on the sides of buildings, limit the amount of off-street parking, encourage shared parking arrangements, include building façade features that are human scale and pedestrian oriented, and require pedestrian connections between the buildings and the surrounding sidewalks, trails, and right-of-ways.

The condition of approval specifies that these site design components shall be included in the development plans required by other existing conditions of approval to be provided for review and approval by the Planning Commission.

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City's ability to meet its commercial land needs.

The EOA provides specific recommendations to fulfill the City's economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant's proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

FINDING: SATISFIED. While the proposal does reduce the size of the Planned Development Overlay District, it does still result in a 6.62 acre Commercial property, which is large enough to support commercial uses and services that would be available to residents in the northwest area of the city.

Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

APPLICANT'S RESPONSE: There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 7. The existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. The applicant is proposing to limit the use of the property to "neighborhood commercial uses" and multifamily units. While the intent of the "neighborhood commercial uses" may be to limit conflicts and impacts on adjacent residential land uses, "neighborhood commercial uses" are not defined in the McMinnville Municipal Code. Therefore, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are 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. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

The City also finds that the location and design of buildings that will contain the commercial uses in the Planned Development Overlay District can significantly reduce any potential conflict or impact on adjacent residential land uses. Therefore, a condition of approval is included to require that detailed development plans be provided for review and approval by the Planning Commission**.** Existing conditions of approval in Ordinance 4633 already required that development plans would be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633, as amended as described in other findings in this Decision Document, also include requirements that will result in the reduction of any potential conflict or impact on adjacent residential land uses, including requirements for landscaping a minimum of 14% of the site, limiting building height to 45 feet (with a requirement that building walls be stepped back if above 35 feet), including building siting and façade standards, limiting lighting and signage on the site, and restricting hours of operation for the commercial uses.

Policy 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates "heavy traffic". That type of commercial should be located on arterials and in the central business district per this policy. The applicant's attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 7. The City concurs with the applicant's responses. However, the City adds that the existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. To ensure that future commercial uses are appropriately scaled and integrated with the surrounding area,

a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are 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. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

The City also finds that the location and design of buildings that will contain the commercial uses in the Planned Development Overlay District can significantly reduce any potential conflict or impact on adjacent residential land uses. Therefore, a condition of approval is included to require that detailed development plans be provided for review and approval by the Planning Commission**.** Existing conditions of approval in Ordinance 4633 already required that development plans would be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633, as amended as described in other findings in this Decision Document, also include requirements that will result in the reduction of any potential conflict or impact on adjacent residential land uses, including requirements for landscaping a minimum of 14% of the site, limiting building height to 45 feet (with a requirement that building walls be stepped back if above 35 feet), including building siting and façade standards, limiting lighting and signage on the site, and restricting hours of operation for the commercial uses.

Policy 27.00 Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

APPLICANT'S RESPONSE: This commercial designated area is across the street from residential areas. No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the proposed C3 zoned area will be appropriately scaled as allowed by the C3 zone. There are residential areas around the commercial parcel and neighborhood oriented commercial uses of no less than 2 acres are proposed with the amendment to the planned development overlay, which will make future commercial uses less intensive than envisioned by the current Ordinance 4633.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #3 and #4. The existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. The applicant is proposing to limit the use of the property to "neighborhood commercial uses" and multifamily units. While the intent of the "neighborhood commercial uses" may be to limit conflicts and impacts on adjacent residential land uses, "neighborhood commercial uses" are not defined in the McMinnville Municipal Code. Therefore, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are 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. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads,

acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. Consideration to land uses and traffic patterns will be given for any commercial uses proposed in the future on the proposed C3 zoned area, if access to arterials is sought. The proposed residential development plans internal circulation roads and access to the minor arterial Baker Creek Road at three points: 1) An extension of the north leg of Hill Road and Baker Creek Road roundabout in the form of a street proposed as Hill Lane, 2) An extension of Meadows Drive north from its current intersection with Baker Creek Road where new striping will be added for bike lanes, and 3) An extension of Shadden Drive north from its current intersection with Baker Creek Road where new striping will also be added for bike lanes. Both Meadows and Shadden drive will have additional pavement width on the west side of their sections to allow for a right turn lane.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #4 & 6. The Planned Development Overlay District is located on an arterial street, and no specific commercial development plan has been provided by the applicant. In order ensure that the future commercial development of the site does not negatively impact traffic patterns in the area and is designed with adequate access and internal circulation systems, a condition of approval is included to require that a traffic impact analysis be provided prior to any future development of the site. The traffic impact analysis shall analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets.

In addition, a condition of approval is included to require that the property within the Planned Development Overlay District be developed with shared access points and a shared internal circulation system.

Policy 30.00 *Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.*

APPLICANT'S RESPONSE: The C3 zoned area is located adjacent to NW Baker Creek Road, a minor arterial street. Future access to the commercial uses will not focus traffic through residential neighborhoods or reduce the carrying capacity of the adjacent streets. The traffic analysis provided with this application showed that, in the worst case scenario, the capacity of adjacent streets is sufficient.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. No specific commercial development plan has been provided by the applicant. The Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. In order ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets, a condition of approval is included to require that a traffic impact analysis be provided prior to any future development of the site.

Policy 31.00 *Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.*

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. A design to minimize bike and pedestrian conflicts and provide connections can be considered at the time of a future commercial development application. These travel modes are facilitated by the proposed semi-grid like street pattern of the adjacent residential developments and other pathways.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. No specific commercial development plan has been provided by the applicant. In order ensure that the future commercial development of the site is designed to minimize bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development, a condition of approval is included to require that detailed development plans be provided for review and approval by the Planning Commission. The detailed development plans shall identify how the future commercial development minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development. The Planned Development Overlay District is also located adjacent to the future northern extension of the BPA trail system, which provides bicycle and pedestrian access to many residential areas in the northwest area of the city. The detailed development plans shall identify how the commercial development connects to the BPA trail system. Other site design requirements, referenced in findings for Policy 24.00 and 29.00, require that the commercial property within the Planned Development Overlay District be developed with shared access points and a shared internal circulation system, which will also reduce bicycle/pedestrian conflicts on the right-of-ways around the perimeter of the site.

Proposal 6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

APPLICANT'S RESPONSE: The submitted plans indicate that the applicant is not currently proposing to develop the C3 zoned portion of the site. Prior to development of the site, a commercial use development application will be submitted for review of the proposed site design, circulation, parking facilities, and landscaping features. The traffic study provided with this application demonstrates that in the worst case scenario, there is sufficient off-site capacity in the surrounding street network for future uses of the commercial site.

FINDING: SATISFIED. The proposed Planned Development Amendment retains the Planned Development Overlay District at the northeast corner of the intersection of NW Hill Road and NW Baker Creek Road, which is an existing entrance to the City. Other conditions of approval referenced in findings above and below will allow for future review of site design prior to any future commercial development.

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

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

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

APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings in regards to the fact that the suggested amendment to allow up to 120 multiple family dwelling units within the Planned Development Overlay District will provide an increased opportunity for the development of a variety of housing types, specifically multiple family housing. The condition of approval does require that the multiple family units be

integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies.

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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, and adds that a condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies.

Policy 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.

APPLICANT'S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, and adds that a condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies. This integration will also encourage a compact form of urban development in an area where services are available to support that type of development.

Policy 69.00 *The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.*

APPLICANT'S RESPONSE: This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings. The City adds that a condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies. This integration will also encourage the integration of housing and commercial uses into a compatible framework within the Planned Development Overlay District.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Comprehensive Plan Map Amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.33 General Commercial Zone

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

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020;

APPLICANT'S RESPONSE: Although no development proposal has been submitted for the C-3 zoned portion of the site, the applicant intends to develop neighborhood commercial uses on a portion of this parcel in the future. As required, only uses which are permitted will be developed on the parcel.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 and #3. The existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. The applicant is proposing to limit the use of the property to "neighborhood commercial uses" and multifamily units. While the intent of the "neighborhood commercial uses" may be to limit conflicts and impacts on adjacent residential land uses, "neighborhood commercial uses" are not defined in the McMinnville Municipal Code. Therefore, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are 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. Only the permitted uses in Section 17.27.010 of the MMC and "Restaurants" shall be allowed as commercial uses within the Planned Development Overlay District. However, the condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Section 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;

APPLICANT'S RESPONSE: Again, no development proposal has been submitted for the C-3 zoned portion of the site. The submitted Lot Type Plan illustrates that only the R-4 zoned portion of the site is included within the boundary of the Baker Creek North Planned Development (see Exhibit 3). The applicant intends in the future to develop some apartment units on a portion of the C-3 zoned area of the site, however this will occur with the submittal of a future land use application. Approval of the request to amend the planned development established by Ordinance No. 4633 will facilitate this future uses which are consistent with the requirements of this code.

FINDING: SATISFIED WITH CONDITION #2. A condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. While none of the listed changes are specifically applicable, the Planning Director has determined that the proposed Planned Development Amendment, which reduces the size of the Planned Development Overlay District and amends existing conditions of approval, is considered to be a Major amendment and is therefore subject to Section 17.72.120, as addressed herein. The applicant has provided a Planned Development Amendment request to be reviewed by the Planning Commission in accordance with Section 17.72.120.

17.74.070. Planned Development Amendment – Review Criteria. […] 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:

17.74.070(A). *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

APPLICANT'S RESPONSE: This application does not propose to depart from standard regulation requirements of commercial and residential development within the commercial lot, thus this application demonstrates this item is addressed.

APPLICANT'S RESPONSE TO SECTION 17.51.030(C)(1): As mentioned previously, the applicant is requesting to modify several Conditions of Approval associated with Ordinance

4633, which is an existing Planned Development Overlay that applies to 12.34 acres of the subject site. The proposed planned development amendment requests the removal of Condition 1, which is carried over from Ordinance 4605, Section 2(a-g) when Ordinance 4633 was enacted. When Ordinance 4633 was adopted, the City had envisioned a UGB expansion in the NW quadrant. Since the boundary amendment wasn't realized, a large regional commercial area was no longer needed on this area of town. However, certain assumptions were made about the scale and intensity of a future commercial use on the site when Condition 1 was approved in 1996. It was also unanticipated at the time that similar development review provisions and design standards would later be incorporated into the McMinnville Zoning Ordinance (MZO). The following section of the Applicant's Statement address why the provisions of Condition 1 are no longer necessary, duplicative with current C-3 standards, and inconsistent with intended neighborhood uses on the site:

Condition 1 of Ordinance 4633, Referencing Ordinance 4506 – Section 2(a-g)

Section 2(a) - Under 17.58.100 of the MZO, the existing development code already requires landscape plans to be reviewed by the Landscape Review Committee for commercial, industrial, parking lots, and multi-family developments. Also, with the proposed street plan, the entire lot would be surrounded by public streets and a power substation, so the hedge screening is not applicable. As such, this section is not needed.

Section 2(b) - Under Section 17.72.090, detailed elevations, layouts, landscaping, parking, lighting plans are required to be submitted to the Planning Director for review. Therefore, this portion of the condition is inconsistent with current City code standards.

Section 2(c) - The applicant is considering neighborhood commercial uses for the C-3 zoned portion of the site. Since a convenience market could be established with the commercial development, prohibiting retail commercial activity from 12:30 a.m. to 6 a.m. would create an issue for neighborhood residents.

Section 2(d) - The C-3 zone permits the development of structures up to 80-ft. high, while the condition only allows 35 feet high buildings. The applicant envisions the development of buildings up to 50-ft. high, with neighborhood commercial uses on the ground floor and multi-family units on the upper floors. Therefore, this section is inconsistent with current code standards and will prevents the parcel from being efficiently developed.

Section 2(e) - Per Section 17.56.050, exterior lighting plans are currently required for commercial uses and must be directed away from property lines. Therefore, this element of the condition is not required.
Section 2(f) - The City adopted its current sign regulations in 2008, with subsequent revisions during the past 10 years. The current sign code fully addresses this portion of Condition 1; therefore, it is no longer needed.

Section 2(g) - Under Section 17.33.040 outside storage must be enclosed by a sight-obscuring fence. Any additional outdoor use restrictions could be determined and applied as conditions of approval when a future design review application is submitted for the neighborhood commercial development.

In addition to Condition 1, the applicant is also requesting to eliminate Condition 2 from the Planned Development Overlay that was enacted by Ordinance 4633. Condition 2 prohibits residential uses within the area of the site that is currently designated as Commercial on the

Comprehensive Plan Map. As discussed above, there is currently a 700 acre shortage of residential zoned land when addressing housing needs in McMinnville during the 2021-2041 planning period. With the proposed Comprehensive Plan Map and Zoning Map Amendments, 6.62 acres of 12.34 acres currently regulated by Ordinance 4633 will be zoned C-3, while the remaining 5.72 acres will be zoned R-4. The applicant is intending to submit a future land use application for the C-3 zoned parcel to permit the development of a mixed-use development with neighborhood commercial and multi-family units. The apartments will help address the need for 1,537 additional multi-family units in the community and will provide economic support for the planned neighborhood commercial use.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 - 8. The proposed Planned Development Amendment would reduce the size of the Planned Development Overlay District. However, the amendment of the boundary of the Planned Development Overlay District is necessary to respond to the approval of the Comprehensive Plan Map Amendment and Zone Change on the subject site that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The amendment of the boundary results in a reduction of the Planned Development Overlay District size to correspond with the 6.62 acre site that is designated as Commercial and zoned C-3 (General Commercial), as identified in the Comprehensive Plan Map Amendment and Zone Change that were submitted for concurrent review with the Planned Development Amendment. There are special objectives of the proposed development that warrant the amendment of the Planned Development Overlay District to reduce its size. In particular, the Comprehensive Plan Map Amendment and Zone Change result in a portion of the existing Planned Development Overlay District property being designated as Residential on the Comprehensive Plan Map and being zoned R-4 (Multiple Family Residential). The existing Planned Development Overlay is a Commercial Planned Development. As the portion of the site north of the 6.62 acre Commercial designation is now designated and zoned for residential use, the removal of the site from the Commercial Planned Development is warranted and necessary.

In regards to the existing conditions of approval, those existing conditions of approval are found to be the standard regulation requirements for the existing Planned Development Overlay District because they were adopted by Ordinance 4633 and currently regulate the development of the property. Therefore, amendments to those existing conditions of approval, as suggested by the applicant, may be approved only if there are special physical conditions or objectives of a development that warrant a departure from the standard regulation requirements. The City finds that some amendment of the conditions of approval are warranted given the special objectives of the development and changes in circumstances from the time that the existing Planned Development Overlay District was adopted in 1996. Those amendments and changes are described below. The conditions of approval were also reorganized to capture other conditions of approval, as described above, and to better describe the requirements for the development and future use of the site. In addition, the new condition of approval states that the applicant may propose alternative design components when detailed development plans are submitted for review to allow for the Planning Commission to have some flexibility in the future review of detailed development plans. The condition states that the Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed in the conditions of approval.

The existing conditions of approval, and the City's findings for whether they are still applicable, are as follows:

Section 2(a) - That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with

emphasis placed at the street frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines where adjacent to residentially zoned lands.

The applicant stated that landscaping is already required by Section 17.58.100 of the MMC. However, the reference to that section of the code is for street tree planting requirements. It is accurate that Section 17.57.030 requires landscaping in the C-3 zone. Also, Section 17.57.070(A) requires a minimum of 7% landscaping for commercial development and 25% landscaping for multiple family development. However, the existing Planned Development Overlay District condition of approval requires a minimum of 14% landscaping of the site, which exceeds the minimum requirement for commercial development in the MMC. This identifies that there was an intention at the time of the adoption of Ordinance 4633 that more of the site would be landscaped than what would be required by the underlying zoning.

Also, if multiple family units are developed on the site, the MMC requires 25% of the portion of the site that is used as multiple family to be landscaped. However, there is no clear standard in the MMC for the amount of landscaping required for mixed-use buildings that contain both commercial and residential uses. Therefore, the existing condition of approval remains and requires a minimum of 14 percent of the site to be landscaped. However, language is added to a condition of approval to require that usable open space be provided within the Planned Development Overlay District if multiple family dwelling units are developed on the site to provide open space for residents. The condition specifies that a minimum of 10 percent of the site must be designated as usable open space. The usable open space may be combined with the community gathering space required for the commercial uses, as described in the same condition of approval.

The City does concur that an arborvitae hedge or visual screen may not be an appropriate planting along the property lines adjacent to residential zones, based on the intended development of the surrounding area. Therefore, the condition of approval is amended to remove that language, but keep the language that requires an emphasis on landscaping placed at the street frontage. Also, the condition of approval is amended to state that all adjacent public right-of-ways will be improved with street tree planting as required by Chapter 17.58 of the MMC.

Section 2(b) - Detailed plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible.

The applicant has stated that Section 17.72.090 of the MMC requires detailed elevations, layouts, landscaping, parking, lighting plans to be submitted to the Planning Director for review. However, that is only accurate if certain development plans are proposed, such as a development that meets the applicability requirements of the Large Format Commercial Development Standards in Chapter 17.56.030 of the MMC. In order to ensure that detailed development plans are submitted for review and approval by the Planning Commission, this condition of approval remains. The condition of approval has been amended to reflect other required conditions of approval based on commercial Comprehensive Plan policies, as described above. Also, Section 17.51.010(B) states that "…the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved." Therefore, the condition of approval requiring the submittal of detailed development plans is consistent with the MMC.

Section 2(c) - No use of any retail commercial use shall normally occur between the hours of 12:30 a.m. and 6:00 a.m.

The applicant has stated that prohibiting retail commercial activity from 12:30 a.m. to 6 a.m. would create an issue for neighborhood residents. However, the City finds that the limitation of the hours of the proposed neighborhood commercial uses would assist in mitigating any potential negative impacts of the future commercial uses on the surrounding areas that are either developed or guided for residential use. Therefore, the condition of approval remains but has been amended to 1:00 a.m. to 5:00 a.m..

Section 2(d) - No building shall exceed the height of 35 feet.

The applicant has stated that the building height of 35 feet would be restrictive to the development of mixed-use buildings with neighborhood commercial uses on the ground floor and multiple family dwelling units on the upper floors. The City concurs with the applicant, and also notes that other conditions of approval described above in this Decision Document require the integration of multiple family dwelling units with commercial uses through the development of mixed-use buildings or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission. Therefore, the condition of approval related to building height is amended to limit the height of buildings to 45 feet, as described by the applicant. The condition of approval specifies that if buildings are proposed to exceed 35 feet, that they are designed with a step back in the building wall to reduce the visual impact of the height of the building.

Section 2(e) - That if outside lighting is to be provided, it must be directed away from residential areas and public streets.

The applicant has stated that lighting plans are required for commercial uses. However, that is only accurate if certain development plans are proposed, such as a development that meets the applicability requirements of the Large Format Commercial Development Standards in Chapter 17.56.030 of the MMC. Therefore, in order to ensure that lighting is controlled and not causing negative impacts on surrounding residential areas, this condition of approval remains.

Section 2(f) - That signs located within the planned development site be subject to the following limitations:

1) All signs must be flush against the building and not protrude more than 12 inches from the building face, except that up to two free standing monument-type signs not more than six feet in height and which meet the requirements of (2) and (3) below are allowed;
2) All signs, if illuminated, must be indirectly illuminated and nonflashing;
3) No individual sign exceeding thirty-six (36) square feet in size shall be allowed.

The City finds that the general sign regulations in Chapter 17.62 of the MMC would allow for much more signage in a C-3 zone than what the existing condition of approval allows. In order to minimize visual impacts on surrounding residential areas, the City has updated this condition of approval to reflect a neighborhood commercial development.

Section 2(g) - All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1) Off-street parking and loading

2) Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.

In order to minimize visual impacts on surrounding residential areas, this condition of approval remains. The City finds that this condition of approval is more conducive for the neighborhood commercial uses proposed by the applicant, and has added food and beverage outdoor seating and food carts to the exemptions to encourage outside gathering spaces and activities.

In regards to the allowance of multiple family dwelling units on the site, the City concurs with the applicant's findings that there is a shortage of land for residential use in the City of McMinnville and a need for additional multiple family development to support future population growth. The City also notes that per the findings in the zone change request associated with this project (ZC 1-19) that this is an ideal location for multiple family development. However, the City has also planned for at least five acres of commercial development in this area since Ordinance 4506 was adopted on December 10, 1991. The need for neighborhood serving commercial development in this area has carried forward into subsequent Ordinances, including Ordinance 4633 and the 2013 Economic Opportunities Analysis. Recognizing the need to maintain space for commercial development and to accommodate additional multiple family development, the City will require that five acres of this site retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. Increasing the height restriction of Ordinance 4633 from 35 feet to 45 feet helps to support mixed-use development as well. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

The City finds that conditions within the City of McMinnville have changed significantly since the time the Planned Development Overlay District was originally adopted in 1996. Since that time, the City has completed studies and analyses of the availability of land for the development of residential uses. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit. The City has also completed more recent updates to the Residential Buildable Lands Inventory, which was reference by the applicant. While that analysis has not yet been acknowledged, it also identifies a need for additional land for the development of residential uses. The proposed amendment to allow multiple family dwelling units on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

17.74.070(B). *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

APPLICANT'S RESPONSE: The Comprehensive Plan Map is proposed to be amended concurrently and consistent with the planned development area proposed in this Planned Development Amendment application. This narrative addresses how the Comprehensive Plan Map and Zoning Map amendments and the commercial and residential uses within the proposed planned development amendment area are consistent with the Comprehensive Plan objectives by providing neighborhood commercial and needed residential housing.

APPLICANT'S RESPONSE TO SECTION 17.51.030(C)(2): The applicant is requesting concurrent approval of the proposed amendments to Ordinance No. 4633, an amendment to the Comprehensive Plan Map to change a portion of the Commercial designated land to Residential, and a zone change to designate portions of the area regulated by the ordinance as C-3 and R-4. The applicant is also requesting approval of a zone change to designate the remainder of the Baker Creek North Planned Development area R-4. As discussed in the above narrative, the proposed land use actions and resulting development are consistent with applicable Comprehensive Plan goals, policies, and objectives of the area.

FINDING: SATISFIED. The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

17.74.070(C). *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

APPLICANT'S RESPONSE: The area of the planned development amendment is surrounded by existing and proposed streets. Thus, access and services will be available to adjoining parcels from and through those streets. Upon future development of the planned development amendment site with the commercial C3-PD overlay, public right-of-way along Baker Creek Road will be improved and dedicated to the City and a public utility easement along street frontages will be granted. Documents to affect the dedication and granting of right-of-way and easements will be recorded in the local County records.

FINDING: SATISFIED WITH CONDITION #4 & #7. The City concurs with the applicant's findings, and adds that a condition of approval is included to allow for the review and approval of the access and internal circulation of the commercial development site. A condition of approval is also included to require a traffic impact analysis that will analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets. The traffic impact analysis will also ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets. The condition of approval requires that the traffic impact analysis be provided prior to any future development of the site.

17.74.070(D). *The plan can be completed within a reasonable period of time;*

APPLICANT'S RESPONSE: The plan to amend the planned development can be completed in a reasonable amount of time. The amendment will be done as soon as the City passes ordinances to affect the change.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.74.070(E). *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

APPLICANT'S RESPONSE: The site of the planned development amendment is adjacent to a minor arterial with capacity planned in the City's Transportation Plan adequate to serve the area with over ten acres of commercial use. The applicant's traffic analysis shows this. The proposed use is 6.62 acres with no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units. The intensity of the proposed uses in the application are less than the intensity of the commercial use planned for in the City's plans under the current planned

development scenario. Therefore, development of the site as the amendment proposes will not overload the streets, rather the impact will be lighter than planned for by the City.

FINDING: SATISFIED WITH CONDITION #4 & #7. The City concurs with the applicant's findings, and adds that a condition of approval is included to allow for the review and approval of the access and internal circulation of the commercial development site. A condition of approval is also included to require a traffic impact analysis that will analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets. The traffic impact analysis will also ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets. The condition of approval requires that the traffic impact analysis be provided prior to any future development of the site.

17.74.070(F). *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

APPLICANT'S RESPONSE: The area amended by the planned development has street frontage, sanitary sewer service and other utilities available as shown on the plans that are adequate for development of the site. No development of the site is proposed at this time.

FINDING: SATISFIED. The City concurs with the applicant's findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. Based on comments received, 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

17.74.070(G). *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

APPLICANT'S RESPONSE: No development of the site is proposed at this time. However, neighborhood commercial and multi-family impacts are those anticipated for typical urban development. Noise, air, and water pollutants from the site will no impact surrounding properties. Surrounding properties are buffered from the site by public streets.

FINDING: SATISFIED. The City concurs with the applicant's findings.

CD

Attachment D

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

RECITALS:

The Planning Department received an application (PD 1-19) from Stafford Development Company, LLC requesting approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities; and

The subject property is generally located northeast of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Planned Development review criteria listed in Section 17.51.030(C) of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and

2. That the requested Planned Development is approved, subject to the following conditions:

    1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

    2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.

    3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
        a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
        b. SFD-45: Minimum 4 foot side yard setback
        c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
        d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback

    4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric Code (NEC) clearances.

    5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.

    6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to

allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a Homeowner's Association (HOA) for the benefit of the public until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park land to the City of McMinnville.

7. That the tracts and parcel dedicated as public park and open space are improved to City standards prior to dedication to the City of McMinnville. Specifically, the following improvements are required in the following tracts and parcel:
    a. Tract I – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    b. Tract J - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    c. Tract K – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be

improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.

e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Track I, Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.

f. Tract G – This tract is identified for a sanitary sewer pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. The proposed sanitary sewer pump station site also appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained.

8. That the private open space and recreational tracts be improved or preserved as shown in the Planned Development plans. Specifically, the following improvements are required in the following tracts:

   a. Tract A – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.

   b. Tract B – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment, open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.

   c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified

on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.

d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.
e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
m. Tract S – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.

9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved

trail of at least 10 feet in width with a five foot buffer on each side. A development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted to the City for review and approval of the design and engineering prior to construction.

10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.

11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.

12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.

14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.

    That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be

removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision, as identified in Drawing L 1.0, Drawing L4.0, Drawing L 5.0, Drawing L6.0, and the tree protection detail in Drawing L6.0 and approved as part of L 12-19 as part of this development project.

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

15. That lots with less than 40 feet of street frontage shall be accessed from an alley / alley loaded.

16. That all alleys will be private. Any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.

17. That Lots 206 – 210 shall be allowed to share one private access drive. The access drive shall be provided within an access easement and be maintained by the properties utilizing the access drive for access.

18. That driveways on each private lot shall be the maximum width requested by the applicant depending on the type of lot. Except for SFD-40 lots, the driveway width shall be tapered down at the property line and not exceed the maximum 40 percent driveway width required by Section 12.20.030(B) between the property line and the street. SFD-40 lots may have maximum driveway widths of 20 feet between the property line and the street. The maximum driveway width on the private lot for each lot type shall be:
    a. SFD-70 and SFD-60 Lots: 30 feet wide driveways
    b. SFD-50 and SFD-40 Lots: 20 feet wide driveways
    c. SFD-45 Lots: 18 feet wide driveways
    d. SFD-30a & SFD-26a Lots: Driveways the same width of the dwelling, and only providing access from an alley

    Variances to driveway width and location due to unique lot configurations may be requested through the process in Section 12.20.080 (Variances-issuance conditions-City Engineer authority) of the McMinnville Municipal Code. Variances will be required for lots that have reduced frontage dimensions on curved corners

of streets (Mercia Street, Charles Street, and Edgar Street) and for some corner lots.

19. That the maximum block length within the Baker Creek North Planned Development shall be 645 feet and the maximum block perimeter shall be 2,325 feet.

20. All front facades and public facing building elevations must meet the following design standards.

    Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

    The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

    a. Style and Massing
        i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
            1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
    b. Quality and Type of Exterior Materials
        i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
        ii. A minimum of two types of building materials shall be used on the front elevations.
        iii. Elevations shall have trim, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
        iv. In addition, elevations will include at least four of the following.
            1. Windows – mullions, trim, orientation, sashes
            2. Gables
            3. Dormers
            4. Architectural bays
            5. Awnings made of fabric, metal or wood-framed
            6. Change in wall planes
            7. Ground floor wall lights/sconces
            8. Transom windows
            9. Balconies or decks
            10. Columns or pilasters – not decorative
    c. Front Porches / Entry Areas
        i. Front porches shall be at least 36 square feet in area, with a minimum dimension of 6 feet by 6 feet.
        ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.

iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.

d. Roof Design and Materials
   i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
   ii. Elevations shall contain more than one single, continuous ridgeline or eave.

e. Exterior Doors and Windows
   i. Windows shall be provided on all elevations and blank walls will be avoided.

f. Garage Door Types
   i. Pair garages where possible to maximize planting strip and potential for street trees.
   ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
   iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
      1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
      2. The building includes one of the following:
         a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
         b. A covered balcony above the garage that is:
            i. At least the same length as the street-facing garage wall;
            ii. At least 6 feet deep; and
            iii. Accessible from the interior living area of the dwelling unit.
         c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
            i. Change in elevation of roof ridges
            ii. Change in direction of roof ridges
            iii. Eave overhangs of over 12 inches
            iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
            v. Porch of at least 48 square feet in area
            vi. Dormer or bay windows
            vii. Shutters on all windows
            viii. Accent siding
            ix. Decorative gable vents
            x. Garage doors with windows and decorative paneling
            xi. Decorative front door (minimum 25 percent glazing)

xii. Front door with transom and sidelight windows

iv. Garages shall be recessed from entrances or covered front porches.

g. Exterior Lighting

h. Sample Exterior Colors

i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

21. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

    Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 28th day of January, 2020, by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Attest:

_____
CITY RECORDER

Approved as to form:

_____
CITY ATTORNEY

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

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF 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

DOCKET: PD 1-19 (Planned Development)

REQUEST: Approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities.

LOCATION: The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: R-4 (Multiple Family Residential)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY & ACTION: The McMinnville City Council approves or denies the land-use application.

HEARING DATE & LOCATION: January 28, 2020, Civic Hall, 200 NE 2nd Street, McMinnville Oregon

PROCEDURE: An application for a Planned Development Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Planned Development are specified in Section 17.51.030(C) of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Planned Development (PD 1-19), **subject to the conditions of approval provided in Section II of this document.**

//

DECISION: APPROVAL WITH CONDITIONS

//

City Council:____Date:____________________
Scott Hill, Mayor of McMinnville

Planning Commission:_____________________________________Date:____________________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: _____Date:_____
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Planned Development request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (PD 1-19) is a request for approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities.

The Planned Development request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Subdivision, and Landscape Plan Review to allow for the development of the 280 lot subdivision proposed in the Planned Development plans and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

> "This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay. […]
>
> Site Description
> All of the subject parcels are currently vacant from an urban perspective, but have been actively farmed, primarily with grass seed. The site generally slopes down from the south to north, although a small area drains surface water to the southeast. The entire site is on top of a long bluff and out of the 100-year floodplain and away from any local drainage. The site is located north of Baker Creek Road, generally west of Shadden Drive, and east of the intersection of Baker Creek Road and Hill Road where there is a new roundabout. The project will extend proposed NW Hill Lane from the roundabout, and extend NW Meadows Drive, NW Shadden Drive, and NW Blake Street into the site from their current termini at intersections and street stubs. The applicant's road profiles and details indicate a half street improvement will be installed along the NW Baker Creek Road frontage from Meadows Dr. to Shadden Dr, and new streets within the development will be fully improved to meet City standards.

Housing

Consistent with Housing Element goals and policies of the Comprehensive Plan, the proposed Planned Development will include a mix of housing types to meet the diverse needs of McMinnville residents. The applicant's Typical Lots sheet demonstrates that the requested R-4 zoning will allow the construction of various small, medium, and large lot single-family detached dwelling units.

Open Spaces

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process:

1) Lots: The number in the proposed seven lot types (i.e. SFD-70) reflects the typical width of the lot (i.e. 70 feet typical width). "SFD" stands for "Single-Family Detached" dwelling, and the "a" in "SFDa" stands for a lot with a garage loaded from the alley.
   - Area - The proposed seven lot types provide an overall average lot area that exceeds 4,500 square feet per lot.
     - Overall average lot area for large and medium lot types SFD-70, SFD-60, SFD-50, SFD-45, & SFD-40, where the garage faces the street, will be at least 5,000 square feet per lot. This mimics the minimum lot size of a detached single-family dwelling in a standard subdivision.
     - Overall average lot area for small lot types SFD-30a & SFD-26a, where the garage faces an alley, will be at least 2,500 square feet per lot. This mimics the minimum lot size of a common wall construction single-family dwelling in a standard subdivision, even though this planned development approach requests these dwellings types detach from the common wall approach.
   - Orientation – Side property lines are oriented as much as practicable at 90 degrees to the roadway where the dwelling takes access. Approval will require lot orientation at the final plat to substantially conform to preliminary plat drawings PL-1 through PL-5.

2) Setbacks: Minimum setbacks in the planned development are illustrated on the Typical Lots exhibit for each of the seven lot types per the Lot Type Plan. Below are setbacks that **differ** from a standard subdivision. Setbacks that meet the code standard, like 20-foot setback to the face of the garage, are not listed below:
   - Internal side yard setbacks shall be 5 feet on SFD-70, SFD-60, SFD-50 and SFD-40 lots, one foot less than the standard.
   - Internal side yard setbacks shall be 4 feet on SFD-45 lots, two foot less than the standard.

- Internal side yard setbacks shall be 3 feet on each side of the dwelling on SFD-30a and SFD-26a lots, instead of 0 feet and 6 feet as would be required if these lots were built with dwellings in a standard subdivision with common wall construction. This means, the proposed lot types will have the same amount of total side yard as a 2-unit town house lots in a standard subdivision, only no burdensome common wall.
- Rear building setback from an alley shall be 15 feet.

3) Frontage: Most lots have the minimum 25 feet of frontage on a public street required by code. The lots listed below do not and the request is for approval of the access as proposed.
   - Lot 131 has a flag pole with 20 feet of frontage on a public street.
   - Lot 270 has a flag pole with 20 feet of frontage on a public street with an easement over it for a private drive, which serves as a common access to serve both Lot 270 and adjacent Lot 269. As preferred by MZO Section 17.53.100C.3, Lot 269 does not have a proposed flag pole.
   - Lots 206-209 have no frontage or flag poles (as preferred by the code section stated above), rather they are served by a private drive that is in a 25-feet wide easement from a public street over the fronts of Lots 207-210.
   - Lots 21-32, 44-49, & 69-80 have more than 25 feet of frontage on a proposed public alley at the rear of the lot. In addition, the lots maintain over 25 feet of frontage on a proposed private open space tract with a pedestrian way (some end lots also have side yard frontage on a public street).

4) Private Drives: The following lots are served by a common drive in an easement shown on the preliminary plat, rather than a driveway with frontage on a public street.
   - Lots 270 and 269, through an easement over Lot 270, see drawing PL-5.
   - Lots 206-210, through an easement over Lot 207-210, see drawing PL-3.

5) Driveways: Modified driveway widths at the public street as shown on the proposed Site Plan drawings SP-1 through SP-5. Driveways are paired, where possible, to facilitate on-street parking between driveways and a street tree planted between them in the parking strip between the curb and sidewalk, where possible.
   - SFD-70 & SFD-60 lots have 30 feet wide driveways.
   - SFD-40 lots have 20 feet wide driveways.
   - SFD-45 lots have 18 feet wide driveways.
   - SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

6) Alleys: Both through alleys and dead end alleys (of less than 150 feet) are proposed, all with a right-of-way width of 22 feet.

7) Blocks: Some blocks exceed the perimeter dimension standards, but are provided with mid-block pedestrian ways to ensure adequate circulation and access.

8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
   - The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-

ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-34 lots, but may occur on other lots in the development.

- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
- Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
- The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
- Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

9) Monument Signs: Two monument signs along Baker Creek Road are proposed with the dimensions described on drawing L9.0 Landscape Plan.
   - One will be located in Phase 1A on the NW corner of Shadden Drive oriented to the east, and the other in Phase 1C on the NE corner of Meadows Drive oriented to the west as shown on the Site Plan drawing SP-1."

See Vicinity Map (Figure 1), Existing Zoning (as approved with concurrent zone change request) (Figure 2), Proposed Site Plan (Figure 3), and Proposed Park Dedication Parcel (Figure 4) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)

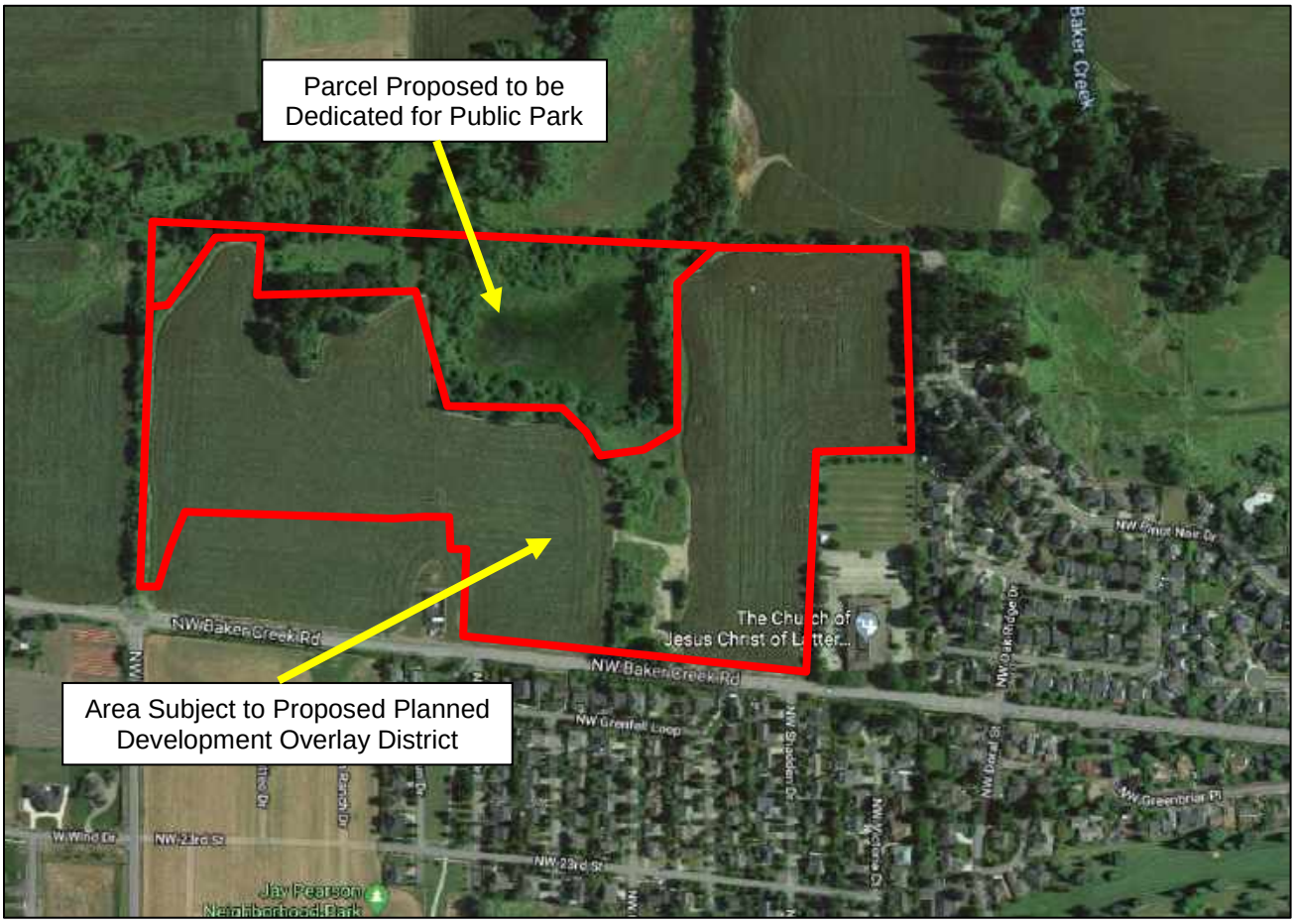


Figure 2. Existing Zoning
***Note – Zoning shown as proposed with concurrent Zone Change request**

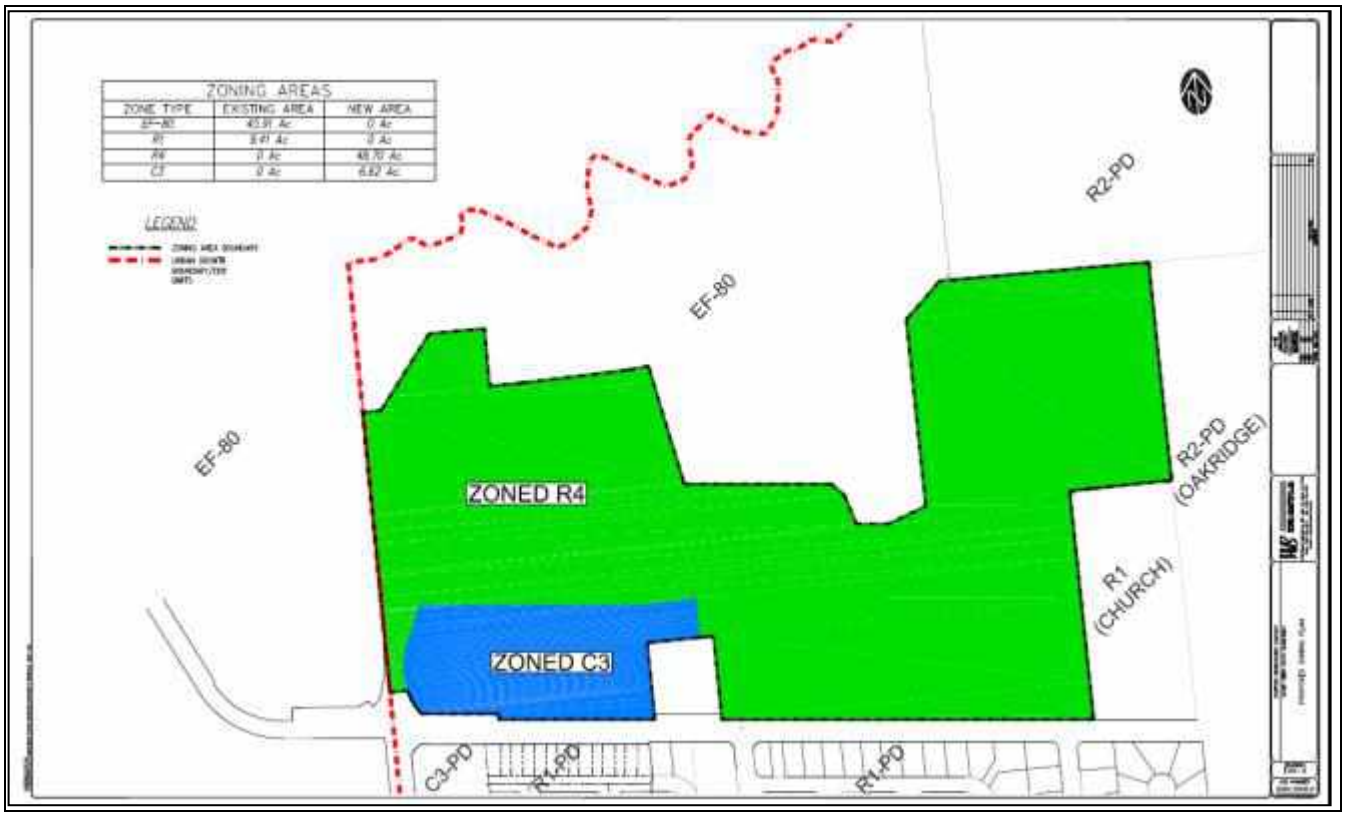
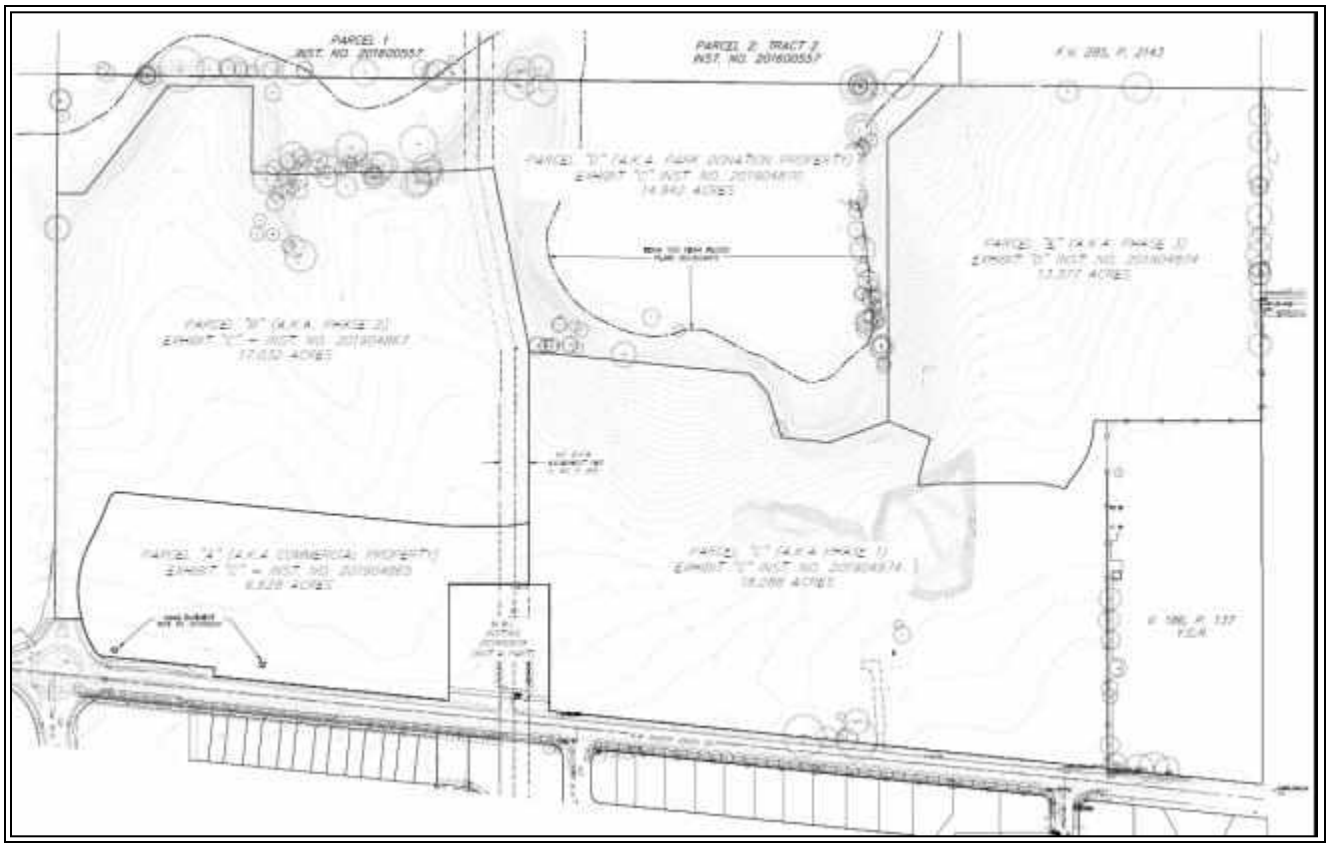


Figure 3. Proposed Site Plan

Figure 4. Proposed Park Dedication Parcel



Summary of Criteria & Issues

The application (PD 1-19) is subject to the Planned Development review criteria in Section 17.51.030(C) of the McMinnville Municipal Code. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for a Planned Development in Section 17.51.030(C) of the McMinnville Municipal Code require the Planning Commission to determine that:

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

The applicant has provided findings to support the request for a Planned Development. These will be discussed in detail in Section VII (Conclusionary Findings) below.

Per Section 17.51.030, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance, which reads,

> *"The purpose 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."*

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements.

II. CONDITIONS:

1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.

3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
    a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
    b. SFD-45: Minimum 4 foot side yard setback
    c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
    d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback

4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric

Code (NEC) clearances.

5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.

6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a Homeowner's Association (HOA) for the benefit of the public until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park land to the City of McMinnville.

7. That the tracts and parcel dedicated as public park and open space are improved to City standards prior to dedication to the City of McMinnville. Specifically, the following improvements are required in the following tracts and parcel:
    a. Tract I – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    b. Tract J - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
    c. Tract K – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the

same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.

d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.

e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Track I, Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.

f. Tract G – This tract is identified for a sanitary sewer pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. The proposed sanitary sewer pump station site also appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained.

8. That the private open space and recreational tracts be improved or preserved as shown in the Planned Development plans. Specifically, the following improvements are required in the following tracts:

   a. Tract A – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.

   b. Tract B – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment, open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.

c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.
e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
m. Tract S – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.

9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. A development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted

to the City for review and approval of the design and engineering prior to construction.

10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.

11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.

12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.

14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.

    That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision, as identified in Drawing L 1.0, Drawing L4.0, Drawing L 5.0, Drawing L6.0, and the

tree protection detail in Drawing L6.0 and approved as part of L 12-19 as part of this development project.

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

15. That lots with less than 40 feet of street frontage shall be accessed from an alley / alley loaded.

16. That all alleys will be private. Any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.

17. That Lots 206 – 210 shall be allowed to share one private access drive. The access drive shall be provided within an access easement and be maintained by the properties utilizing the access drive for access.

18. That driveways on each private lot shall be the maximum width requested by the applicant depending on the type of lot. Except for SFD-40 lots, the driveway width shall be tapered down at the property line and not exceed the maximum 40 percent driveway width required by Section 12.20.030(B) between the property line and the street. SFD-40 lots may have maximum driveway widths of 20 feet between the property line and the street. The maximum driveway width on the private lot for each lot type shall be:
    a. SFD-70 and SFD-60 Lots: 30 feet wide driveways
    b. SFD-50 and SFD-40 Lots: 20 feet wide driveways
    c. SFD-45 Lots: 18 feet wide driveways
    d. SFD-30a & SFD-26a Lots: Driveways the same width of the dwelling, and only providing access from an alley

    Variances to driveway width and location due to unique lot configurations may be requested through the process in Section 12.20.080 (Variances-issuance conditions-City Engineer authority) of the McMinnville Municipal Code. Variances will be required for lots that have reduced frontage dimensions on curved corners of streets (Mercia Street, Charles Street, and Edgar Street) and for some corner lots.

19. That the maximum block length within the Baker Creek North Planned Development shall be 645 feet and the maximum block perimeter shall be 2,325 feet.

20. All front facades and public facing building elevations must meet the following design standards.

    Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

a. Style and Massing
    i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
        1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
b. Quality and Type of Exterior Materials
    i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
    ii. A minimum of two types of building materials shall be used on the front elevations.
    iii. Elevations shall have trim, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
    iv. In addition, elevations will include at least four of the following.
        1. Windows – mullions, trim, orientation, sashes
        2. Gables
        3. Dormers
        4. Architectural bays
        5. Awnings made of fabric, metal or wood-framed
        6. Change in wall planes
        7. Ground floor wall lights/sconces
        8. Transom windows
        9. Balconies or decks
        10. Columns or pilasters – not decorative
c. Front Porches / Entry Areas
    i. Front porches shall be at least 36 square feet in area, with a minimum dimension of 6 feet by 6 feet.
    ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
    iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.
d. Roof Design and Materials
    i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
    ii. Elevations shall contain more than one single, continuous ridgeline or eave.
e. Exterior Doors and Windows
    i. Windows shall be provided on all elevations and blank walls will be avoided.
f. Garage Door Types
    i. Pair garages where possible to maximize planting strip and potential for street trees.
    ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.

iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
    1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
    2. The building includes one of the following:
        a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
        b. A covered balcony above the garage that is:
            i. At least the same length as the street-facing garage wall;
            ii. At least 6 feet deep; and
            iii. Accessible from the interior living area of the dwelling unit.
        c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
            i. Change in elevation of roof ridges
            ii. Change in direction of roof ridges
            iii. Eave overhangs of over 12 inches
            iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
            v. Porch of at least 48 square feet in area
            vi. Dormer or bay windows
            vii. Shutters on all windows
            viii. Accent siding
            ix. Decorative gable vents
            x. Garage doors with windows and decorative paneling
            xi. Decorative front door (minimum 25 percent glazing)
            xii. Front door with transom and sidelight windows

iv. Garages shall be recessed from entrances or covered front porches.

g. Exterior Lighting

h. Sample Exterior Colors
    i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

21. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

    Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

III. ATTACHMENTS:

1. PD 1-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
    a. Public Testimony
        i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
        ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
    b. Staff Memorandums
        i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

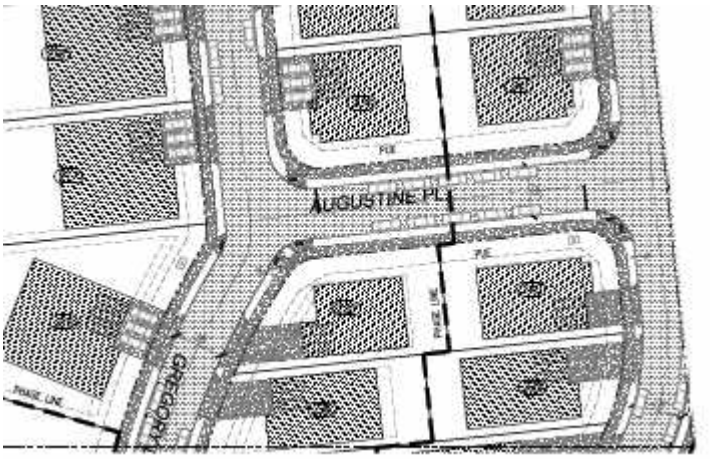
This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- <u>McMinnville Engineering Department</u>

- McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.

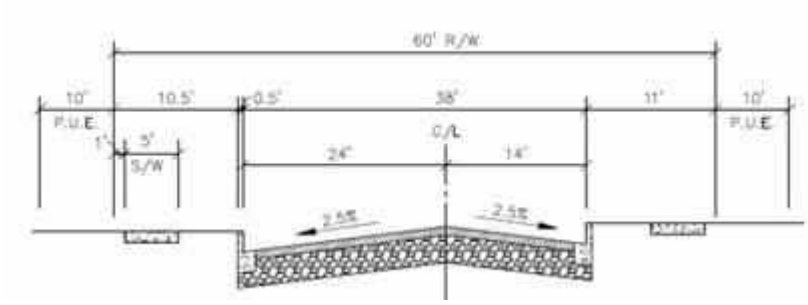
- MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.

- The proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90º as practical. The current "Y" configuration is not consistent with MMC Section 17.53.101(F):

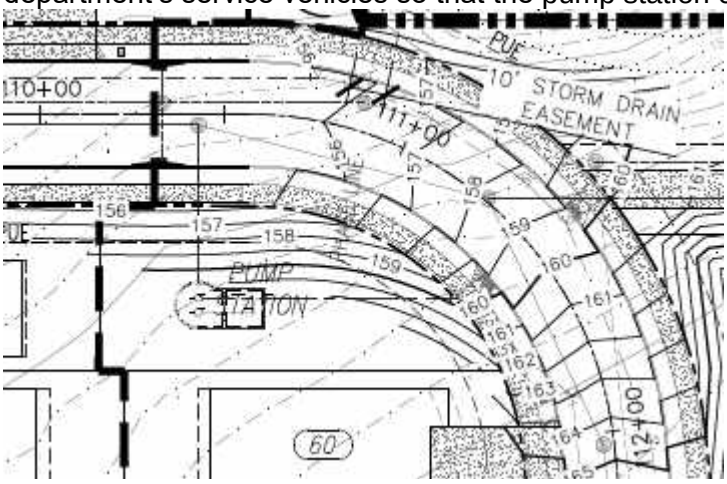


- MMC 17.53.101(O) indicates that the public alley in the City's street standards applies to commercial and industrial districts, not to residential developments. Thus, the proposed alleys on the proposal shall be private, and shall be maintained by the adjacent property owners or the Home Owners Association.

- Meadows Dr and Shadden Dr are proposed to have an offset crown to accommodate a right turn lane (see cross-section below). We would prefer see the City's typical "Teepee" section so that the curb elevations match on each side of the street.



- The proposed sanitary sewer pump station site appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained:



- All proposed storm drainage outfalls shall comply with the City's Storm Drainage Master Plan requirements, and sufficient access to the outfalls shall be constructed to accommodate City maintenance activities.

- Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." The report notes that the "primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed." The report further notes that a "slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the proposed surcharge loading of the engineered fill." It would be prudent for that work to be done prior to the approval of the proposed lot and street layouts, to ensure that those areas are buildable as proposed.

- Recognizing that street names are approved at a later date by the Planning Director, we did note that City already has a "Harold Court" and a "Emma Drive", and thus different street names for proposed "Harold Drive" and "Emma Street" should be chosen.

- Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.

  Additionally, the City's Public Works staff offer the following comments re: the proposed open space and park tracts:

  NOTE: *The comments provided by Publics Works staff below are based on the original development plans. The development plans were revised by the applicant on November 8, 2019, which revised the proposed improvements within the proposed open space and park tracts, some of which respond to the Public Works comments below. Dedications and improvements of the proposed open space tracts are described in findings and conditions of approval in this Decision Document.*

- There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in reviewing the narrative and findings information, it appears that the applicant is requesting that:

- Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.

- Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.

- Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.

- Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:

- Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.

- Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.

- Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.

- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.

- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.

- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.

- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.

- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.

- From the application materials, it appears that the remaining tracts (excepting tract G) are not being considered for City ownership as public open space and would be owned and maintained by the developer/HOA.

- Some tract specific comments for areas not proposed for City ownership:

- Tract A is shown as a detention pond space with an adjacent soccer/basketball court. While not really in our purview (since we won't own tract A), staff would suggest that this be reconsidered. The city typically requires that detention ponds be fenced. Placing a facility where stray balls could find their way over the fencing into the pond, could well encourage users to climb the fencing and enter the pond area to retrieve their ball, which would not be a safe use of the space.

- Tract B is shown as an active open space with a playground. The tract is adjacent to Baker Creek Road, which a fairly busy roadway. Again, although outside our purview, staff would suggest that consideration is given to securing this tract in such a way as to limit the potential for young park users to wander out near Baker Creek Road. The open space amenities, including play structures, benches, tables, and pathways should be accessible.

- Tract F shows benches, a shelter and tables. Although outside our purview (since we won't own Tract F), the improvements, including the pedestrian walk improvements, should be ADA accessible.

- <u>McMinnville Water and Light</u>

  Included as Attachment #2

- <u>Oregon Department of State Lands</u>

  Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

<u>V. FINDINGS OF FACT - PROCEDURAL FINDINGS</u>

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.

2. The applicant submitted the Planned Development application (PD 1-19) on April 30, 2019.

3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

   Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

2. **Size:** The Planned Development Overlay District is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.

3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain

4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)

5. **Overlay Zones/Special Districts:** None.

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
   a. **Historic Resources:** None
   b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.

8. **Other Features:**
   a. **Wetlands:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, contains wetlands
   b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
   c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development are specified in Section 17.51.030(C) of the McMinnville Municipal Code.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Included in this volume are all the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) are also contained in this volume.

Comprehensive Plan Volume I:
The following citations from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

Chapter V. Housing and Residential Development – Residential Development – Design Considerations:

The final segment in this section examines the requirements which currently must be met in all new residential developments. Those requirements include the provision of a minimum level of public facilities and services and the retention or creation of parklands and open space. In addition to these requirements, the Citizens' Advisory Committee's subcommittees examined several other design considerations not currently required—including energy-efficient subdivision designs and the provision of bike and pedestrian paths—for their possible application to future residential developments. Each of these design considerations is explored below:

PUBLIC FACILITIES AND SERVICES REQUIREMENTS

The land division ordinance, as well as other codes, set the minimum requirements for the provision of public facilities and services for new residential developments. Those requirements include the provision of sanitary sewerage collection lines, storm drainage systems, street improvements, and water service. Not only are the minimum requirements set in these ordinances, but the responsibilities of both the city and the developer for providing these facilities and services are established.

It is important that the design standards for these public improvements be adequate to handle the expected levels of development without adding unnecessary costs to the price of housing. It is noted in the transportation element of this plan that street improvement standards, especially for local discontinuous streets, should be reevaluated to allow some flexibility in improvement requirements. Still, the provision of at least a minimum level of these services must remain a priority consideration.

> **APPLICANT'S RESPONSE:** The plans demonstrate that the provision of public facilities and services will occur concurrently with the phased development. As required, the facilities have been designed to handle the needs of the proposed development and meet requirements set forth by the McMinnville Zoning Ordinance and Public Works standards. The Applicant has received concurrence from City staff that system capacity exists for the extension of utilities service. Traffic capacity is demonstrated in the Traffic Analysis Report included with this application.
>
> **FINDING: SATISFIED.** The City concurs with the applicant's findings.

OPEN SPACE AND PARKLANDS

Open space is established in residential developments in several ways. First, the setbacks which apply in all residential zones are designed, in part, to leave a portion of each lot in open area for landscaping. In a single-family residential zone, these setbacks can reserve over 50 percent of the lot area for open space. Second, these requirements in the landscape ordinance, which apply to multiple-family developments, currently require up to 25 percent of the area to be landscaped and/or to be left in large recreational open spaces. Planned developments, finally, can combine open spaces into more efficient and usable land areas by clustering development.

Parklands are provided for through the requirements of the land division ordinance, which requires a dedication of land, or money in lieu of land, to the public. As currently written, the ordinance sets a fee per unit for those developments which have not dedicated land. The ordinance does <u>not</u> apply to new lots created through partitioning procedures or to mobile home park developments. The city should review the ordinance to determine the advisability of requiring these future residential units to contribute to the park funds.

APPLICANT'S RESPONSE: With approval of the proposed Comprehensive Plan Amendment, and Zoning Map Amendment applications, the applicant requests concurrent approval of the Baker Creek North Planned Development. The planned development includes the creation of 19 common open space tracts. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, and paths. Some of the tracts within the planned development are proposed for dedication to the City for future park land. The proposed tracts efficiently provide open space and recreation amenities, permitting the proposed reductions in lot sizes and in required setbacks, and the clustering of residential uses within the planned development.

In addition to the common open space tracts, the applicant is proposing to donate an additional 14.9 acres of park land adjacent to Baker Creek for a Special Use park.

FINDING: SATISFIED. Open space and park areas are provided in the Planned Development, and will be described in more detail in the findings for Policy 75.00 and Policy 76.00 below.

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

The traditional tools for land use development—zoning and subdivision ordinances—have been employed almost exclusively in McMinnville. The zoning ordinance controls the land uses permitted within a designated area and such other concerns as minimum lot sizes, setbacks of structures from property lines, and density. The subdivision ordinance controls the actual division of land into lots, and the provision of public facilities and amenities (e.g., parklands)—the actual design of a development.

On the whole, these land development techniques have been successful, accepted by both public and private interests. However, with changes in development technology and changing social and economic patterns, traditional zoning is being viewed as an antiquated method of land use control. Some of the problems associated with zoning include:

1) It is arbitrary, with lines on a map bestowing great economic windfalls to a few landowners.

2) The uses allowed in certain zones (primarily commercial and industrial) often bear little relationship to the effect a land use would leave on surrounding property. For instance, certain commercial uses may be entirely compatible with residential neighborhoods, but only allowed in commercial zones.

APPLICANT'S RESPONSE: The applicant is requesting approval of several map amendment applications to address current economic trends in McMinnville that are related to the above-mentioned residential development goals and policies. This includes the use of the planned development process to deal with "traditional zoning…being…an antiquated method of land use control." This process allows residential development that more closely meets the needs of the community and housing market.

When the existing C3-PD designation was applied to 11.3 acres of the subject site in 1996, there was an expectation that a large UGB expansion would occur in the northwest quadrant of the City and a large regional commercial complex should be developed on the property. It was thought that residential use of the land should be prohibited to reserve it for commercial use. However, this UGB expansion effort was abandoned by the City 2011. In 2013, the City completed its Economic Opportunity Analysis (EOA), which recommends that the City re-designate some of its 235.9 acres of surplus Industrial land for regional commercial uses near

the City's downtown core. Consistent with current economic needs of the community, the proposed Planned Development Amendment, Comprehensive Plan Map Amendment, and Zoning Map Amendment will reduce the amount of Commercial designated land to 6.62 acres, which is more appropriately sized for commercial uses. The proposed planned development amendment removing conditions created by Ordinance 4633 will ensure that no less than 2 acres is used for neighborhood commercial and that no more than 120 multi-family dwelling units are created on the remainder of the commercial land area.

The proposed Comprehensive Plan Map and Zoning map amendments also address current housing needs in the community. In 2001, the McMinnville Housing Needs Analysis determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs for the 2000-2020 planning period. However, as indicated above, the City's last UGB expansion effort was unsuccessful. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently completing its Housing Needs Analysis. The updated analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. The attached Preliminary Development Plans indicate that the applicant is proposing to rezone a portion of the site to R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs, and the proposed C3 zone with a planned development overlay will allow for multi-family dwellings to further address this urgent housing need (see Exhibit 3).

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

3) As methods of housing construction and subdivision design change to meet market demand, zoning restrictions often inhibit the new trend.

In reaction to these problems, planners have devised alternate methods of land use controls which try to circumvent the shortcomings of zoning and provide a more equitable method of dispersing land development rights. Some of these techniques include:

<u>Performance Standards</u>

A method whereby certain standards concerning traffic generation, noise levels, open space requirements, etc., are set, and as long as any development meets those standards, the use is allowed.

APPLICANT'S RESPONSE: Concurrent with the map amendments, the applicant is requesting approval of a Planned Development application. The applicant has addressed the planned development approval criteria with this narrative to demonstrate how the proposal meets applicable performance standards as well or better than residential developments that are approved under typical subdivision standards.

FINDING: SATISFIED. The Planned Development standards are achieved, as described in findings for other applicable Comprehensive Plan policies and review criteria below.

<u>Density Bonus Incentive Zoning</u>

A variation of traditional zoning that permits the modification of standards to allow developers greater leeway in land use utilization provided that some other public good is offered as a tradeoff. For instance, a developer may be allowed to build additional units on the land as long as a certain amount of open space is provided or a bikeway system is developed.

In McMinnville, the alternative to traditional zoning has been the use of the planned development concept.

> **APPLICANT'S RESPONSE:** As mentioned above, the applicant is requesting approval of a Planned Development application with the proposed map amendments. As demonstrated by the attached preliminary development plans, the applicant is not proposing to exceed the maximum density of the R-4 zoning district. The applicant also intends to apply the base zone density to the commercial area of the site, whose amended planned development condition would allow no more than 120 multi-family dwelling units.
>
> **FINDING: SATISFIED.** The City concurs with the applicant's findings.

<u>Planned Developments</u>

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. Unlike conventional zoning, planned developments allow for varying of lot sizes, flexibility in design, and integration of different building types such as townhouses, multi-family units, and single-family homes. In addition, amenities such as common open areas, playgrounds, and recreation centers may be provided to the development's residents. Typically, structures in a planned development are clustered in such a manner as to achieve the same overall density that would have been achieved if the developer had laid out the project in a conventional grid lotting pattern.

Since the PD concept encompasses planning on the level of a "community" or "neighborhood" area rather than on the basis of "single" or "individual" lots, the elements of the development can have a close relationship to each other. Numerous studies have shown that construction cost of roads can be less for the developer (many PDs require less roads than conventional developments), and municipal services can also be provided at less cost.

McMinnville's zoning ordinance allows planned developments in two ways—as an overlay over an area in which conditions for approval for development are specified and as an overlay which accompanies a specific development plan submitted by a developer. 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.) while allowing developments to achieve the overall density of the underlying zone. The flexibility of these provisions is attractive to developers. It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required. It is also imperative that the conditions attached to these planned developments, especially as they concern the technical aspects of the development (including those requirements of the underlying zone) are carefully considered and then specified.

Based on the information presented on land use controls, the City finds that:

1) The traditional tools for land use development—the zoning and subdivision ordinances—have been used almost exclusively in McMinnville until recently.

2) A number of alternative development tools are available for land use control; these tools merit future consideration by the City. They include: performance standards, transferable development rights, the purchase of development rights, and density bonus incentive zoning.

APPLICANT'S RESPONSE: As stated above, the proposed map amendments will allow approval of Baker Creek North, a residential planned development that maintains the density of the underlying R-4 zone. The attached preliminary development plans demonstrate that housing will be clustered for efficient provision of transportation and utilities facilities. The proposed open space tracts will function as community gathering spaces and will address both active and passive recreational needs of the neighborhood. Proposed recreational facilities also include the development of an off-site trail within 14.9 acres of donated park land north of the development. As such, the proposed amenities on-site and off-site improvements on the donated land are being provided in excess of what is normally required under traditional subdivision and zoning ordinances. These benefits associated with the proposed planned development will be provided without a request for transferable development rights, the purchase of development rights, or density bonus incentive zoning.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

3) The planned development provisions of the zoning ordinance have been used extensively in McMinnville. Advantages of planned developments include:

- Less expense in development and maintenance than the conventional grid design if properly designed. More efficient use of streets and sewers can allow savings to accrue not only to the housing consumer, but also to the local government body which must ultimately service the new population's needs.

- Opportunities for the development to design with flexibility, incorporating street patterns and residential arrangements which effectively utilize the land and can protect unique natural areas.

APPLICANT'S RESPONSE: The applicant is proposing use of the City's planned development provisions to create attainable housing opportunities for a variety of income levels. The proposed mix of small, medium, and large lot single-family dwellings will address the diverse housing needs of the community. As demonstrated by the attached preliminary development plans, efficient provision of transportation and utility services will be achieved by the proposed street layout and the use of alleys. Smaller yards and increased density along the south side of the site is consistent with the goals of the transit corridor along Baker Creek Road, while larger lots in the northern portion of the site provide a buffer for the natural area associated with the donated special use park land.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

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.

APPLICANT'S RESPONSE: The Baker Creek North Planned Development provides several public benefits in addition to varied housing options. The mix of housing types will promote social inclusion and a more diverse street scape, adding to homes and property values, as opposed to a monotonous cookie cutter pattern of a standard subdivision approach. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for more reduction of resource consumption in terms of yard maintenance costs and use of alternative transportation modes such as walking or biking, and eventually transit use, once added as planned by local authorities.

The attached Landscape Plans demonstrate that 19 open space tracts are proposed to be developed with pedestrian pathways and recreation amenities. The recreational spaces will be attractively landscaped as shown on the landscaping plans included in the application materials. Proposed amenities including multiple play structures, picnic shelter, picnic tables, and park benches. The community spaces will support active and passive recreation interests and promote social interaction among the residents.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

5) When planned developments are utilized, it is important that those requirements which are varied in the zoning ordinance are carefully considered and that new requirements are clearly specified.

APPLICANT'S RESPONSE: As required, the applicant has addressed how the proposed Code standard modifications are offset by the proposed amenities. The requested modifications are detailed in this narrative and include variations from the minimum lot size, setback, and frontage requirements. The applicant is also proposing to include common drives, paired driveways, alleys, pedestrian accessways, and modified street tree spacing within the planned development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific requirements that are varied in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

ADDITIONAL DESIGN CONSIDERATIONS

Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

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. Close attention to maintenance costs to the public will, however, have to be monitored.

Based on the information presented on residential development design considerations, the City finds that:

1) A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.

   APPLICANT'S RESPONSE: The submitted plans demonstrate that the proposed development meets City standards for sanitary sewer, storm, and water services. The proposed street improvements will support all modes of transportation. Pedestrian accessways are proposed, helping to encourage alternative modes of travel to parks, schools, and other activity centers.

   FINDING: SATISFIED. The City concurs with the applicant's findings.

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. The requirements of landscaping ordinance also insure that multiple-family developments provide both open recreational space and landscaped open areas.

   APPLICANT'S RESPONSE: The attached Preliminary Site Plan indicates that the applicant is proposing to reduce setbacks for some of the housing types in order to cluster the residential development and preserve more of the site for common open space. As a result, larger open space areas are provided with the proposed planned development than what is normally provided if the site were subdivided under traditional zoning. Besides the preservation of open space in tracts to off-set smaller lots and smaller yard setbacks on some lots, some lots have larger yards and larger setbacks, thus open space is also preserved in larger yards (i.e. on the east edge of the site adjacent to Oak Ridge subdivision).

   FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

3) Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of moneys in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

   APPLICANT'S RESPONSE: The submitted plans indicate donation to the City of several open space tracts with recreation amenities within the Baker Creek Planned Development. The other tracts not desired as park land for the City will be owned and maintained by a homeowners association. In addition, the applicant is proposing to donate a separate 14.9 acre parcel to the

City as park land. To facilitate public use of the park land, the applicant is proposing to install off-site pedestrian trail improvements within the donated land during Phase 2A and/or Phase 3A of the Baker Creek North Planned Development project to connect the BPA corridor to the east, such that it may extend east to Tice Park with improvements off-site by others as envisioned in the City's parks plan of 1999.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

4) The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.

APPLICANT'S RESPONSE: The attached plans illustrate that the proposed streets are laid out in an east-west direction to the maximum extent possible given limitations of the existing topography, significant natural features along the north boundary of the site, and the existing street pattern.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The applicant's Preliminary Landscape Plans illustrate how proposed pedestrian paths within the common open space tracts and the proposed pedestrian accessways connect to recreation facilities within the site and to those which abut the site. Specifically, the plans indicate that a proposed pedestrian pathway directly connects to the powerline (BPA easement) trail south of the site. In addition, the plans demonstrate that several pedestrian paths will provide connections to a proposed off-site trail within the donated park land adjacent to Baker Creek.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

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

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

APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units

on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED WITH CONDITION OF APROVAL #2. The City concurs with the applicant's findings, but notes that the proposed Planned Development plans would allow for an average lot size of 4,930 square feet, with lots ranging from 2,340 square feet at the smallest to 17,977 square feet at the largest. The largest lots are proposed in locations with physical characteristics that present difficulty in the development of the lot, such as steeper slopes. The minimum, maximum, and average lot size of each of the seven different lot types proposed is as follows:

LOT TYPE	MIN. LOT AREA	MAX. LOT AREA	AVERAGE LOT AREA
SFD-70	8820 S.F.	17,977 S.F.	10,962 S.F.
SFD-60	5400 S.F.	10,083 S.F.	5978 S.F.
SFD-50	5060 S.F.	12,116 S.F.	6578 S.F.
SFD-45	4216 S.F.	6484 S.F.	4693 S.F.
SFD-40	3881 S.F.	6097 S.F.	4154 S.F.
SFD-30a	2700 S.F.	4401 S.F.	2977 S.F.
SFD-26a	2340 S.F.	4557 S.F.	2660 S.F.

Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. This is found to be close to the required density of the underlying R-4 zone, as allowed through a Planned Development by Policy 79.00. A condition of approval is included to allow for the lot size averaging as proposed.

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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED. The City concurs with the applicants findings, and adds that the subject site of the Planned Development request is designated Residential on the Comprehensive Plan map and is in an area where urban services are already available. The proposed Planned Development would allow development of the land to provide a variety of housing types through the lot size averaging provision of the Planned Development. The proposed Planned Development would help achieve buildable land planned and zoned for residential housing, helping to meet McMinnville's housing needs.

Policy 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.

APPLICANT'S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

APPLICANT'S RESPONSE: This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

APPLICANT'S RESPONSE: Much of the proposed planned development area north of Augustine, Charles and Wessex, respectively, will be developed with blocks in a medium-density range (4-8 dwelling units per net acre) like most of McMinnville. These lots south of Augustine,

Charles, and Wessex, respectively, have density ranges by block from about 10 to 15 units a net acre. Bringing the overall site to just over 8 dwelling units per net acre.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. This is found to be close to the required density of the underlying R-4 zone, as allowed through a Planned Development by Policy 79.00.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

1. Areas that are not committed to low density development;

APPLICANT'S RESPONSE: The applicant is requesting approval of a Zoning Map Amendment to change 9.41 acres of existing R1 zoned land to an R4 classification. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that 63.9 acres of additional R4 zoned land should be added the UGB. As mentioned above, the City is currently conducting a Housing Needs Analysis and has found that McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB for the 2018-2041 planning period.

When the City's UGB last expansion effort was undertaken in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since a future UGB expansion effort could have similar challenges, some existing low-density residential land should be changed to medium and high-density designations. The proposed R4 zoning of the 9.41 acres of existing R1 zoned land will permit an increase in residential density, helping to address the City's critical need for additional housing units without expanding the City's UGB.

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

2. Areas that have direct access from collector or arterial streets;

APPLICANT'S RESPONSE: The attached Preliminary Development Plans indicate that the proposed R4 zoned portion of the site, and the C-3 zone area, are located directly adjacent to NW Baker Creek Road, a minor arterial street (see Exhibit 3). The proposed planned development is provided consolidated access onto NW Baker Creek Road from the proposed extensions of NW Hill Lane, NW Meadows Drive, and NW Shadden Drive.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

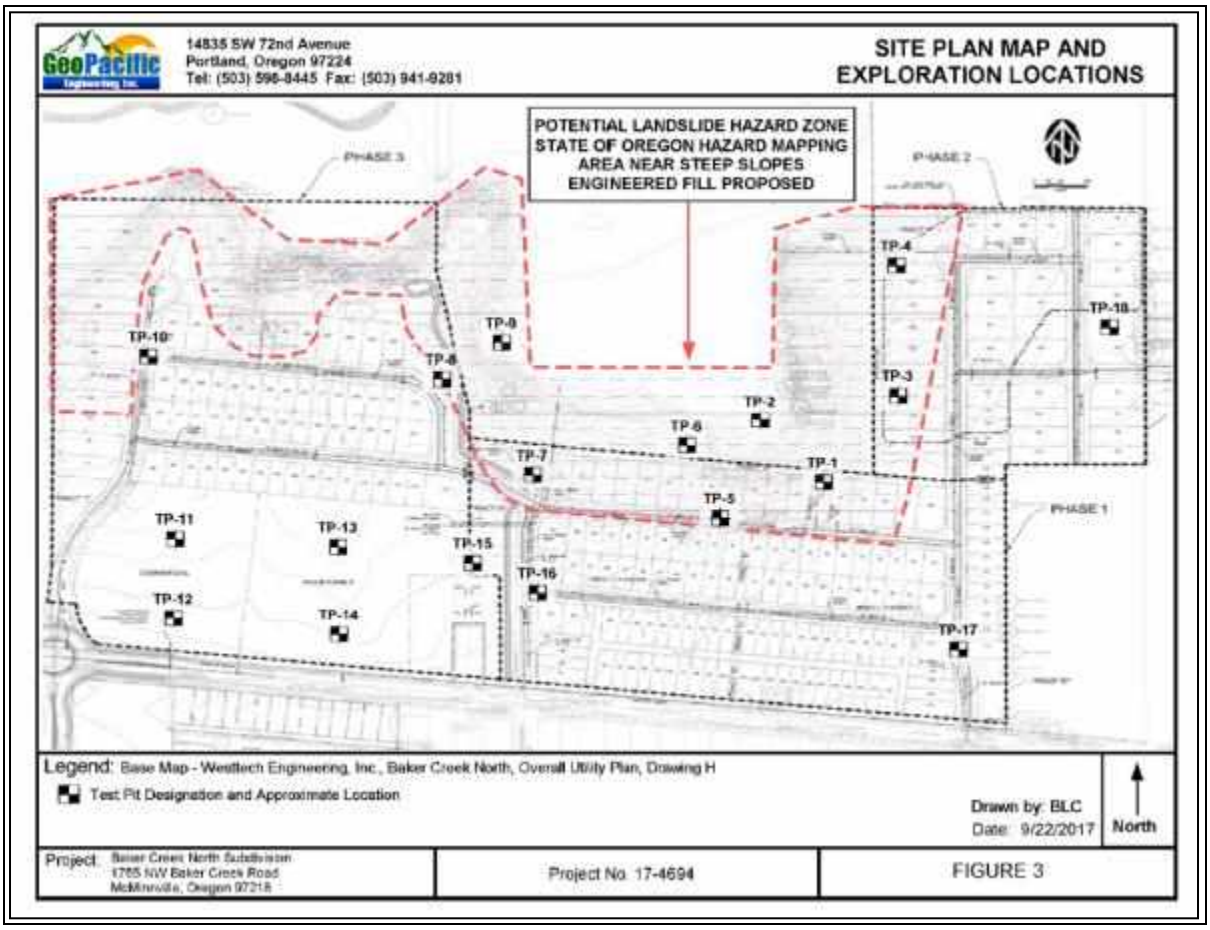
APPLICANT'S RESPONSE: The submitted Preliminary Development Plans indicate that the proposed R4 zoned area of the site is not constrained by environmental factors such as topography, flooding, or poor drainage. The proposed planned development is located outside of the riparian corridor along Baker Creek north of the site, where a 100-year floodplain limits development.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #12 & #13. The City concurs with the applicant's findings. The site is located south of mapped development limitations such as floodplains and wetlands, so the higher density residential development supported by the Planned Development is appropriate. However, the lots along the northern portion of the site are proposed to be located on or near a bluff with a slope, where additional grading is proposed to accommodate development on some of the lots. This area of the site is identified on the Oregon Department of Geology and Minerals (DOGAMI) geologic hazard map as an area with potential landslide susceptibility.

Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed near slopes extending to the wetland." More specifically, the report notes the following:

"The primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed. Based upon our review of preliminary project plans prepared by Westtech Engineering, Inc., entitled Baker Creek North Subdivision, Drawing H, Overall Utility Plan, dated July 2017, specific areas which appear to be located within the DOGAMI hazard zone include Lots 1-16, 162-172, 192-200, 203-206, 211, C Street, and the pump station (see Figure 3). GeoPacific should be consulted to review the grading plan when it becomes available, and to conduct a slope stability analysis of the northern portion of the site with the proposed grading. The soils observed in the test pits in the northern portion of the site appeared to display moderate plasticity, and moderate to high shear strength, which typically indicates relatively stable sloping conditions under normal loading. The degree of engineered fill proposed in the area will impact stability of the slopes and should be studied further. It appears likely that placement of engineered fill may be accomplished in the area with installation of keyways, subdrains, and benching. However, slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the propose surcharge loading of the engineered fill. A static factor of safety of 1.5, and a psuedostatic factor of safety of 1.1 against potential slope instability are considered to be the minimum factors of safety for placement of engineered fill and construction of homesites and roadways near a slope."

It should be noted that the "Preliminary Geotechnical Engineering Report" was completed under the assumption of an earlier development plan, and the lots identified in the report above are not consistent with the lots that would need to be analyzed further. The specific area of the site requiring additional analysis is identified in Figure 3 of the report and below:



Therefore, a condition of approval is included to require that, prior any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

In addition, a condition of approval is included to require that all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

4. Areas where the existing facilities have the capacity for additional development;

APPLICANT'S RESPONSE: The Existing Conditions Plan demonstrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant worked with City staff to confirm sewer

and other utility capacity exits. The submitted plan also indicates that NW Hill Road's transportation facilities have recently been upgraded and a roundabout has been installed at the intersection with NW Baker Creek Road adjacent to the site. The City is adding center turn lane striping to Baker Creek Road. These transportation facilities can accommodate future development of the subject site as well as other developable properties in McMinnville's northwest quadrant. This is further demonstrated by the transportation study provided with this application.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

5. Areas within one-quarter mile of existing or planned public transportation; and

APPLICANT'S RESPONSE: The proposed R4 zoned area and C3 zoned area are currently located within ¼ mile of planned public transportation as described in the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I (see also response to Policy 70.01 above).

APPLICANT'S RESPONSE TO POLICY 71.01: The Baker Creek North site is located within a ¼ mile of the north side of a planned transit corridor. The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the area of Baker Creek North as adjacent to a planned transit corridor in Figure 2-11 (page 2-18), Figure 6-18 and 6-19 (pages 6-26 and 6-27 respectively).

The area is labeled as 1b. Baker Creek Road and Hill Road on the TDP's Figure 2-11 Potential Future Transit Service Areas. Route "5" is labeled as a future route serving Baker Creek Road on the TDP's Figure 6-18 System Map and Figure 6-19 McMinnville map, both subtitled Near-Term, Short-Term and Mid-Term Changes. Finally, the TDP's page 6-31 shows this planned new transit corridor as Project ID number SL9.

The significance of the proximity of the Baker Creek North site being within ¼ mile of this transit corridor is that that area is not limited by the 6 units per acre density applied to areas outside of ¼ mile of a planned transit corridor by Policy 71.01. The proposed planned development amendment condition to allow no more than 120 dwelling units would allow multi-family to be dispersed into this area. This area is also within a ¼ mile of the transit corridor, so it is not limited by the 6 units per acre policy.

The submitted Preliminary Development Plans indicate that 280 single-family dwellings will be constructed within the site's 48.7 acre planned development. Virtually the entire planned development site is inside the transit corridor, less than ¼ miles away from Baker Creek Road. The planned development area has a gross density of 5.75 units per acre, and a net density of 8.16 dwelling units per net acre. Therefore, the planned densities meet this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – […]

6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.

APPLICANT'S RESPONSE: There are no low density residential areas adjacent to the Baker Creek North site that are planned for high density residential uses.

There is a church and a residential development known as Oak Ridge east of the site that was developed with an R2-PD overlay zone. There is also a proposed development northeast of the site, which is a new residential development and a modification of an old approved development. These areas are not low density even though underlying zoning may be R-2 because net density is over 4 units per acre, classifying them as medium density developments per Policy 71.09 above. The proposed lots in this area of Baker Creek North Planned Development are larger, therefore they will not be development at a higher density. The attached Preliminary Development Plans demonstrate that the proposed lots adjacent to the Oak Ridge development are extra deep to retain the mature trees along this boundary. The trees and extra deep rear yards will help buffer this existing development, regardless of how density is measured for the adjacent development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The City concurs with the applicant's findings, and adds that a condition of approval has been included to require the protection of mature trees as identified in the Planned Development plans.

Policy 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;*

APPLICANT'S RESPONSE: In 2001, the City adopted the McMinnville Housing Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meeting higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application in 2011. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

As mentioned above in response to Policy 71.09 1., the City is currently conducting a Housing Needs Analysis and has found that an additional 449 acres should be added to the UGB to meet housing needs over the next 20 year planning period. When the City's last attempt to expand the UGB occurred in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since only a portion of the current housing need can currently be accommodated by Residential designated land within the UBG, some low-density residential land will need to be changed to medium and high-density designations. The proposed R4 zoned portion of the site, most of which has not yet received urban zoning, is not currently committed to low or medium density housing. This area and the 9.41 acres zoned R1 that will change to R-4 classification will allow a needed increase in residential density, helping to address the City's critical need for additional housing units. These factors make this area appropriate for high density residential development.

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential 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;*

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 2., there are no established low-density residential areas adjacent to the site. To the south of the site, the proposed planned development is buffered from existing residential areas with an R1-PD zone overlay by NW Baker Creek Road, a minor arterial street. To the east of the site is the Oak Ridge Subdivision, which has been developed with medium-sized lots in the R2-PD zone overlay. The proposed development has extra deep lots adjacent to the Oak Ridge lots to allow existing trees to remain in the rear yards as a buffer. Mitigation measures to buffer the proposed development are not required since there are no low-density residential areas adjacent to the site.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The City concurs with the applicant's findings, and adds that a condition of approval has been included to require the protection of mature trees as identified in the Planned Development plans.

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

3. Areas which have direct access from a major collector or arterial street;

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 4., the proposed R4 zoned portion of the site is located directly adjacent to NW Baker Creek Road, an arterial street. The proposed planned development is provided with consolidated access to NW Baker Creek Road, a minor arterial street, from the proposed extensions of NW Hill Lane, NW Meadows Drive, NW Shadden Drive. Therefore, the proposed access is appropriate for the high-density development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

4. Areas which are not subject to development limitations;

APPLICANT'S RESPONSE: The development site is appropriate for high-density development since it is not constrained by development limitations.

FINDING: SATISFIED. CONDITIONS OF APPROVAL #12 & #13. The City concurs with the applicant's findings. The site is located south of mapped development limitations such as floodplains and wetlands, so the higher density residential development supported by the Planned Development is appropriate. However, the lots along the northern portion of the site are proposed to be located on or near a bluff with a slope, where additional grading is proposed to accommodate development on some of the lots. This area of the site is identified on the Oregon Department of Geology and Minerals (DOGAMI) geologic hazard map as an area with potential landslide susceptibility.

Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." Therefore, conditions of approval are included to require additional geotechnical analysis to occur in a portion of the site, and that other recommendations from the "Preliminary Geotechnical Engineering Report" are followed in the development of other portions of the site. These required conditions of approval are described in more detail in the finding for Policy 71.09(3) above.

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

5. Areas where the existing facilities have the capacity for additional development;

APPLICANT'S RESPONSE: The submitted Existing Conditions Plan illustrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant completed analysis in conjunction with the City which concluded sewer capacity exists to serve the site. The submitted plan also indicates that NW Hill Road's transportation facilities were recently upgraded with the addition of a roundabout at the intersection with NW Baker Creek Road. Center turn lanes on Baker Creek Road were also added by the City. The transportation improvements were designed to accommodate future development of the subject site and other developable properties in the northwest area of McMinnville. Sufficient existing capacity of facilities adjacent to the site make it appropriate for high density residential development. This is further evidenced by the traffic analysis provided by the applicant with this application.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;

APPLICANT'S RESPONSE: As discussed above in response to Policy 71.09 5., all of the proposed R-4 zoned and C-3 zoned areas are located within one-half mile of planned public transit routes. This proximity to planned public transit routes makes this area appropriate for high density residential development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

7. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and

APPLICANT'S RESPONSE: The applicant is proposing a Zoning Map amendment to designate 6.62 acres within the C3 zone in the southwest corner of the site, conforming to the Commercial Comprehensive Plan designation for that parcel. This proximity to a commercial designated land qualifies this site for high density residential development, and the proposed R4 zoning classification requested.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

8. Areas adjacent to either private or public permanent open space.

APPLICANT'S RESPONSE: Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all.

Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that open space and park areas are provided in the Planned Development, and will be described in more detail in the findings for Policy 75.00 and Policy 76.00 below.

Planned Development Policies

Policy 72.00 Planned 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.

APPLICANT'S RESPONSE: As this narrative and responses to these Policies have demonstrated, the proposed zoning of R4 for the residential designated portions of the site is appropriate due to the site characteristics. The applicant could develop the site with a standard subdivision approach to meet the R4 standards with basic 2,500 square feet common wall dwelling lots (townhouses) and 5,000 square feet cookie cutter detached single-family dwellings. However, because it is written in Policy 72.00 that it is the City's policy that planned developments shall be encouraged and be the favored form of residential development in the City, and in order to allow the developer to use unique and innovative development techniques as is the City's goal (see Goal V 2 above), the applicant has prepared a planned development application for the R4 zoned portion of the site to help meet the City's goals and policies. Likewise, the applicant is proposing to amend the planned development overlay created under Ordinance 4633 to strike the existing conditions and allow no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units on the C3 zoned portion of the site.

The Baker Creek North Planned Development will accrue the benefits sought by this policy in many ways, some of which are highlighted here. The development provides a bounty of open space, common walkways and recreational amenities to support the social fabric of the community and creating habitat space to benefit the environment. The proposed lot sizes and building setbacks create attainable housing choices for a variety of income levels. The mix of housing will promote social inclusion and an aesthetically diverse streetscape adding to the value of homes and property. The volume of new dwellings will help support the community's need for housing, providing economic and social benefits for the City. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for a reduction of resource consumption in terms of yard maintenance costs as well as an incremental reduction in transportation costs since more residents will live closer to the arterial and have convenient access to transit options in the future. Therefore, environmental benefits will be provided by a reduction in pollution that comes from less yard maintenance and fewer vehicle trips for residents. Higher density housing in the planned development will support the demand for future planned transit, which will deliver a social, economic and environmental benefit to all residents in that corridor.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 22. The proposed Planned Development is consistent with the Planned Development policies of the Comprehensive Plan. Policy 72.00 echoes language found in Oregon Planning Goal 5 regarding the analysis of economic, social, and environmental consequences that could result from a decision to allow a use conflicting with natural resources, scenic and historic areas, and open spaces. The policy encourages the use of Planned Developments when economic, social, and environmental savings accrue to the City. The proposed provision of improved open spaces (public and private) and the protection of natural resources would meet the intention of this policy. Public and private parks within the planned development would provide social and recreation opportunities that would not otherwise exist but for the planned development process. Economic savings for the City would be realized through the arrangement for private maintenance of public open space until 2032 and the inclusion of alleys in private tracts or easements. Environmental savings would be accrued through a number of elements of the Planned Development, including protection of a large area of land that is identified as 100-year floodplain, protection of significant trees, and orientation of lots and streets to reduce development on areas that slope towards the Baker Creek floodplain area. Conditions of approval are included to ensure these economic, social, and environmental savings result from the Planned Development.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

APPLICANT'S RESPONSE: The attached Typical Lots Plan indicates that the applicant is proposing 7 different single-family lot sizes with specifications to provide a variety of housing types within the development. Lots that would normally contain a common wall structure (a.k.a. townhouse) are proposed with side yards, so the lots are wider than the standard to accommodate the yards. These planned development lots allow a product that is similar to a townhouse, but better for the occupant in many ways, including livability, independence and privacy. These two types (SFD-26 & SFD-30) are the "small" lots. The two types (SFD-45 & SFD-40) slightly smaller than standard R-4 lots are "medium" lots. Lots larger than standard R-4 lots (SFD-50, SFD-60, & SFD-70) are "large" lots. The Preliminary Site Plans illustrate that some of the lots will be accessed by alleys and others directly from the street. Some will even have front yards facing a common walkway and green space. Also, lot sizes vary from street to street or block to block, and sometimes even alternate from lot to lot. This unique approach to the lot layout adds to the variety of housing available on a given street. Depending on the lot size, single-family homes will be developed as either one or two-story structures. With different single-family dwelling choices on small, medium and large sized lots, the planned development will offer attainable housing for a wide range of income levels within the community.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, and adds that the Planned Development includes the development of 7 different lot types, arranged in a transition of density from higher density on the southern portion of the site to lower density on the northern portion of the site where lots are closer in proximity to the environmentally sensitive area that is proposed to be dedicated as a public park. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and potential prices within the Planned Development.

The Planned Development plans would allow for an average lot size of 4,930 square feet, with lots ranging from 2,340 square feet at the smallest to 17,977 square feet at the largest. A condition of approval is included to allow for the lot size averaging as proposed. As described by the applicant, the "small" lots (SFD-26 and SFD-30) are narrower and comparable to the lot size that would be required for townhouses, with the one exception that the dwelling units proposed on these lots would be detached. To mitigate the visual and physical compactness of

the narrow lots with detached dwelling units, these lots are proposed to be accessed from an alley on the rear of the. The average lot size of the alley-loaded lots is 2,758 square feet, which exceeds the minimum lot size requirement of the R-4 zone if the dwelling units were attached as townhouses. The average lot size of the front-loaded lots is 5,769 square feet, which exceeds the minimum lot size of the R-4 zone. The minimum, maximum, and average lot size of each of the 7 different lot types are identified below:

LOT TYPE	MIN. LOT AREA	MAX. LOT AREA	AVERAGE LOT AREA
SFD–70	8820 S.F.	17,977 S.F.	10,962 S.F.
SFD–60	5400 S.F.	10,083 S.F.	5978 S.F.
SFD–50	5060 S.F.	12,116 S.F.	6578 S.F.
SFD–45	4216 S.F.	6484 S.F.	4693 S.F.
SFD–40	3881 S.F.	6097 S.F.	4154 S.F.
SFD–30a	2700 S.F.	4401 S.F.	2977 S.F.
SFD–26a	2340 S.F.	4557 S.F.	2660 S.F.

Each phase of the Planned Development, which is proposed as a 10-phase subdivision, includes at least 3 of the 7 total lot types. This will ensure a variety and mixture of housing types and potential prices within each phase of the development. The number of lots by type within each phase of the development is identified below:

BAKER CREEK NORTH
LOT TYPES BY PHASE

LOT TYPE	PHASE										
	1A	1B	1C	1D	2A	2B	2C	3A	3B	3C	TOTALS:
SFD-70	–	–	–	7	5	–	2	7	–	–	21
SFD-60	–	–	–	–	2	–	6	7	14	7	36
SFD-50	–	–	–	–	4	5	8	8	6	14	45
SFD-45	5	2	3	4	–	–	–	–	1	1	16
SFD-40	14	23	–	21	14	12	–	–	–	–	84
SFD-30a	–	3	–	–	11	10	–	–	–	–	24
SFD-26a	16	3	16	–	11	8	–	–	–	–	54
TOTAL LOTS:	35	31	19	32	45	35	16	23	22	22	280

AVERAGE SINGLE-FAMILY LOT SIZE = 4,930 SQ. FT.*

* AVERAGE ALLEY-LOADED LOT SIZE = 2,758 SQ. FT
AVERAGE FRONT-LOADED LOT SIZE = 5,769 SQ. FT.

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

APPLICANT'S RESPONSE: The applicant has sited the proposed planned development to capitalize on its location along the bluff overlooking the Baker Creek riparian corridor. The general natural topography of the site will be retained with the proposed development. Proposed Tract F is an open space that will have a public path, benches and picnic amenities for the community, with excellent views of this natural feature. Tract L is also an area that will contain a trail with public access to view this significant adjacent natural area. Tract N is being preserved as a common open space with significant trees, and the trees on the rear of the lots along the east boundary adjacent to Oak Ridge development are also preserved, along with various single trees on the rear of lots along the site's boundary. (see Landscape Plans)

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8, and 14. The City concurs with the applicant's findings. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the

site. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

APPLICANT'S RESPONSE: The Baker Creek Planned Development includes 19 proposed common open space tracts that are designed to directly benefit future residents of the development. After the proposed open space tracts are developed with active and passive recreation amenities as shown on the applicant's Landscape Plan sheets and the final plat records for the respective phase of development, the applicant is proposing to dedicate those tracts and facilities to the City of McMinnville that the City desires to own. Any tracts not dedicated or accepted by the City will be transferred to an incorporated homeowners association with an assessment and reserve fund to maintain the common areas for the community.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The Planned Development includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the Planned Development boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). The City is willing to accept some of the tracts and parcels for public use. Conditions of approval are included to verify that, at the time of subdivision of each phase of the Baker Creek North Planned Development, Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to the City as public parks. The condition of approval specifies that the City will accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L at the time of dedication.

Another condition of approval is included to require that the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A. The condition of approval specifies that all required improvements within Parcel D shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. The condition of approval also specifies that an agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.

A condition of approval is included to ensure that the improvements within the tracts and parcel dedicated as public park and open space are improved to City standards. Specifically, the condition of approval requires the following improvements:

a. **Tract I** – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
b. **Tract J** - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local

residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.

c. **Tract K** – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
d. **Tract L** - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
e. **Parcel D (Park Dedication Parcel)** – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Track I, Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.
f. **Tract G** – This tract is identified for a pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. Also, the proposed sanitary sewer pump station site appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained.

All other recreational or open space tracts within the Planned Development will be private and shall be maintained by the Homeowner's Association in perpetuity. A condition of approval is included to ensure that the private recreational or open space tracts are either improved or preserved as shown in the landscape plans submitted with the Planned Development plans. Specifically, the condition of approval requires the following improvements:

a. **Tract A** – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0.
b. **Tract B** – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment,

open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0.

c. **Tract C** – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0.
d. **Tract D** – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0.
e. **Tract E** - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0.
f. **Tract F** – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0.
g. **Tract H** - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0.
h. **Tract N** – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
i. **Tract O** – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0.
j. **Tract P** – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0.
k. **Tract Q** - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0.
l. **Tract R** – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade play equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0.
m. **Tract S** – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

APPLICANT'S RESPONSE: The submitted Preliminary Site Plans identify the location of 19 common open space tracts that are dispersed throughout the Baker Creek Planned Development and readily accessible to future occupants of the development. They are all adjacent to a public street with a sidewalk.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 – 8, and #9. The City concurs with the applicant's findings. As discussed above, parks and recreation facilities are proposed in the Planned Development plans. A public open space park and greenway would be dedicated, yet maintained by the Homeowner's Association until 2032, when maintenance responsibilities would be transferred to the City. The private recreational and open space amenities that are proposed would be maintained by the Homeowner's Association in perpetuity. The parks and recreation facilities are located to be readily accessible to all occupants of the planned area and community. However, additional access and connection to the largest open space and recreational facility should be improved. Specifically, a condition of approval is included to require that Tract F include a pedestrian connection to the greenway trail required to be

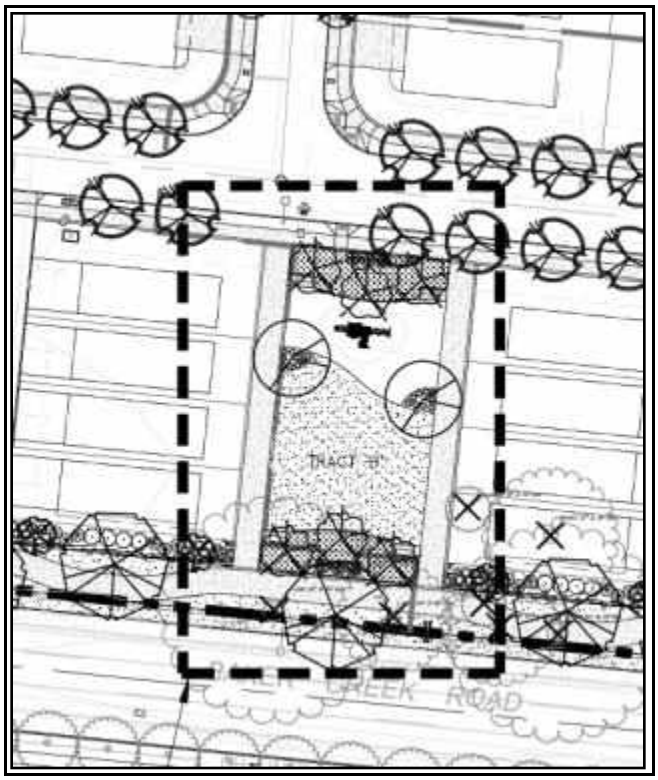
constructed in Parcel D (Park Dedication Parcel). In addition, in order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. The condition of approval requires that a development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A be submitted to the City for review and approval of the design and engineering prior to construction.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

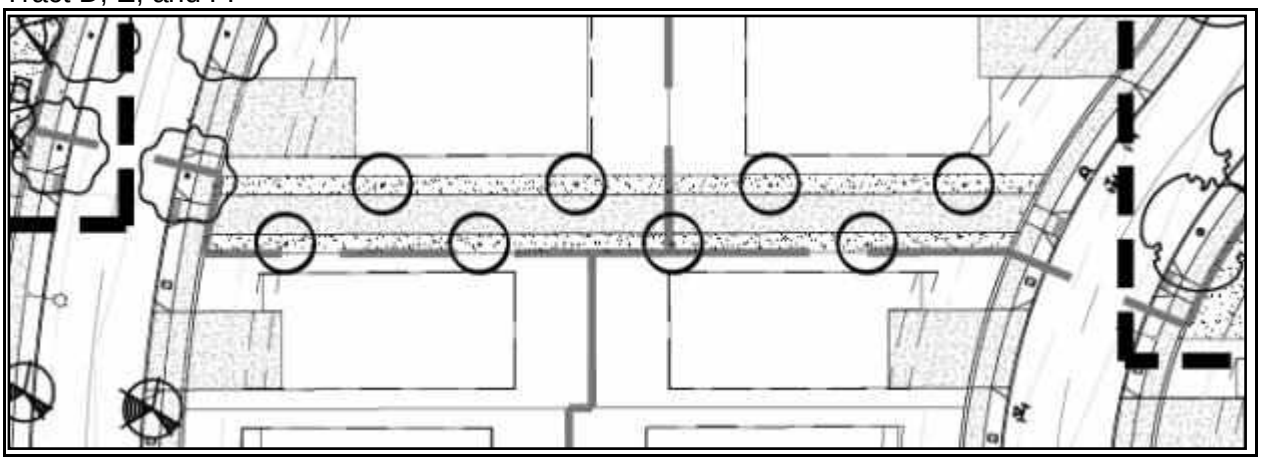
APPLICANT'S RESPONSE: The submitted Preliminary Site Plans and Preliminary Landscape Plan demonstrate how the proposed sidewalk and street system promote safe and efficient travel throughout the development. Roadways are fully looped with no cul-de-sacs. The plans illustrate how pedestrian and bicycle travel will be enhanced with the development of accessways which shorten the distance between residential blocks and provide access to open space areas. The proposed improvements include widening and striping the north side of Baker Creek Road to add a bike lane and extra wide sidewalk, as well as a center turn lane. Both Meadows Drive and Shadden Drive include a three-lane section at their southern ends with a right turn lane from these streets onto Baker Creek Road.

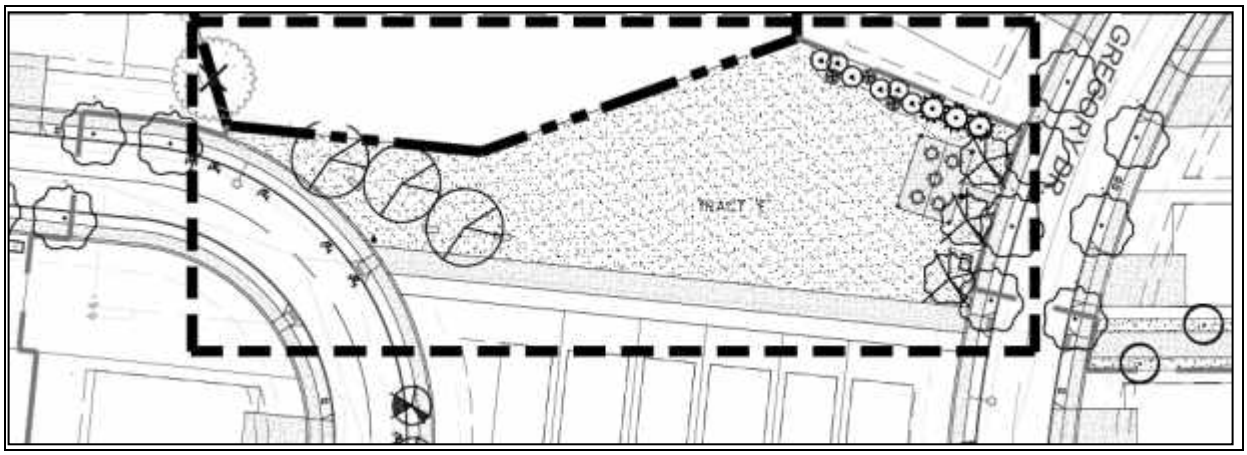
FINDING: SATISFIED WITH CONDITION OF APPROVAL #10. The City concurs with the applicant's findings. The street network would be compatible with existing and anticipated circulation patterns of adjoining properties, as the streets have been designed to align with and extend existing streets south of Baker Creek Road and to the northeast in the planned Oak Ridge Meadows subdivisions. Pedestrian and bicycle pathways between street blocks are proposed throughout the Planned Development area, specifically in Tract B, Tract D, Tract E, Tract F, Tract H, Tract P, Tract Q, Tract R, and Tract S as shown below. In addition, the applicant is proposing to install a wider, meandering sidewalk within the right-of-way adjacent to Baker Creek Road, which will provide a wider pedestrian pathway along this arterial street. A condition of approval is included to require the 10 foot wide meandering sidewalk within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0. The condition also requires that the fencing proposed in Drawing L2.0 and Drawing L9.0 be provided along the Baker Creek Road right-of-way.

Tract B:

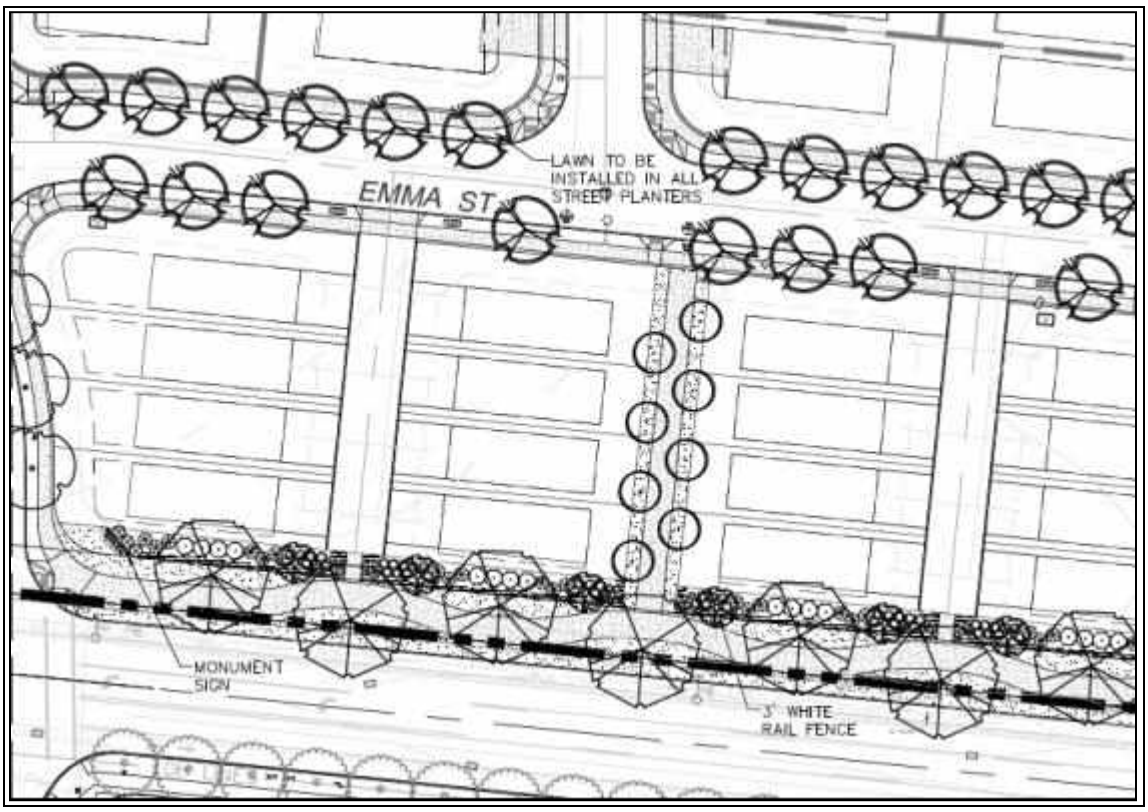


Tract D, E, and F:

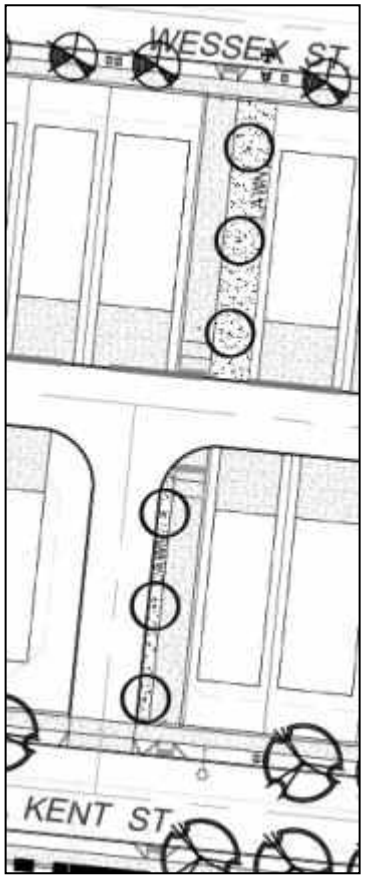


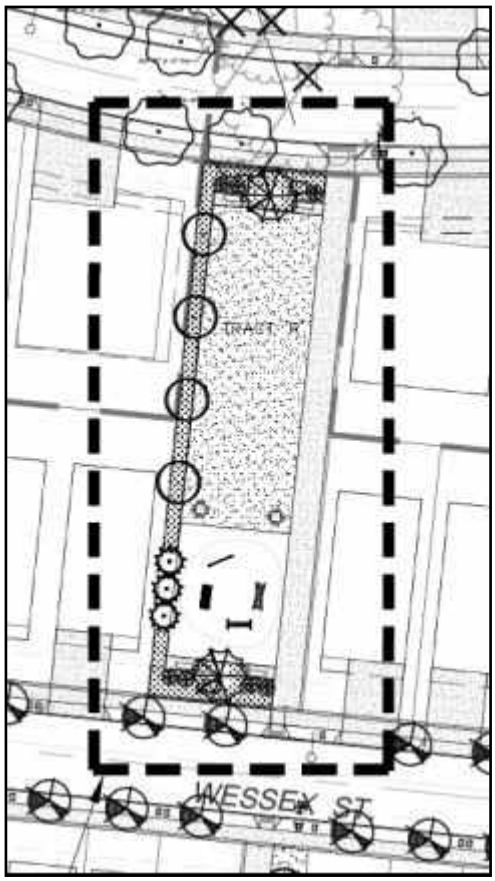

TRACT F
GREGORY DR

Tract H:

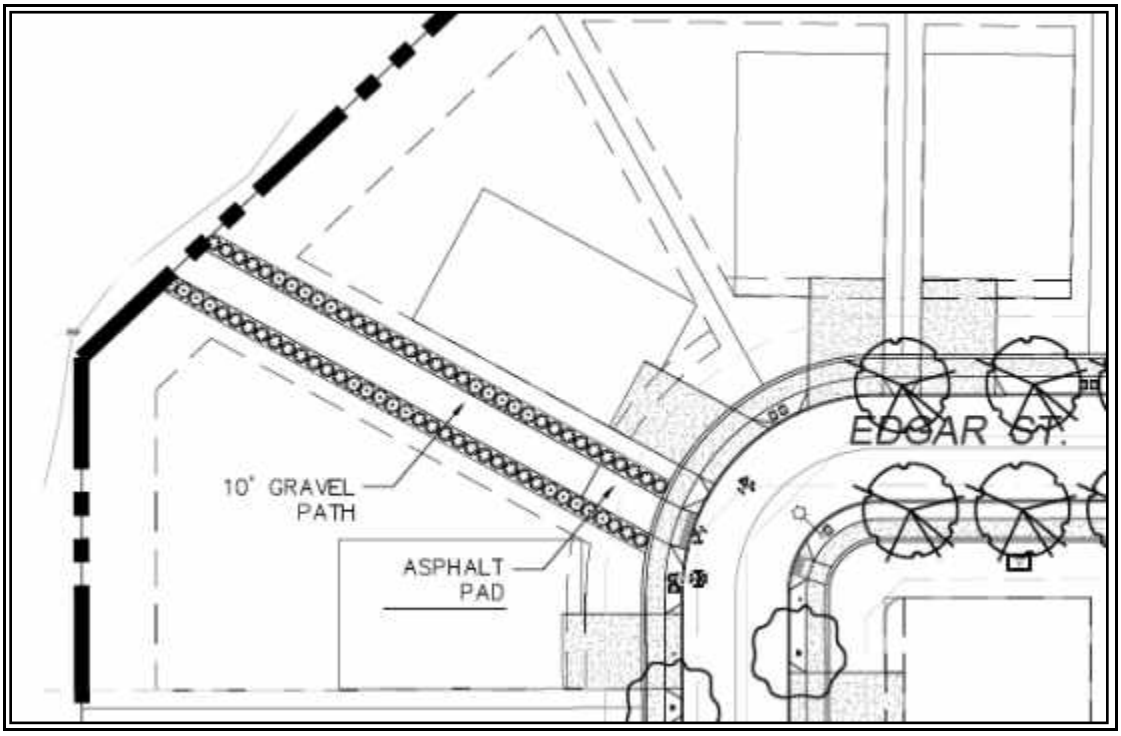

EMMA ST
LAWN TO BE INSTALLED IN ALL STREET PLANTERS
MONUMENT SIGN
3' WHITE RAIL FENCE

Tract P, Q, and R:





Tract S:



Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

APPLICANT'S RESPONSE: The submitted Preliminary Site Plan demonstrates that the proposed planned development connects to all streets which are stubbed to the subject site (see Exhibit 3). To provide connectivity and compatible circulation with adjoining properties, the applicant is proposing to extend NW Blake Street, NW Shadden Drive, NW Meadows Drive, and proposed NW Hill Lane with the proposed development. The internal streets are also stubbed out to facilitate future development of adjacent underdeveloped parcels.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted 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.

APPLICANT'S RESPONSE: The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site's development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract "G" in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant, the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

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.

APPLICANT'S RESPONSE: The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 – 8, and #14. The City concurs with the applicant's findings, and adds that distinctive and unique natural features are being preserved within the site, as described in the finding for Policy 74.00 above. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

APPLICANT'S RESPONSE: Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

FINDING: SATISFIED. The City concurs with the applicant's findings. The submitted street layout proposes to connect with the existing surrounding street network and provide for the ability to access other adjacent land planned for residential development. The Planned Development includes paved trails and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. In addition, pedestrian and bicycle pathways between street blocks are proposed throughout the Planned Development area, as described further in the finding for Policy 77.00 above.

Dedication and construction of the local street network will provide required mobility opportunities for automobiles, as well as for pedestrians and bicyclists (particularly through the provision of public sidewalks built to public standards and through the provision of both private and public pathways leading to and through the open spaces provided as part of this development proposal) in addition to providing public connection opportunities to other developing areas to the northeast.

The City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies addressed in these findings, and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.

APPLICANT'S RESPONSE: The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the Planned Development includes a phasing pattern that results in greater residential densities closer to Baker Creek Road (which is designated as a minor arterial street), the neighborhood

commercial uses that will be included in the commercial area near the intersection of NW Hill Road and NW Baker Creek Road, and the planned public transit route along NW Baker Creek Road. The greater residential densities, which transition in density from higher density in the southern portion of the site to lower density in the northern portion of the site, is identified in EXH-4 and shown below:

Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

APPLICANT'S RESPONSE: As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.

APPLICANT'S RESPONSE: No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.

APPLICANT'S RESPONSE: To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that additional public park spaces will be developed and dedicated to the City within the Planned Development, as described further in the finding for Policy 75.00 above.

Urban Policies

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

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

APPLICANT'S RESPONSE: As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to the site from adjacent main lines.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided. The traffic impact analysis (TIA) report provides analysis, and includes a project impact summary with conclusions on page 9. The TIA studied the intersections of Meadows Drive and Baker Creek Road, Shadden Drive and Baker Creek Road, and Michelbook Lane and Baker Creek Road. The TIA studied the traffic impacts of the development of 280 single family homes, as proposed in the Planned Development plans, and the development of 100,000 square feet of retail shopping center commercial uses on the adjacent site that is guided for Commercial on the Comprehensive Plan. The 100,000 square feet of retail shopping center commercial use is not expected to develop on the commercial property, but was selected as the

worst-case scenario in terms of trip generation. The summary table identifying the capacity analysis is provided in Table 2 of the TIA, and is provided below:

Table 2 Capacity Analysis Summary

Intersection	Type of Control	Peak Hour	Traffic Scenario											
			2019 Existing				2029 Background				2029 Total			
			Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c
Meadows Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.6	0.03	NB	B	10.6	0.14	SB	C	19.0	0.09
		PM	NB	A	9.4	0.03	NB	B	10.1	0.09	SB	F	56.2	0.20
Shadden Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.9	0.06	SB	C	18.4	0.17	SB	D	33.2	0.13
		PM	NB	A	9.8	0.06	SB	D	33.3	0.21	SB	F	137.3	0.16
Michelbook Lane and Baker Creek Road	Two-way Stop	AM	NB	B	10.9	0.08	NB	C	16.6	0.21	NB	D	28.7	0.45
		PM	NB	B	12.0	0.14	NB	F	65.6	0.78	NB	F	726.4	2.41
	Signal[1]	AM	-	-	-	-	-	B	11.0	0.39	-	B	15.3	0.47
		PM	-	-	-	-	-	B	11.7	0.54	-	B	19.8	0.70

Notes: 2010 Highway Capacity Manual methodology used in analysis, Synchro v9. NB - Northbound, SB - Southbound, Crit. Mov't - Critical movement or critical approach.

[1] Future signal identified in City's TSP - Not to be installed in conjunction with Baker Creek North Subdivision.

The "Summary and Recommendations" section of the TIA includes the following findings:

The City's mobility standard for intersection operations requires a v/c ratio of 0.90 or less. The stop controlled intersections on Baker Creek Road at Meadows Drive and at Shadden Drive will experience acceptable volume-to-capacity ratios of 0.20 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at these locations. On the southbound access approaches the lane configuration will consist of a separate right turn lane and a combination through/left lane. The approaches shall be controlled with stop signing.

The stop controlled intersection of Baker Creek Road at Michelbook Lane will experience an acceptable volume-to-capacity (v/c) ratio of 0.78 or less in the peak hours through the year 2029 background traffic scenario. For the year 2029 total traffic scenario the intersection operations will exceed the City's v/c standard with a resulting value of 2.41 in the PM peak hour. This condition can be mitigated to a v/c of 0.70 by installing a traffic signal as identified in the City's TSP. This improvement has been planned by the City for safety and capacity reasons in order to satisfy the anticipated city-wide traffic growth projections. Therefore, no mitigation at the Baker Creek Road and Michelbook Lane intersection is recommended in conjunction with the proposed development.

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.

APPLICANT'S RESPONSE: The development of the sites outlined in these applications will result in the improvement of the north side of the minor arterial called Baker Creek Road which to allow for the coordinated movement as envisioned by the City's Transportation System Plan. The proposed on-site streets, pedestrian accessways, and trail improvements will also promote this goal.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided, as described in the finding for Policy 99.00 above.

Streets

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

APPLICANT'S RESPONSE: This policy is met by the proposed roadways and lot frontages along those right-of-ways in the application's plans.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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).*
5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

APPLICANT'S RESPONSE: The attached preliminary development plans indicate that the proposed road sections meet the City design standards. Where proposed Charles Street does not extend straight east from proposed Alfred Drive to proposed Gregory Drive, a pedestrian path is provided to ensure minimal adverse effects on adjacent natural features as encouraged by factor 1 above. Where large blocks are proposed with mid-block pedestrian paths instead of streets under the flexibility proposed by the planned development application, policy design factor 2 above is being supported. The extra right turn lanes for southbound traffic at Meadows Drive and Shadden Drive are supporting design factor 3 above. The development will support all modes of transportation as encouraged by design factor 4. Connectivity to adjacent developments and extension of existing streets is proposed, while no cul-de-sacs are planned to provide conformance with design factor 5. Therefore, all design factors of this policy are met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The existing Baker Creek Road transportation corridor will be more efficiently utilized with this proposal, meeting the intent of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The applications propose access at existing street intersections with Baker Creek Road. The traffic analysis provided shows this can be done safely even in the worst case scenario. No development or other access to Baker Creek Road from the commercial property is proposed at this time, although it may be proposed at a future time upon application for site development of that parcel.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that any future development of the commercial property will be subject to the Planned Development Overlay District that applies to that site, which is a separate overlay district.

Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

APPLICANT'S RESPONSE: No direct access is proposed from the residential development to Baker Creek Road. Street intersections from this large scale residential development are proposed to match up with opposite existing intersections.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

1. Major, minor arterials.
-Access should be controlled, especially on heavy traffic-generating developments.
-Designs should minimize impacts on existing neighborhoods.
-Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
-On-street parking should be limited wherever necessary.
-Landscaping should be required along public rights-of-way

APPLICANT'S RESPONSE: Proposed improvements in all phases developed along Baker Creek Road will control and limit access to the existing intersections. The designs include an extra right turn lane at Meadows Drive and Shadden Drive to minimize delay. Approval of the development will also create additional connectivity to the minor arterial for other developments via streets stubbed to adjacent properties. The proposed extension of exiting streets stubs will also disburse traffic volumes in adjacent residential communities. The attached plans indicate that required right-of-way widths are provided to facilitate the street improvements. No on-street parking is proposed on Baker Creek Road, an arterial street. Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

3. Local Streets
-Designs should minimize through-traffic and serve local areas only.

-Street widths should be appropriate for the existing and future needs of the area.
-Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
-Off-street parking should be encouraged wherever possible.
-Landscaping should be encouraged along public rights-of-way.

APPLICANT'S RESPONSE: Anticipated through-traffic on local streets will serve this neighborhood only, not the larger regional area. The proposed street widths are standard for local streets. The width increases in the southern segments at the approach to Baker Creek Road to allow right turn only lanes. Off-street parking is encouraged with standard 20-feet driveway depths for two off-street parking spaces in front of the garage at a minimum on all single-family lots. Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 123.00 The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.

APPLICANT'S RESPONSE: All of the proposed street improvements are within the urban grown boundary and rights-of-way will be dedicated to the City after improvements to City standards are installed in compliance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The proposed developments will achieve sufficient off street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The proposed developments will encourage off-street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum. The commercial parcel will also be provided with off-street parking. No parking will be allowed on Baker Creek Road, an arterial street.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: These development applications will result in the phased improvement of the north side of Baker Creek Road with a bicycle land in the shoulder. The

improvements also include an extension of the power line trail into the site with a connection to on-site walkways. As such, the improvements will connect people with elements called for in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 130.05 In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.

APPLICANT'S RESPONSE: The applicant is proposing to install a bike lane on the north side of Baker Creek Road as phases of the planned development are constructed, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

APPLICANT'S RESPONSE: The residential planned development will dedicate several tracts to the City for public park land in phases as part of the amenities offered with the planned development application. The applicant is also providing several private common area tracts which will be retained by the development's homeowners association. The open spaces will include paths and scenic areas for both active and passive enjoyment. In addition, the applicant is offering to donate an adjacent parcel to the City for use as a special use park with high natural recreational value to help the City meet its Park Master Plan goals.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 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.

APPLICANT'S RESPONSE: The proposed bike lane on Baker Creek Road will connect the surrounding neighborhoods. The connection of proposed sidewalks and open space tracts to the power line trail at Meadows drive will provide a route to other parks and other activity areas to the south of the site. Therefore, this policy is met by the proposed development.

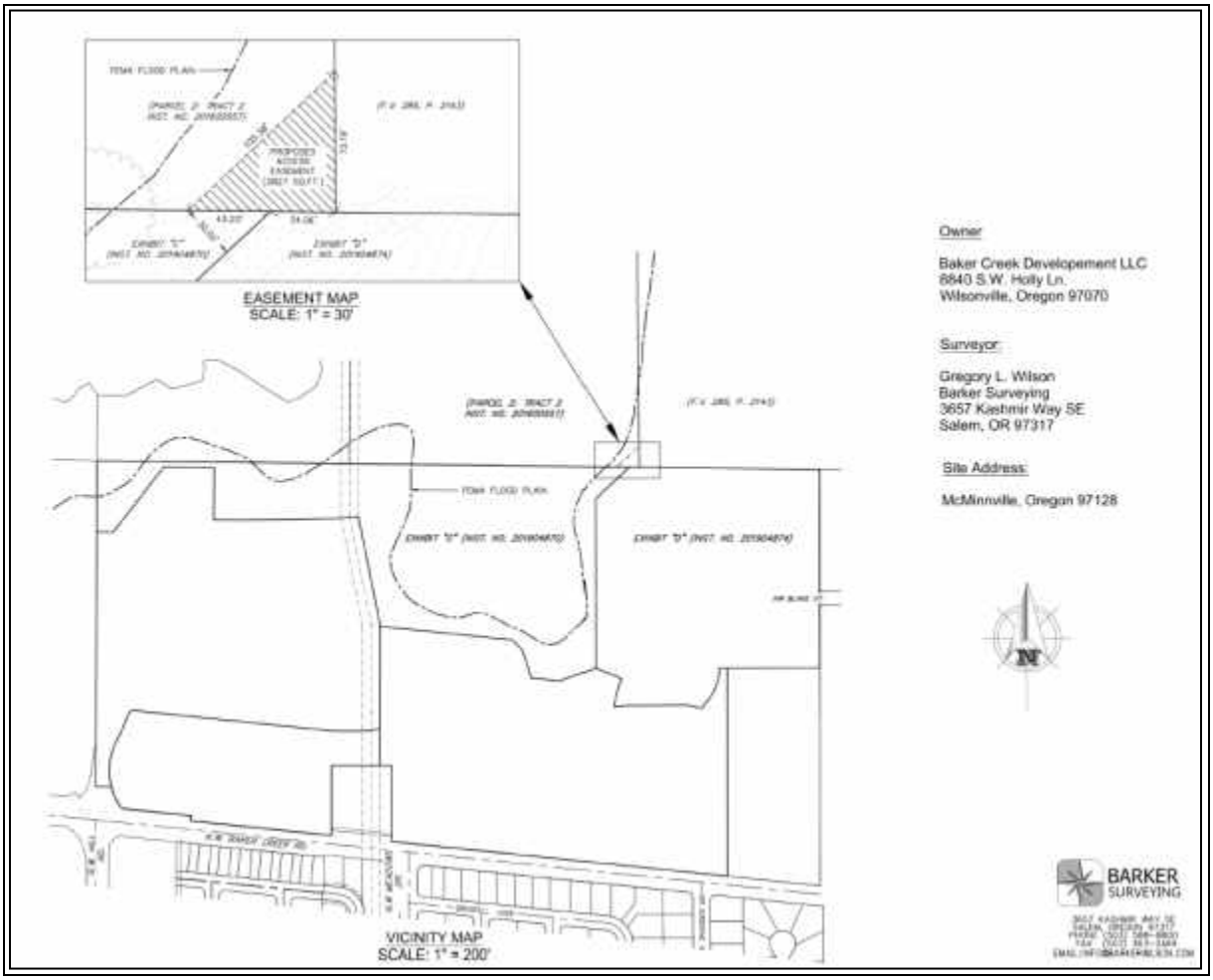
FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6 and #7(e). The Planned Development has been designed with a street network that connects to surrounding residential development south of Baker Creek Road, and to the northeast in the Oak Ridge and Oak Ridge Meadows existing and planned subdivisions.

The applicant has also proposed that a bark chip trail be installed within the parcel to be dedicated as a public park, which will fulfill an action within the City of McMinnville Parks, Recreation, and Open Space Master Plan of developing a greenway trail between the BPA trail and Tice Park. However, the park dedication parcel does not align with an adjacent parcel within the Oak Ridge Meadows planned subdivision that includes a planned extension of the greenway trail. To address this pedestrian connection between the park parcels and the adjacent neighborhood, the applicant has proposed to also dedicate an easement within a parcel to the north to allow the trail connection to occur. The easement area is identified below:



A condition of approval is included to require that this easement be provided for the greenway trail to connect to the public park and trail network provided within the planned Oak Ridge Meadows subdivision. The condition specifies that this easement will be granted and recorded at the time that Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is dedicated to the City, which is required at the time of the platting of subdivision Phase 2A or Phase 3A. All required improvements within the easement shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall

be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.

Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*

APPLICANT'S RESPONSE: The site is relatively flat, and the streets, walkways, and ramps are planned to comply with ADA standards.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that meets ADA accessibility guidelines.

2. *Incorporate features that create a pedestrian friendly environment, such as:*
   a. *Narrower traffic lanes;*
   b. *Median refuges and raised medians;*
   c. *Curb extensions ("bulb-outs");*
   d. *Count-down and audible pedestrian signals;*
   e. *Wider sidewalks;*
   f. *Bicycle lanes; and*
   g. *Street furniture, street trees, and landscaping*

APPLICANT'S RESPONSE: The internal local streets will have traffic lanes that conform to City local street standards. Wider sidewalks are proposed along the north side of Baker Creek Road, on the west side of Meadows Drive to the roadway's first intersection, and for internal mid-block paths. The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, except where additional improvements are required by conditions of approval.

3. *Incorporate features that create a pedestrian friendly environment, such as:*
   a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
   b. *Timing signals to minimize pedestrian delay and conflicts.*
   c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT'S RESPONSE: There are no signalized intersections near or internal to the site. This section is not applicable.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #11. Policy 132.24.00(2) does not only apply to signalized intersections. However, the plans include crosswalk striping at the

locations where NW Meadows Drive and NW Shadden Drive will cross Baker Creek Road to increase visibility between pedestrians and motorists. To better increase visibility of pedestrians on the BPA trail, a condition of approval is included to require that an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.

Policy 132.26.00 The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.

APPLICANT'S RESPONSE: The proposed improvements to transportation infrastructure support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development. The specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.

APPLICANT'S RESPONSE: The proposed new street connections have the elements to create the connectivity envisioned by this policy.

FINDING: SATISFIED. The right-of-way improvements proposed in the Planned Development plans include the improvements required for streets, which include pedestrian and bicycle improvements. Additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development, and required as conditions of approval.

Policy 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. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this application, findings and exhibits.

Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.

APPLICANT'S RESPONSE: The street layout and the mid-block paths proposed are designed to encourage residents to walk and bike, and with density oriented closer to the future transit corridor, the transportation improvements will facilitate use of public transit in the future as stops will be close and walking distances reasonable. Homes are oriented away from arterial streets and landscaped open space tracts will buffer noise. Therefore, the proposed development supports this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.36.00 Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

APPLICANT'S RESPONSE: The development has been designed to encourage walking to local amenities which will support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.38.00 Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

APPLICANT'S RESPONSE: The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 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.*

APPLICANT'S RESPONSE: All proposed street improvements include sidewalks to provide adequate circulation. Emergency vehicle access is ensured through the provision of streets built to City standards and the avoidance of cul-de-sacs through the planned looping of the internal street network. Temporary fire turn-arounds and fire lanes can be provided as necessary with the phasing of the project.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.

APPLICANT'S RESPONSE: No cul-de-sac streets are proposed, providing conformance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.10 Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network.

APPLICANT'S RESPONSE: No physical barriers are proposed. This policy is met.

FINDING: SATISFIED. The City concurs with the applicant's findings. The only major barriers between the proposed street network occur where the development site is crossed by the BPA power line easement, and on the eastern portion of the site where grades don't allow west to east street connectivity. Where streets are not proposed to connect, pedestrian connections are provided, as described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.

APPLICANT'S RESPONSE: The roadway improvements proposed do not impair pedestrian nor bicycle movement. They enhance it through better connectivity and more facilities.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.

APPLICANT'S RESPONSE: Access is consolidated for single family residential properties to new street legs at existing intersections to conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

APPLICANT'S RESPONSE: The street connections proposed between adjacent property and rights of way conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.42.00 Generally, a major arterial street should not be widened beyond two through lanes in each direction with auxiliary turn lanes as appropriate. Minor arterials and collector streets should not be widened beyond one through lane in each direction with auxiliary left-turn lanes as appropriate. Major arterial streets with more than five lanes and minor arterial and collector streets with more than three lanes are perceived as beyond the scale that is appropriate for McMinnville.

APPLICANT'S RESPONSE: Baker Creek Road along the site frontage is a minor arterial and is not proposed to be widened beyond one through lane in each direction. The project conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.43.05 Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

1. *Traffic circles;*
2. *Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);*
3. *Landscaping barriers between roadway and non-motorized uses;*
4. *Landscaping that promotes a residential atmosphere;*
5. *Sidewalks and trails; and*
6. *Dedicated bicycle lanes.*

APPLICANT'S RESPONSE: There is an existing traffic circle at Hill Road and Baker Creek Road at the SW corner of this project, whose north leg will be connected with a phase of the residential planned development. Crosswalks at Meadows Drive and Shadden Drive across Baker Creek Road are proposed to be striped. Street trees are proposed in planter strips along all streets promoting a residential character. There are sidewalks and trails throughout the project, and dedicated bike lanes will be striped along the site frontage. Therefore, this plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.43.10 Limited Neighborhood Cut–Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

APPLICANT'S RESPONSE: There is no risk of use of these streets as shortcuts for through traffic as there are no street connections, from the north residential neighborhoods, to other parts of the City or County. These local streets will only be used for local access. The plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.

APPLICANT'S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. Maintenance will be completed by the City. Street trees are proposed to improve air quality, noise buffering, and support water quality, as trees absorb rainfall. The right turn lane added to Meadows Drive and Shadden Drive will also decrease delay at the intersections. This will minimize negative impacts in terms of pollution and noise from cars during idling while queueing. This policy is supported by the project.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.05 Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.

APPLICANT'S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. In some cases, large blocks are proposed with mid-block paths to facilitate pedestrian and bicycle connections. This approach supports this policy as the proposed streets with mid-block paths achieve the transportation objective.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.47.00 The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.

APPLICANT'S RESPONSE: These applications support a street aesthetic discussed in this policy through the proposed street trees and landscaped open space tracts along streets shown on the landscape plans.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the applicant submitted a Landscape Plan Review application for concurrent review with the Planned Development request. Findings for the Landscape Plan Review (which includes the street tree plan for the Planned Development site) are addressed in the Decision Document for that land use application.

Policy 132.51.05 Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.

APPLICANT'S RESPONSE: The proposed project will provide sidewalks in support of this policy in phases. It will result in sidewalk travel being continuous along the north side of Baker Creek Road, where it currently ends abruptly in the SE corner of the site in front of a church.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.51.10 Complete Connections with Crosswalks – All signalized intersections must have marked crosswalks. School crosswalks will be marked where crossing guards are provided. Subject to available funding, and where appropriate, marked crosswalks, along with safety enhancements (medians and curb extensions), shall be provided at unsignalized intersections and uncontrolled traffic locations in order to provide greater mobility in areas frequently traveled by persons with limited mobility. Marked crosswalks may also be installed at other high volume pedestrian locations without medians or curb extensions if a traffic study shows there would be a benefit to those pedestrians.

APPLICANT'S RESPONSE: The project will construct the north corners of the intersections of Baker Creek Road with Meadows Drive and Shadden Drive, such that all corners are improved, and provide crosswalks across Baker Creek Road in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.51.15 Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way.

APPLICANT'S RESPONSE: The shared use path under the BPA power lines will be extended north into the project as illustrated on the attached landscape plans in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community.

APPLICANT'S RESPONSE: With the network of proposed sidewalks and paths, this project will promote this policy. Walking to future transit will be more feasible due to the clustering of housing density on the south side of the site closer to Baker Creek Road. The proposed neighborhood commercial area of no less than 2 acres is within reasonable walking distance of most of the proposed residential units, as well as other existing higher density housing to the south of Baker Creek Road. Thus, walking to shops, restaurants, and other services will be feasible. Walking for recreation will also be promoted with the connection/extension of the BPA powerline trail. In addition, a nature trail on the adjacent property proposed to be donated to the City as a Special Use Park will also connect to the BPA trail.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.56.00 Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to

retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

APPLICANT'S RESPONSE: Baker Creek Road is a minor arterial and will have a bike lane striped on its north side as proposed in this application in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.56.05 Mitigation of On-street Parking Loss From Bicycle Projects – New bicycle facilities require the removal of on-street parking spaces on existing streets, parking facilities should be provided that mitigate this loss, to the extent practicable.

APPLICANT'S RESPONSE: No on-street parking will be lost from the proposed bike facilities as no on-street parking exists on the north side of Baker Creek Road along the project frontage. This policy is not applicable.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.56.10 Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel.

APPLICANT'S RESPONSE: This is a directive to the City. With the proposed bike land striping on the north side of Baker Creek Road, this project helps the City meet this policy by removing a barrier to bicycling on Baker Creek Road.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.57.00 Transit-supportive Street System Design – The City will include the consideration of transit operations in the design and operation of street infrastructure.

APPLICANT'S RESPONSE: This is a directive to the City. This policy is not applicable to this application. The proposed street improvements meet 4City standards.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.57.05 Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety.

APPLICANT'S RESPONSE: The proposed residential planned development is a subdivision with site design that directly supports this policy. The clustering of density with smaller lots on the south side of the project with multiple pathways to support access to Baker Creek Road, a planned transit route, supports convenient and safe connections to transit. The proposed planned development amendment to allow no less than 2-acres of commercial and no more than 120 multi-family dwelling units on the commercial designated property will likewise promote and support transit service and use in the area by creating a node of activity and density of use needed to support transit use volumes.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: This goal is met for this project. Public and private utilities have been and will be planned and provided for in advance of or concurrent with development. This includes parks, streets and ways, water service, storm and sanitary sewer service, power, and other franchise utilities.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Sanitary Sewer System

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

APPLICANT'S RESPONSE: This is a directive to the City. This policy will be met when construction plans are reviewed, field work is inspected, and work accepted.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 138.00 The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.

APPLICANT'S RESPONSE: This is a directive to the City. The applicant will improve on-site sanitary sewer to meet City standards and connect that to the existing facilities already built with capacity for the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

1. *Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*

2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*

3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*

4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

APPLICANT'S RESPONSE: This is a directive to the City. The City can allow extension of sanitary sewage because the proposed project meets the framework outlined in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Storm Drainage

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

APPLICANT'S RESPONSE: This is a directive to the City. The City will ensure it is met during review of construction plans for conformance with City standards. The preliminary utility plans show compliance is feasible.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Water System

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

APPLICANT'S RESPONSE: This is a directive to the City and McMinnville Water and Light. The applicant has been assured by these agencies that water service at urban densities is available to the site for development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

1. *Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*

2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*

3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*

4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

APPLICANT'S RESPONSE: This is a directive to the City. The water services will be extended on-site with development to serve the new lots.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City and not applicable to this application.

FINDING: SATISFIED WITH CONDITION #9. The City concurs with the applicant's findings. As described above, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. The condition of approval requires that a development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A be submitted to the City for review and approval of the design and engineering prior to construction. This is required to provide better connection to the trail from lots within the northwest portion of the site.

Water and Sewer – Land Development Criteria

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

APPLICANT'S RESPONSE: The applicant recognizes these applications will be reviewed in coordination to McMinnville Water and Light for the City to obtain concurrence that sufficient water supply is available to meet demands of the development. This review will ensure that the proposed uses are commensurate with the planned comprehensive plan map designation for the area.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.*

APPLICANT'S RESPONSE: The applicant has coordinate with the City Public Works Department and received assurance that sufficient sewer capacity exists with the proposed on-site improvements and connections to the existing system.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: This is a directive to the City and McMinnville Water and Light.

FINDING: SATISFIED. The City concurs with the applicant's findings.

4. Federal, state, and local water and waste water quality standards can be adhered to.

APPLICANT'S RESPONSE: This is a directive to the City to review construction plans and field practices to ensure standards are adhered to.

FINDING: SATISFIED. The City concurs with the applicant's findings.

5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

APPLICANT'S RESPONSE: This is a directive to the City to ensure policies are adhered to through the plan review and construction process.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Police and Fire Protection

Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Emergency services departments were provided an opportunity to review the proposal, and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

Parks and Recreation

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

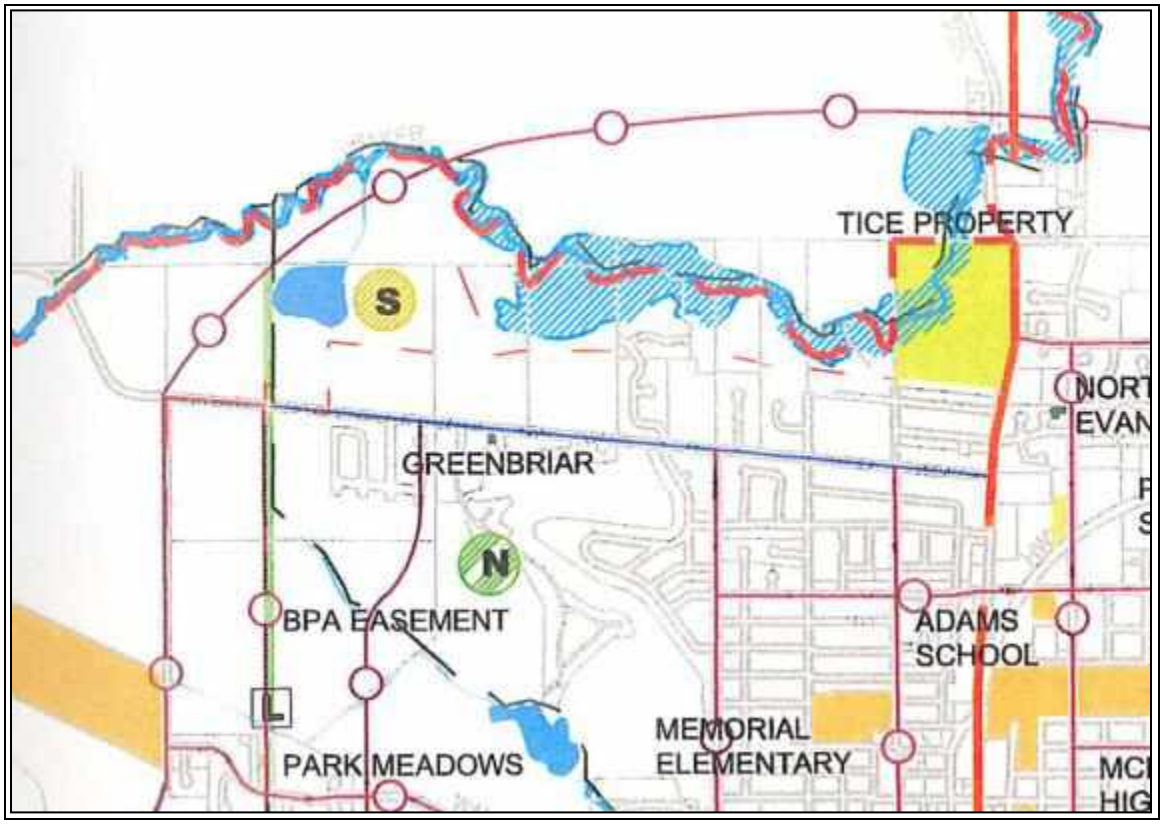
APPLICANT'S RESPONSE: This goal is not an approval criterion. The proposed donation of land for the Special Use Park site is called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999. The donation will help the City meet this goal of providing open spaces and scenic areas for the use and enjoyment of all citizens of the community. The applicant is also proposing to dedicate to the City with the recording of the plat (in phases) several tracts of land with open spaces and recreational facilities for the enjoyment of all citizens

and to facilitate better access and enjoyment of the Special Use Park. Acceptance by the City of the proposed donation of land for the Special Use Park and acceptance of the dedication of the tracts will help the City meet the above goal. If the City does not accept the dedication of the tracts, then they will remain in private ownership of the development's homeowners association.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. These improvements and dedications will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
3) Trails and Connectors: Develop the Westside Trial (BPA Easement)
4) Trails and Connectors: Develop a trail in the Baker Creek greenway

These actions are also identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan Map as follows:



Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Where applicable, system development charge (SDC) credits will be provided for improvements of public park infrastructure.

Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

APPLICANT'S RESPONSE: The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states that Map 1 shows underserved neighborhoods. This Planning Areas map shows the subject site is located in Underserved Area 3. Underserved means not within a half mile of a neighborhood/community park or separated from it by a major street. To serve this area, the plan identifies actions in the Table 10 Recreation Facility Action Plan – Northwest on (page 43). The City is currently constructing a neighborhood park along Yohn Ranch Drive, located within a half mile of the subject site.

The proposed donation of land, dedication of tracts within the planned development, and other improvements proposed will help the City serve this area as intended by this policy and as

envisioned by the parks plan through bringing to fruition many of the items in the action plan, including:

- City acquisition of a special use park adjacent to the BPA Easement (proposed land donation)
- City acquisition of a greenway to help connect Tice Park with the BPA Easement (dedication of proposed Tracts)
- Develop a trail in the greenway acquired

The proposed donation of the special use park is land that is partially within the 100-year floodplain. The portion outside the 100-year floodplain includes an old farm access haul road well suited for use as a greenway trail. The proposed off-site improvement of this trail with a bark chip surface will ensure minimum impact on environmentally sensitive lands while achieving the intent of this policy.

The tracts in the planned development are proposed to be improved with trails and dedicated to the City after the improvement are constructed. All of the proposed trails are located outside of the 100-year floodplain and do not contain environmentally sensitive lands.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. These improvements and dedications will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
3) Trails and Connectors: Develop the Westside Trial (BPA Easement)
4) Trails and Connectors: Develop a trail in the Baker Creek greenway

Policy 164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

APPLICANT'S RESPONSE: There are no floodplain lands within the boundary of the planned development proposed for land division, so this policy does not apply to the planned development. The proposed donation of land for a special use park, which does include floodplain lands, is not part of the planned development. The park land is simply being offered to the City, and acceptance of the donation is sought concurrent with the development review. This will allow for efficient processing of the offer by City staff and permit the City to evaluate how the donation fits into the City's park system. The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states, "The Director of Parks and Recreation oversees park acquisition..." It is hoped the proposed donation will be accepted by the Director and the City as it meets these policies.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The Planned Development includes park improvements and a greenway trail within the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). This parcel is being dedicated to the City for a public park, as described in findings for Policy 75.00 and Policy 76.00 above, at the time of the platting of subdivision Phase 2A or

Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

APPLICANT'S RESPONSE: The proposed Planned Development meets these policies with the open spaces and natural areas proposed to be preserved in tracts, in addition to the mini-parks proposed to be developed in tracts.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is being dedicated to the City for a public park at the time of the platting of subdivision Phase 2A or Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is being dedicated to the City for a public park at the time of the platting of subdivision Phase 2A or Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

Policy 168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

APPLICANT'S RESPONSE: Where possible within the planned development boundary, which is an urban development, distinctive natural features are retained in tract areas. Tract N includes a grove of protected trees. The landscape plans indicate that many significant trees are preserved in the rear yards of lots, particularly on the north and east boundaries of the site. Large trees along Baker Creek Road could not be preserved as they were within the area of required frontage improvements.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8, & 14. The City concurs with the applicants findings. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other

than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the site. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

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

APPLICANT'S RESPONSE: Drainage ways north of the site are not proposed to be developed.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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. (Ord. 4796, October 14, 2003)

APPLICANT'S RESPONSE: The applicant has reviewed the adopted City of McMinnville Parks, Recreation, and Open Space Master Plan prepared for the City by MIG, Inc. on June 1999. The applicant owns a parcel with an area of 14.9 acres adjacent to and north of the proposed Baker Creek North Planned Development. Concurrent with this application, the applicant requests acceptance of the donation of this land to the City.

The donated parcel would become a Special Use Park, and allow for Trails and a Linear Park, as defined on page 10 of the City's Master Plan (see also Appendix A Facility Inventory's Map 2, the Master Plan map, where a Special Use Park symbol is located in the area). Acceptance of this donation by the City would allow it to fulfill the recommendations listed in Chapter 6 of the Master Plan related to benefiting the residents of McMinnville. Acquisition of this property is listed in the Master Plan in Table 10 - Recreation Facility Action Plan – Northwest (page 43) under "Special Use Parks" as a top priority. City ownership of this land would also allow the City to achieve another action item in this table, which is acquiring a "Greenway" to connect Tice Park to the BPA easement, as this property has an old farm haul road along the bluff from the BPA easement east to the adjacent property boundary that is well suited for development of a trail. This land donation will also allow the City to make a connection to the adjacent Baker Creek Greenway segment being proposed by an adjacent development (PDA 3-18/PDA 4-18/S 3-18), which is also an action item in Table 10 ("Develop a trail in the Baker Creek Greenway").

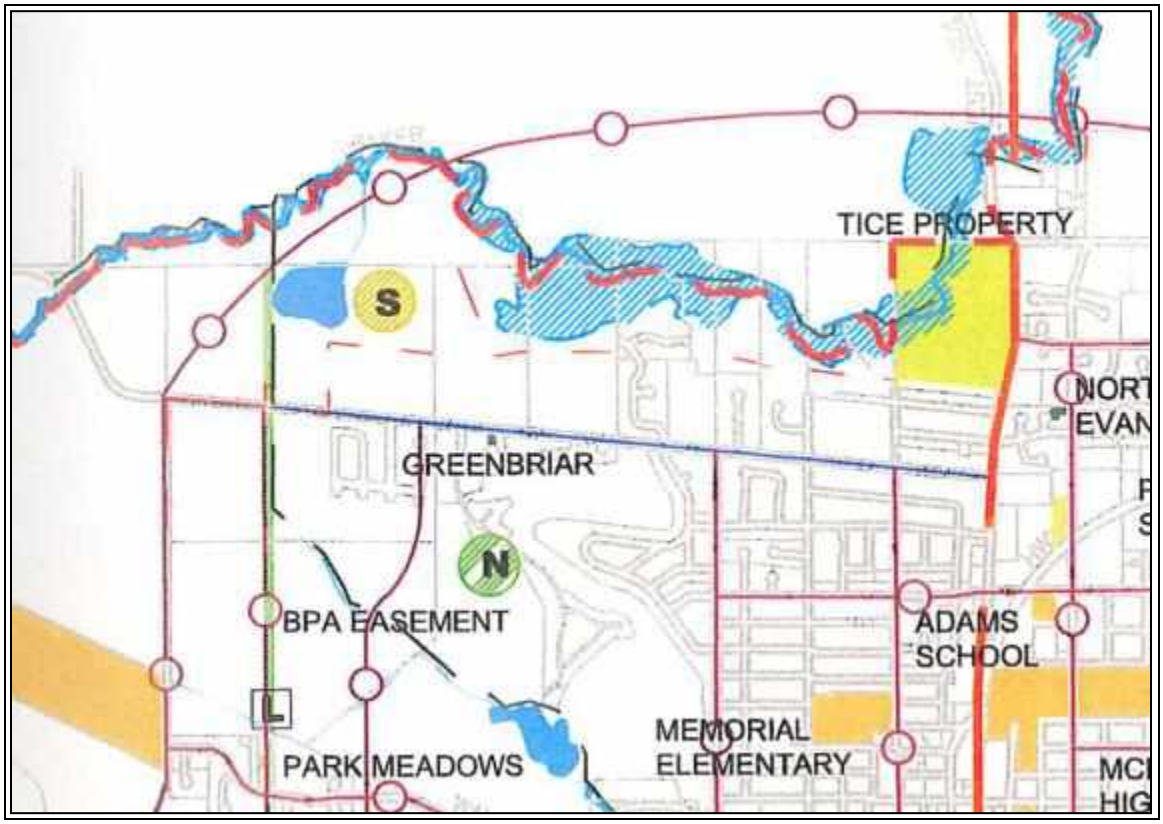
The purpose of the park land donation is to facilitate public open space enjoyment, protection of the floodplain from development encroachment, and conservation of riparian habitat along the waterway.

The proposed land donation is not part of the proposed planned development. The Proposed Planned development will create Tracts "F", "I", "J", "K", "L", "N" & "S", which the applicant recommends the City accept ownership of following installation of recreational amenities as proposed in their respective phases. These tracts include paths and trail improvements to support linear parks and greenspaces. These tracts and their improvements will facilitate public access to and enjoyment of the donated land.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. The tracts and parcel the City will accept as public parks are also described in findings for Policy 75.00 and Policy 76.00 above. All of the tracts within the Planned Development will remain as private open space and recreational tracts to be maintained by the Homeowner's Association. The improvements and dedication of the tracts and parcel describe above will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
3) Trails and Connectors: Develop the Westside Trial (BPA Easement)
4) Trails and Connectors: Develop a trail in the Baker Creek greenway

These actions are also identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan Map as follows:



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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Planned Development provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.21 Multiple-Family Residential Zone

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

A. Single Family Dwelling [..]

APPLICANT'S RESPONSE: The proposed planned development will have single-family dwellings and their accessory uses, which are uses allowed in the R-4 zone.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:
   1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
   2. The dwelling shall have a common wall at the "zero" lot line.
   3. Each lot shall comprise not less than twenty-five hundred square feet in area.
   4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.

5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

APPLICANT'S RESPONSE: Through the planned development process, the applicant is requesting approval to develop lots (designated on the plans as SFD-30a and SFD-26a) at a scale that would normally be single-family units having a common wall with one more single-family dwellings, thereby meeting the standards of subsection G. above. Through the planned development process, the applicant is requesting flexibility to allow the dwellings to not be connected with a common wall. Instead, a unique approach is applied where the required side yards are split between the units so each side of the dwelling will have a side yard. The lots will meet the standards of the eight subsections listed above, or will be modified through the planned development as follows:

1. The dwelling units will be situated on an individually, legally subdivided lots meeting this code.
2. The dwelling units will not have a common wall, rather they will be modified through the planned development approval process to have two 3-feet wide side yards, one on each side of the dwelling, resulting in six (6) feet between structures.
3. All SFD-30a and SFD-26a lots in the proposed development combined will average more than twenty-five hundred (2500) square feet in area, and no lot will be less than twenty-three hundred (2300) square feet in area.
4. Lot area minimum and building setback requirements from property lines as modified by this application will apply to the dwelling units individually (except the average per #3 above).
5. Each dwelling unit will have independent services.
6. There will be no common wall as described in #2 above. The wall will meet the Uniform Building Code as adopted by the State for dwellings with 3-feet side yard setbacks to the property line.
7. There will be no common wall as described in #2 above, therefore there is no need for a sound barrier.
8. The dwelling units will not include existing duplexes, so this item is not applicable.

FINDING: SATISFIED WITH CONDITIONS OF APROVAL #22. The City concurs with the applicant's findings, and adds that additional findings for the lot size and configuration proposed in the Planned Development plans are provided for Goal V 1 and Policies 58.00 and 59.00 above. Because the narrower setbacks will reduce space between structures, a condition of approval is included to verify the storm drainage requirements that will apply at the time of construction of dwelling units on the lots within the Planned Development. More specifically, the condition states that, where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official,

provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site. Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

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

O. Public park and recreation area;
P. Sewage pump station;

APPLICANT'S RESPONSE: The proposed residential development will include other uses permitted in the R-4 zone, such as open space tracts proposed to be dedicated to the City as public parks and a tract with a sewage pump station.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the specific requirements for improvements of the public and private open space tracts and parcel are described in findings for Policy 75.00 and Policy 76.00 above.

17.12.030 Lot Size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family.

APPLICANT'S RESPONSE: The policies of the Comprehensive Plan and this code encourage planned developments with unique approaches to development that meet the purposes of those policies and this code. The proposed planned development achieves these goals as outlined in this narrative. One method to meet these goals is to create new lots of varying sizes. The applicant has proposed seven (7) different lot types. To meet these goals, some lots are larger than five thousand square feet and some are smaller.

The average size of the single-family detached (SFD) lots, designated on the proposed plans as SFD-70, SFD-60, SFD-50, SFD-40, & SFD-45, is 5,745 square feet. So, on average these planned development lots exceed the standard lot area minimum in this code. Likewise, the planned development's alley loaded lots SFD-30a & SFD-26a, that would have common walls in a standard subdivision, but are proposed in this planned development with a unique design to be detached with two 3-feet side yards (see comments under Section 17.21.010G. above), have an average size of 2,760 square feet. These lots exceed the lot area minimum of 2,500 in this code for this type of lot. Overall the average lot size is 4,925 square feet, only 75 square feet less than the minimum. For a planned development of this size, with the myriad of common open spaces proposed, the lot sizes meet the intent and purpose of these standards and policies.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional findings for the lot size and configuration proposed in the Planned Development plans are provided for Goal V 1 and Policies 58.00 and 59.00 above. The City also clarifies that the average lot size in the Planned Development is 4,930 square feet.

17.12.040 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.

APPLICANT'S RESPONSE: The applicant's Typical Lots plan illustrates proposed planned development yard setbacks for each typical single-family detached lot. The plan indicates the standards of this section will be met or modified by the proposed planned development in the following ways:

A. This section will be met, as lots are proposed with a front yard setback of not less than fifteen feet.

B. This section will be met in terms of exterior side yards, as lots are proposed with an exterior side yard setback of not less than fifteen feet.

   The proposed planned development [internal] side yard setbacks vary for the seven (7) proposed lot types as shown on the Typical Lots plan summarized here:

   • SFD-30a and SFD-26a: Instead of common wall or zero lot line construction on one side of the unit and the required six feet side yard on the other, these planned development lots will split this yard area to have three (3) feet of yard area on each side of the dwelling. Thus, there will still be six feet total of side yard per dwelling, just like with common wall construction of a two-unit town house structure.
   • SFD-45: These planned development lots will have four (4) feet side yards. These lots are similar in scale (26' wide building envelope) as the recently approved planned development lots in a nearby project (AP 1-17) that have only 3-feet side setbacks. So, this planned development will have two feet more total side yard per lot of this type, than the other did.
   • SFD-40, SFD-50, SFD-60, and SFD-70: These planned development lots will all have five (5) feet side yards. The flexibility requested in this planned development is to allow these lots to have just one foot less than the six feet standard. In exchange this planned development will provide more variety of housing and common open space areas.

C. This section will be met, as all lots are proposed with a rear setback of not less than twenty (20) feet, except lots that have garages served from the alley. For lots loading the garage from the alley, the 20-feet setback applies to the garage door. The planned development proposes a rear building setback from the alley of fifteen (15) feet. This will allow for, if desired, a bump out for an entry, second story overhang or other structural feature to add texture to the rear of the dwelling along the alley.

D. This section will be met. All garage setbacks are shown as 20-feet, which meets this code.

E. This section will be met for dwellings higher than thirty-five feet.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3, #4, and #22. The City concurs with the applicant's findings. A condition of approval has been included to amend the required setbacks, based on the special objectives and design of the Planned Development as described in more detail below. In addition, conditions of approval are included to verify that minimum

clearances be provided around electrical meters when fences are constructed in the side yard of lots, based on comments provided by McMinnville Water and Light, and that storm drainage be addressed at the time of construction of dwelling units on the lots within the Planned Development. The minimum clearances and storm drainage requirements are more difficult to meet when side yard setbacks are reduced.

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

APPLICANT'S RESPONSE: The applicant intends to develop single-family detached dwellings in the R-4 zone that conform to Section 17.21.040 E. above. Thus, proposed structures will not in any way exceed this 60-ft. height standard.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.12.060 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.

APPLICANT'S RESPONSE: The provisions of Section 17.21.020(M) do not apply to this application.

This code section is met by the proposed development. The code would require a minimum of 2,200 square feet for a four-bedroom dwelling unit. The smallest lot in the proposed planned development is over 2,200 square feet. Thus, all lots in the development can have up to four bedrooms, and any lot over 2,700 square feet can have five bedrooms, etc.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the code would require a minimum of 2,250 square feet for a four-bedroom dwelling unit. The smallest lot in the proposed planned development is 2,340 square feet, so all proposed lots could support dwelling units up to four bedrooms. Lots that are less than 2,750 square feet would be limited to four bedroom dwelling units.

Chapter 17.51. Planned Development Overlay

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance. In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

APPLICANT'S RESPONSE: The proposed planned development meets the Purpose of this Section. The design uses the flexibility allowed to offer a development pattern that provides a variety of lot sizes and uses of the land. The applicant uses a creative approach to site design including:

- Providing extra lot depth to respond to existing trees and topography.
- Alternating lot sizes on various block faces to create a diverse mix of housing types and appealing streetscape throughout the development.
- Preservation of open space under the power line easement and in a tree grove.
- Orienting the fronts of some lots to common open space.
- Aligning pathways with destination open spaces, both private and public.
- Clustering density near future transit corridors.
- Preserving view corridors and access to adjacent parks and natural features both north and south of the site.

This planned development is not a guise to circumvent the intent of the zoning ordinance. The density of the development in both the average lot sizes and scale of the housing is comparable those uses allowed outright in the code. Therefore, the proposed planned development meets the intent of the code while providing a residential community that is better than would be allowed by a strict enforcement of the code.

The proposed planned development also meets the purpose of Section 17.03.029 for appropriate and orderly physical development of the City as evidenced by this narrative and the supporting exhibits. The applicant recognizes that approval of the request will create a planned development overlay over the R-4 zoned portion of the site and it will be developed according to the zone requirements except those approved modification as requested here. The method for implementing this planned development will be addressed under code subsection A. below:

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, the conditions of approval described throughout this Decision Document will ensure that the Planned Development is developed as proposed through the use of lot size averaging, the provision of a variety of lot sizes to support a mix of housing types, the preservation of open space and recreational areas in public and private tracts, the orientation of smaller lots to common open space, and the loading of smaller lots from rear alleys. These features of the Planned Development, together with conditions of approval as necessary, will provide variety in the development pattern of the community, allow for a creative approach to land development, preserve significant natural features, facilitate a desirable aesthetic, and create public and private open spaces.

<u>17.51.010 Purpose.</u> […]

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

APPLICANT'S RESPONSE: This narrative discusses how the planned development substantially meets the same general Comprehensive Plan and Zoning Ordinance objectives for the R-4 zone.

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, the conditions of approval described throughout this Decision Document will ensure that the Planned Development is developed as proposed, which amendments required by conditions of approval if necessary.

17.51.010 Purpose. […]

B. The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)
   1. A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.
   2. The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The Planned Development was applied for with a specific development plan. The Planned Development was processed and reviewed in accordance with the public hearing procedures in Chapter 17.72.

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;

APPLICANT'S RESPONSE: The planned development is being proposed concurrent with a Comprehensive Plan Map amendment and a Zoning Map amendment to designate all of the planned development area within the R-4 zone, so the principal use of land in the planned development, single-family residential, will reflect the type of use indicated on those maps.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.51.020 Standards and requirements. […]

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

APPLICANT'S RESPONSE: The underlying proposed zone designation is R-4. As required, residential density is addressed in applicant's response to Section 17.21.060. The proposed development conforms to the underlying zone requirements.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant, the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

17.51.030 Procedure. […]

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;

APPLICANT'S RESPONSE: Regarding the Baker Creek North Planned Development, the applicant intends to develop a residential community that provides home attainability, balance, and choice. The applicant seeks to address the following physical conditions and achieve a number of special objectives as part of the overall development concept, warranting a departure from standard regulation requirements:

(1) Preserve trees in rear yards and tracts.
(2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.
(3) Developing around the BPA Easement that traverses the site.
(4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City's Comprehensive Plan and this code to serve today's market needs of home consumers in McMinnville.
(5) Focus on the detached Single-Family Residential housing type.
(6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park.
(7) Provide access to City park facilities.
(8) Create a sense of place.
(9) Ensure adequate off-street parking.
(10) Avoid "cookie cutter" approach to housing on any block face.
(11) Promote future transit service.

The proposed development addresses each of these special physical conditions and objectives through its design and the requested flexibility offered by a planned development as shown on the plans and discussed in detail in this narrative and below.

(1) Preserve trees in rear yards and tracts

Along the north and northeast boundary of the site there are stands of oak trees as well as rows of oak trees. These oak trees are preserved in the rear yards of proposed lots along the perimeter of the project with extra deep rear yards to accommodate space for these trees outside of the building envelop. Tree protection for these trees during site construction is shown on the landscaping plan drawing L1.0. A grove of these trees is preserved in proposed Tract "N" in Phase 2A of the project. Proposed Lots 129-133 in Phase 2A and Lots 269-280 will have a thirty-foot rear building setback where a large oak tree exists to protect this feature and provide a natural buffer between the site and adjacent land. Preservation of this area is in part meant to off-set the planned development request to decrease side yard setbacks by one foot from six feet to five feet setbacks for most lots, and to four feet for other lots, as well as to allow for a mix of lot sizes throughout the planned development.

(2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.

The site is adjacent to a bluff, at the bottom of which is a parcel that is planned for a City special use park. Lots along the bluff have been designed with extra depth to allow for horizontal separation between the dwellings, which will sit on top of the bluff, and the adjacent natural area at the rear property line. Use of this portion of the site to create larger deeper lots is in part meant to off-set the planned development request to allow for a mix of lot sizes throughout the planned development, some of which are smaller.

(3) Developing around the BPA Easement that traverses the site.

The site is encumbered by a 60-feet wide BPA Easement and transmission lines. The area under the transmission lines is preserved as community open space and proposed to be improved with picnic tables and a grassy area near the street, and a gravel walking trail (and utility access way) with excellent views of the future City special use park. This area is proposed to be dedicated to the City as a park. Improvement of this active open space is in part intended to support the planned development request to allow for a mix of lot sizes throughout the planned development, some of which have less lot area.

(4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City's Comprehensive Plan and this code and to serve today's market needs of home consumers in McMinnville

The Comprehensive Plan Policy 72.00 states, "Planned developments shall be encouraged as a favored form of residential development." Policy 73.00 states, "Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged." This code states under Section 17.51.010, "…the purpose of a planned development is to encourage a variety in the development pattern of the community..." The proposed planned development provides the variety called for by the City in the above referenced documents with its seven different lot sizes described in this narrative and in the exhibits to the application: SFD-70, SFD-60, SFD-50, SFD-40, SFD-30a, & SFD-26a. This approach will better meet the various needs of home buyers than development built to the standard, as it would only create two lot types: common wall single family dwellings on lots of 2500 square feet in area and detached single-family dwellings on lots of 5000 square feet in area.

(5) Focus on the detached Single-Family Residential housing type

A 2014 residential preference study done by DHM Research for Metro[1] shows that about 80% of people view detached single-family dwellings as their preferred housing choice. In recognition of this finding, the Applicant has specifically designed the planned development with detached single-family housing in mind. This in part addresses the applicants request through the planned development process to develop the alley loaded lots referred to as SFD-30a and SFD-26a as detached dwellings instead of using common wall construction as allowed outright in the code for lots in this size range.

This unique approach to site design creates a housing product type commonly referred to as the missing middle, or single-family detached homes at the scale of an attached dwelling without the attachment. This is a product type that meets consumer needs for lower cost attainable housing that would normally only be found with a townhouse/row house structure, only these proposed lot types are without the burden of a common wall. So, by meeting this objective the development is also helping meet objective (4) discussed above.

(6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park

There is a neighborhood park under construction within a ½ mile of the site which is anticipated to be complete prior to development of this site, however it is located across a minor arterial. Therefore, private mini-parks are proposed on tracts with active recreational amenities for residents of the Baker Creek North development. For details, see the landscaping plan drawings L1.0-L10.0. Sidewalks and mid-block pathways provide convenient access to the proposed facilities. The site design also includes pathways and marked crosswalks to connect residents of the site to City park facilities to the south beginning at Baker Creek Road and Meadows Drive. On-site open space areas and proposed recreation amenities in part off-set the request for varied lots sizes as part of the planned development.

(7) Provide access to City park facilities

In addition to pathways and sidewalks leading south to the City park facilities as described in objective (6) above, the proposed planned development provides multiple tracts that can provide public access to the adjacent special use park land to the north of the site. The applicant is proposing to dedicate ownership of several open space tracts to the City, upon recording of the respective phases of development, for use to access the future special use park land being donated.

(8) Create a sense of place

The site is adjacent to minor arterial called Baker Creek Road and Baker Creek lies to the north of the site. The plan includes a landscaped open space tract with a white rail fence the entire length of the site's frontage with Baker Creek Road accented with two entrance monuments located in the tract at Meadows Drive and Shadden Drive. Opposite this strip at Shadden Drive is a landscaped storm pond tract. Opposite this strip at Meadows Drive is a tract with a pathway to extend the BPA trail into the site and terminate it at the proposed intersection of Kent Street and Meadows Drive. This location will include a proposed mini-park that will include a picnic space at the trailhead and a natural path overlooking the City's future special use park. These features along with the other common open spaces and curvilinear tree lined streets will create a unique new community in the City of McMinnville with a vibrant housing mix and excellent access to recreation and other services.

[1] (http://www.oregonmetro.gov/residential-preference-study)

(9) Ensure adequate off-street parking

Parking can present challenges in developments that propose compact urban form. Having witnessed mistakes by developers who did not provide sufficient parking in small lot projects, the applicant is committed to providing sufficient off-street parking so that on-street parking is available. Therefore, each single-family unit will have a minimum of four off-street parking spaces as shown on the exhibit drawing EXH-5 Typical Lots. This will typically include two garage spaces and two spaces on a standard driveway pad in front of the garage. As such, this design will exceed McMinnville city off-street parking standards by 100%. Driveways will be paired where feasible in order to maximize on street parking as well. The off-street and on-street parked vehicles are graphically represented in the exhibit drawings SP-1 through SP-5 Site Plans.

(10) Avoid "cookie cutter" approach to housing on any block face

A primary goal of this planned development is to avoid the appearance from the public street of monotonous tract housing (aka: "cookie cutter") pattern of development. This objective has been achieved in part through site design where lot sizes alternate along a block face and where lots types differ from one side of the street to the other. To further support this objective, the applicant is proposing a condition that no building elevation shall repeat itself on an adjacent lot nor the lot directly across the street.

(11) Promote future transit service

The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the site is located within a ¼ mile on the north side of a planned transit corridor along Baker Creek Road. The applicant has designed the site to cluster density along the south end of the site, which is close to this future transit corridor, in order to make the transit service conveniently within walking distance for the majority of the future residents. Since convenience and walking distance are major factors in a person's choice to use transit, the proposed site design will encourage transit use. The density of the housing and convenience of use will also encourage future transit service to be developed as planned.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 22. The City concurs with the applicant's findings, but clarifies a number of statements. The larger rear yard setback described by the applicant is proposed to preserve existing trees along the rear yard of Lots 131-135 and Lots 269-280. A condition of approval has been included to require a larger rear yard on those lots, and also to require that a request for removal of any of the trees within the rear yard of those lots be submitted to the Planning Director for review and approval prior to removal.

The Planned Development site is traversed and bisected by the existing BPA power line easement, which does not allow for the development of permanent structures. This presents some difficulty in the development of the site. In addition, the area of this easement is also planned for the extension of the BPA trail, which currently exists south of Baker Creek Road from Baker Creek Road to 2nd Street. The Planned Development plans include the extension of the BPA trail to the north to a terminus within an open space parcel that will be dedicated to the City as a larger public park. In order to minimize crossings of the BPA trail extension, the Planned Development includes a street network with only one street crossing of the trail. IN addition, the parcel that will serve as a larger public park (identified as Parcel D in the application

narrative) will function as a Special Use Park, as most of the park will be preserved as natural area and open space to preserve a 100-year floodplain area. A trailhead will be developed at the terminus of the BPA trail extension, and a bark chip greenway trail will be developed within the Special Use Park. All of these park dedications and improvements will allow the City to achieve actions identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, as described in more detail above. These park improvements will provide opportunities for residents of the Planned Development, and the City as a whole, to have social interaction, recreational amenities, and access to nature and wildlife, all of which are special objectives of the proposed Planned Development. In addition to the public park and trails, a number of private open space tracts, recreational tracts, and pedestrian connections are provided throughout the Planned Development. The specific improvements that will occur within the public and private open space and recreation tracts are described in more detail above.

The Planned Development does propose 7 different lot sizes, which will provide an opportunity for a variety of housing options at a range of potential price points, which will provide housing mix within the Planned Development. In order to allow lot size averaging and a transition in density from the southern portion of the site to the northern portion of the site, lot sizes and dimensions are proposed to be varied from typical zoning requirements. Some lots will be smaller than typically allowed for detached dwelling units in the R-4 zone, and most lots will be deeper than typically allowed by the lot depth-to-width ratio of the land division standards. Where lots are narrower than 40 feet, the applicant is proposing to provide alleys that provide vehicular access from the rear side of the lots. This design feature will result in the fronts of the dwelling units including more pedestrian-oriented features and not having front facades that are dominated by garage openings and driveways. This not only improves the aesthetics of the dwelling units, but also improves the pedestrian environment adjacent to the dwelling units as there will be an uninterrupted sidewalk without curb cuts or vehicles crossing the sidewalk. In addition, some of the narrow lots are proposed to front onto private open space tracts with recreational amenities, which will offset the smaller lots and less private open space on those lots.

The applicant has proposed driveway widths for each of the different lot types as follows:

- SFD-70 & SFD-60 lots have 30 feet wide driveways.
- SFD-40 lots have 20 feet wide driveways.
- SFD-45 lots have 18 feet wide driveways
- SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

These driveway widths are identified on the “Typical Lots” sheet in Drawing EXH-5, which show the driveway width extending the entire length from the front of the garage to the street. However, Section 12.20.030(B) of the MMC limits driveway widths on lots between 20 and 75 feet in width to no more than 40% of the frontage. The SFD-70, SFD-60, and SFD-40 lot types would exceed this 40% maximum driveway width if allowed to have the driveway widths requested by the applicant, with 42.8% wide driveways on the SFD-70 lots and 50% wide driveways on the SFD-60 and SFD-40 lots. The applicant has described the need for these driveway widths to allow adequate off-street parking space. The City concurs with the applicant in regards to providing adequate off-street parking space, but finds that the widths of most of the driveways proposed would create conflicts and disruptions within the pedestrian environment along the sidewalks within the public right-of-way. Therefore, a condition of approval is included to allow for driveways to be the maximum width requested by the applicant on each private lot, but that the driveway width be tapered down at the property line and not exceed the maximum 40% driveway width required by Section 12.20.030(B) between the property line and the street.

The one exception to this is the driveway width for the SFD-40 lots, which are allowed to have 20 foot wide driveways between the property line and the street.

The applicant has described a desire to avoid a cookie cutter housing pattern within the development. Given that the lot sizes as proposed are much smaller than what is typically provided for detached dwelling units, and in order to ensure that the housing types provided within the Planned Development do not result in a cookie cutter housing pattern, a condition of approval is included to require design standards that would apply to each dwelling unit's building plans to help facilitate a desirable aesthetic in the planned development. The condition states that building plans will be reviewed prior to the issuance of building permits. The review process will require the review and approval by the Planning Director of dwelling unit building plans that include architectural elevations, details, materials, and colors for the building. Finally, a condition of approval is included to require that no building elevation shall repeat itself on an adjacent lot or any lot directly across the street.

2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

APPLICANT'S RESPONSE: The applicant is requesting concurrent approval of the proposed amendments to Ordinance No. 4633, an amendment to the Comprehensive Plan Map to change a portion of the Commercial designated land to Residential, and a zone change to designate portions of the area regulated by the ordinance as C-3 and R-4. The applicant is also requesting approval of a zone change to designate the remainder of the Baker Creek North Planned Development area R-4. As discussed in the above narrative, the proposed land use actions and resulting development are consistent with applicable Comprehensive Plan goals, policies, and objectives of the area.

FINDING: SATISFIED. The objectives of the Comprehensive Plan are achieved by the Planned Development, as described in the Conclusionary Findings contained in this Decision Document.

3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

APPLICANT'S RESPONSE: The attached exhibits include street and utility plans for the proposed Baker Creek North Planned Development. The plans also illustrate how adjoining parcels, including the C-3 zoned parcel regulated by Ordinance 4633, will be provided adequate access and provision of services. The proposed improvements with Baker Creek North include a connection to the existing Blake Street stub, a stubbed street connection of Shadden Drive north that aligns with the proposed adjacent development's street stub, and a stubbed street connection of proposed William Drive south to the adjacent parcel. Access is provided via tracts to the north. The adjacent property to the south, referred to as the substation property, has adequate access from Baker Creek Road and recorded easements. No access is provided to the west as that land is outside of the urban growth boundary.

FINDING: SATISFIED. The City concurs with the applicant's findings.

4. The plan can be completed within a reasonable period of time;

APPLICANT'S RESPONSE: The applicant has submitted a Phasing Plan to illustrate how the site will be developed in the proposed 10 phases. If land use approval is granted in 2019, Phase 1A-1D will be completed in one or more phases between about 2019 and 2021, Phase 2A-2C will be completed following Phase 1D, likely from about 2021 to 2024, and Phase 3A-3C will be

completed following Phase 1B between about 2020 and 2024. A phased development of 10 phases can take a long time to complete, however, some phases can be constructed concurrently depending on market conditions. For example, Phase 3A could begin construction at the same time, or even before, Phase 2A, as Phase 3A is contingent only on completion of Phase 1B, not Phase 2A. This means development can even occur faster than predicted if conditions are right. Phased development could also extend beyond 2024 as suggested here, but would be completed within a reasonable time as allowed by this code.

FINDING: SATISFIED. The City concurs with the applicant's findings.

5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;

APPLICANT'S RESPONSE: The new streets providing internal circulation are proposed with sections to meet local residential street standards, so they will support the anticipated local traffic. The street connections at Shadden Drive and Meadows Drive connecting to NW Baker Creek Road will be improved with extra pavement width to accommodate a 3-lane section on the side streets for a right-turn-out lane, center left-turn/through lane, and an in-bound lane. This will ensure extra capacity for turning movements at the intersection for outbound traffic. Baker Creek Road will be improved with a half-street improvement along the site's frontage to City standards, which will add a center left-turn lane to support circulation at the intersections, including north and south left-in turning movements that will not block through traffic on Baker Creek Road. The streets outside the planned area have already been developed to accommodate the anticipated development in the area.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the Planned Development also proposes the alignment and extension of three existing streets, NW Hill Road (proposed to be extended as Hill Lane), NW Meadows Drive, and NW Shadden Drive. The applicant has provided a traffic impact analysis (TIA) report to ensure that the proposed development will allow for all intersections in the surrounding area to function within the City's mobility standard for intersection operations, which requires a v/c ratio of 0.90 or less. The findings of the TIA are described in more detail in the finding for Policy 99.00 above.

6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

APPLICANT'S RESPONSE: The exhibits submitted with this application, including UT-1 through UT-5 Utility Plans, indicate that public utility and drainage facilities are adequate for the proposed population density and type of development.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the submittal of detailed development plans will be required at the time of development.

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;

APPLICANT'S RESPONSE: The noise, air and water pollutants generated by the proposed development will not have adverse effects upon surrounding uses. Noise and air pollution of the proposed residential development will be similar to and compatible to the existing noise and air pollution created by the existing adjacent residential uses. Water pollutants will be similar to and compatible with adjacent uses and will be managed by the development of sanitary and storm

sewer infrastructure by the developer as proposed with the street construction described in the Exhibits attached to this narrative. Therefore, this Criterion is met.

FINDING: SATISFIED. The City concurs with the applicant's findings.

D. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;
E. The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;
F. Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 (Applications and Review Process) of this ordinance;

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The application was reviewed under the procedures required in Chapter 17.72. Conditions of approval are attached and described throughout this Decision Document to ensure that the Planned Development is developed as proposed and as amended where necessary to achieve applicable policies.

Chapter 17.53. Land Division Standards

17.53.100 Creation of Streets.

D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:
    1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.

APPLICANT'S RESPONSE: The northwest corner of the planned development extends along a narrow bluff. Due to the existing parcels unusual topography, the most logical way to develop the parcel is to extend a private drive north from proposed Mercia Street. Therefore, access to Lots 204-208 in Phase 2C is proposed through a shared private drive in a common easement over Lots 206-208 as depicted on drawing PL-3 Preliminary Plat. Also, due to lot sizes and shapes that are deeper to protect trees in rear yards of nearby lots, the street is particularly far from Lot 269 in the corner of the site in Phase 3C. Therefore, the most feasible way to develop the parcel is to provide a shared private drive in common easement over Lot 270, as depicted on drawing PL-5 Preliminary Plat, to serve both Lots 269 and 270. This approach to lot access is proposed as part of the planned development as opposed to flag poles for each lot as it is the preferred method of access as described in subsection C.3. above. With approval of by the Planning Commission, access to these lots will meet the requirements of this code.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #17. The City concurs with the applicant's findings, but clarifies that the lots proposed to share an access easement are Lots 206-210. A condition of approval is included to allow those five lots to share one access easement.

2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.
3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.

APPLICANT'S RESPONSE: The attached Preliminary Plat drawings indicate that the private drive serving Lots 204-208 is located within an access easement on Lot 206-208, and the private drive serving Lots 269 and 270 is located within an access easement on Lot 270. The private drive improvements will be designed in accordance with the standards of Section 17.53.101(P). Necessary public utility easements are shown within the access easements on the lots adjacent to and served by the easements. The private drives will be identified as a common improvement in the CC&Rs and maintenance provisions will be included so new purchasers are aware of the maintenance costs. These documents will be recorded with final plats for each phase of the development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #17. The City concurs with the applicant's findings, but clarifies that the lots proposed to share an access easement are Lots 206-210. A condition of approval is included to allow those five lots to share one access easement.

17.53.101 Streets.

O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

APPLICANT'S RESPONSE: The proposed planned development is not located in a commercial or industrial district. The site's design includes proposed public alleys with 22-foot right-of-ways. See the Site Plan Exhibit SP-5 for the alley section. A standard alley may only be 20-feet wide, but the Applicant is proposing the extra two feet of width to allow a six-inch gap on both sides from edge of right-of-way to back of the six-inch flush curb creating the unobstructed area for placement of the property pins and to provide a full twenty feet wide paved surface. This alley configuration will allow for extra maneuvering space for vehicles entering and exiting driveway on lots served by the alleys. This in combination with the proposed full 20-feet setback from the right-of-way to the face of a garage will make for a safe and functional public alley. The applicant seeks the City's approval of these alleys as part of this planned development.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and #16. Section 17.53.101(O) only requires alleys in commercial and industrial districts. However, in order to achieve the narrow lot size and varied lot dimensions, the applicant is proposing alleys to serve lots that are less than 40 feet in width. A condition of approval is included to require that all lots with less than 40 feet in width be alley loaded. In addition, a condition of approval is included to require that the alleys be created in tracts or shared access easements, and that the tracts or easements be maintained by the properties that utilize the alleys for access.

S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: The proposed planned development has frontage on Baker Creek Road, a minor collector in a residential area. Therefore, this section does not apply. The applicant is proposing to install a meandering 10-feet wide sidewalk along the planned development's frontage on NW Baker Creek Road as shown on the exhibit SP-1 Site Plan. The applicant is also proposing to install a 12-feet wide sidewalk along the west side of Meadows Drive, south of Kent Street to its intersection with Baker Creek Road, with half the sidewalk in the ROW and half in the adjacent open space tract. This sidewalk will effectively extend the BPA trail to the common area amenities at Kent Street, where the applicant is proposing to dedicate open space tracts to the City with the proposed improvements. The applicant seeks approval of these wider sidewalks in these locations as designed.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #7 & #10. A condition of approval is included to require the wider, meandering sidewalk within the Baker Creek Road right-of-way, and also to allow the wider multi-use path in lieu of a sidewalk within the Meadows Drive right-of-way.

17.53.103 Blocks.

A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

APPLICANT'S RESPONSE: The proposed block layout has been proposed taking into account adequate lot sizes, street width and the site's topography, as well as adjacent street network.

Land outside of the urban growth boundary is located to the west of the subject site, and sloping topography and the 100-year floodplain and urban growth boundary are to the north. The adjacent constrained lands make it infeasible to extend public streets in those directions to create smaller block perimeters. Where a street can be extended in the northeast boundary of the site for future development, it is proposed. The adjoining street network represented by Blake Street justifies an exception to this standard along the east side of the project.

The block bound by proposed Emma Street, Meadows Drive and Shadden Drive is adjacent to an arterial street, Baker Creek Road. Its perimeter is controlled by the existing spacing between Meadows Drive and Shadden Drive. This spacing meets the above standards. The spacing between along Hill Lane at the north leg of the existing traffic circle also meets this code.

The site's block pattern is also constricted by the BPA easement, adjacent substation property, the large C-3 zoned parcel, Baker Creek Road's arterial intersection spacing standards, and existing development to the east. Where large blocks are proposed, mid-block paths and open space tracts are proposed to facilitate pedestrian connectivity and access to the greatest extent practicable (as shown on Exhibit 3's sheet EXH-4).

The applicant seeks approval of the proposed planned development block pattern.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #19. The City concurs with the applicant's findings with regard to the topographical, physical, and geographical limitations found on the site. The City further finds that an exception to the standard maximum block length is warranted due to the topographical, geographical, and physical limitations of the site. The site is bounded to the west by McMinnville city limits, and is bounded on the south by an arterial street. The center of the site is impeded by the BPA power line easement, and steep slopes define the perimeter of the northern portion of the subject site. As such, there are limited opportunities for connecting streets to penetrate some of the blocks along the northern portion of the site. Where the proposed street network creates block lengths in excess of 400 feet or block perimeters in excess of 1,600 feet, mid-block pedestrian crossings are proposed to be provided within private open space tracts. The one exception to the provision of mid-block pedestrian crossings are the block lengths of Gregory Drive, Shadden Drive, and William Drive between Edgar Street and Augustine Place. Based on the surrounding street network that the Planned Development must align with, the fact that the block perimeters of these blocks are still well under the 1,600 foot maximum, and the orientation of the grid street network in the portion of the site, the mid-block pedestrian crossing is not required. Therefore, a condition of approval is included allowing a maximum block length of approximately 645 feet (the approximate maximum length of the block length of Kent Street between Hill Lane and Harold Drive) and a maximum block perimeter of approximately 2,325 feet (the approximate length of the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road). The maximum block perimeter allows for the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road to exceed 1,600 feet, but this block is adjacent to an arterial and requires a minimum block length of 1,800 feet. The block also is proposed to include three mid-block pedestrian crossings to eliminate barriers to pedestrian circulation. Other conditions of approval require the improvement of the mid-block crossings described above.

C. Easements.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

APPLICANT'S RESPONSE: Pedestrian ways that are in tracts greater than ten (10) feet in width are proposed at several locations in the form of mid-block paths throughout the development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.53.105 Lots.

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

APPLICANT'S RESPONSE: The applicant has submitted a Planned Development application to create 280 single-family detached lots within the R-4 zoned portion of the site. Through the planned development process, the applicant is proposing to modify lot sizes so that all lots will be buildable and conform to the planned development's zoning overlay. The planned development includes appropriate sized and orientated lots for each unique site condition. Smaller lots are located closer to Baker Creek Road and will facilitate future planned transit along the roadway. Larger deeper lots are arranged adjacent to natural features. Medium lots are located in the middle area as a transition to density. Narrow lots are oriented to the street or common open space tracts with garage loading from an alley in the rear, while medium and large lots have access oriented to adjacent streets. Lots adjacent to the BPA easement are predominately oriented with the rear yard toward the easement, and this easement has been placed in an open space tract.

The width and depth of the proposed lots are also appropriate for the location of the lot. There are seven different lot types, organized by typical lot width, as shown on Exhibit 3's Lot Type Plan sheet EXH-3. Where a lot depth exceeds two times the average width, as requested with approval of this Planned Development, the dimensions are prudent as described below:

- SFD-70 lots would normally have a lot depth of no more than 140-feet. Of the 21 lots of this type, the proposed depths are typically less than 150-feet, with only a few approaching 160-feet. Therefore, this variance from the standards is a marginal amount. These lots are all on the perimeter of the project with the rear of the lots adjacent to sloping land that is proposed to be donated as a future special use park. The proposed depths as shown on Exhibit 3's Preliminary Plat sheets PL-1 through PL-5, allow for these lots to act as a buffer between the future open space and the developed portion of the site, so this added depth to the lots is appropriate for the location.

- SFD-60 lots would normally not have a lot depth of no more than 120-feet. Of the 36 lots of this type, the proposed depths are all less than 120-feet meeting this code standard, except for lots 206 & 207 which have a 25-feet wide driveway easement encumbering the front of the lots. Therefore, the functional depth of these lots is less than 120-feet, meeting the intent of this code section.

- SFD-50 lots would normally not have a lot depth of no more than 100-feet. Of the 48 lots of this type, many conform to this code. Where they do not, they are adjacent to the exterior of the project like the SFD-70 lots. The added depth also helps preserve trees on Lots 269-280, provide a buffer from the adjacent use on Lots 122-129 or 126-203, and rear yards of Lots 137 and 212 which are adjacent to the side yard of another lot to provide added lot depth and buffer the adjacent use. As such, the intent of this code section is met by the added depth of these planned development lots.

- SFD-40 and SFD-45 lots would normally not have a lot depth of no more than 80-feet or 68 feet respectively, if conforming to this code subsection exactly. Of the respective 50 and 47 lots of these types, all of lot depths are greater than that which the code would prescribe. An 80-feet deep lot could have a 20-foot garage setback in the front and a 20-foot rear yard setback, leaving 40-feet of depth for the dwelling unit. However, that would mean the ground floor depth of the livable part of the dwelling would be only 20-feet deep after providing 20-feet for the typical depth of a garage. The planned development request for flexibility of this standard to allow for lot depths ranging from 90-feet to just over 100-feet means these dwellings will be 10-feet to 20-feet deeper than if conforming to the code. The proposed lots will have more functional internal ground floor space within the dwelling, as well as an increased area on the second floor.

Lot depths of 100-feet, plus or minus, are ordinary depths for single-family dwelling lots so this request is within reason. These dimensions are also appropriate for the higher density portions of this site these lots occupy, providing conformance with the intent of this code.

- SFD-30a and SFD-26a lots would normally not have a lot depth of no more than 60-feet or 52 feet respectively. Of the respective 24 and 54 lots of these types, all of lot depths are greater than that which the code would prescribe. This code section also states that "all lots in a subdivision shall be buildable," The lots are proposed to be 90-feet deep, which is a necessary depth to make them buildable. With the exception of Lots 17-20 and 81-84, all of which have front yards facing Shadden Drive or Meadows Drive, respectively, and are therefore deeper.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #20 & #21. In most cases, the lots within the Planned Development exceed the required depth-to-width ratio of 2:1. In order to allow the lot dimensions proposed, which allow the opportunity for the variety of lot types and housing types described as an objective of the Planned Development, conditions of approval are included to require architectural review, design standards, and variation of building elevations between lots for the eventual development of detached single family dwelling units on each lot.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

APPLICANT'S RESPONSE: All proposed lots about upon a street for a width of 25-feet as required by this section, except those listed here. Through this planned development process, the applicant seeks approval for the alternative proposed access:

- Lots 21-32 in Phase 1A, Lots 44-49 in Phase 1B, and Lots 69-77 in Phase 1C have over 25-feet of frontage on the proposed public alley at the rear of the lot, and 25-feet of frontage on the proposed common area tract with a pedestrian way at the front of the lot.

- Lot 269 is served by a shared drive in an easement over the flag pole portion of adjacent Lot 270. Per drawing PL-5 Preliminary Plat, the flag portion of Lot 270 has 20.08' of public street frontage.

- Lots 204-208 on drawing PL-3 Preliminary Plat are served by a shared drive in an easement over the front of lots 205-208 that is 25-feet wide, providing more than the required frontage on a public street.

- Lot 129 is shown on drawing PL-3 Preliminary Plat to have 20.34-ft. of frontage for the flag pole portion of the lot.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 & #17. The lots that are not proposed to front upon a street for at least 25 feet are those that are proposed to be alley loaded and those that are located on a portion of the site with development limitation. Conditions of approval are included to allow for these lot configurations and access as proposed, which

include the provision of alleys for lots less than 40 feet in width and the allowance of five lots to share one access easement.

17.53.120 Building Lines. If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

APPLICANT'S RESPONSE: A special rear yard setback of 30-ft. is proposed for those lots where large oak trees are proposed to be preserved. The additional setback area will be identified on deed restrictions for the respective lots.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #3. A condition of approval is included to also note the special rear yard setback where large trees are proposed to be preserved.

Chapter 17.60. Off-Street Parking and Loading

17.60.050. Spaces – Number required. Except for one or two upper-story residential dwelling units above a non-residential use, off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.

APPLICANT'S RESPONSE: Each single-family lot is provided with off-street parking spaces on the same lot as the dwelling as shown on the drawings SP-1 through SP-5 Site Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.60.060. Spaces – Number required. […]

A. Residential land use category: […]

5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

APPLICANT'S RESPONSE: Although detailed building plans have not been completed, most of the proposed single-family lots will have homes with 3-4 bedrooms, therefore 2 parking spaces are required. The attached Site Plans indicates that each dwelling is provided with 2 off-street parking spaces in garages and another 2 spaces in proposed driveways. City staff will verify that the minimum required number of required off-street parking spaces are provided for each lot during building permit review when each dwelling's total number of bedrooms is apparent.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #18. City concurs with the applicant's findings, but adds that the applicant has proposed driveway widths for each of the different lot types as follows:

- SFD-70 & SFD-60 lots have 30 feet wide driveways.
- SFD-40 lots have 20 feet wide driveways.
- SFD-45 lots have 18 feet wide driveways
- SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

These driveway widths are identified on the "Typical Lots" sheet in Drawing EXH-5, which show the driveway width extending the entire length from the front of the garage to the street. However, Section 12.20.030(B) of the MMC limits driveway widths on lots between 20 and 75 feet in width to no more than 40% of the frontage. The SFD-70, SFD-60, and SFD-40 lot types

would exceed this 40% maximum driveway width if allowed to have the driveway widths requested by the applicant, with 42.8% wide driveways on the SFD-70 lots and 50% wide driveways on the SFD-60 and SFD-40 lots. The applicant has described the need for these driveway widths to allow adequate off-street parking space. The City concurs with the applicant in regards to providing adequate off-street parking space, but finds that the widths of most of the driveways proposed would create conflicts and disruptions within the pedestrian environment along the sidewalks within the public right-of-way. Therefore, a condition of approval is included to allow for driveways to be the maximum width requested by the applicant on each private lot, but that the driveway width be tapered down at the property line and not exceed the maximum 40% driveway width required by Section 12.20.030(B) between the property line and the street. The one exception to this is the driveway width for the SFD-40 lots, which are allowed to have 20 foot wide driveways between the property line and the street.

Chapter 17.62. Signs

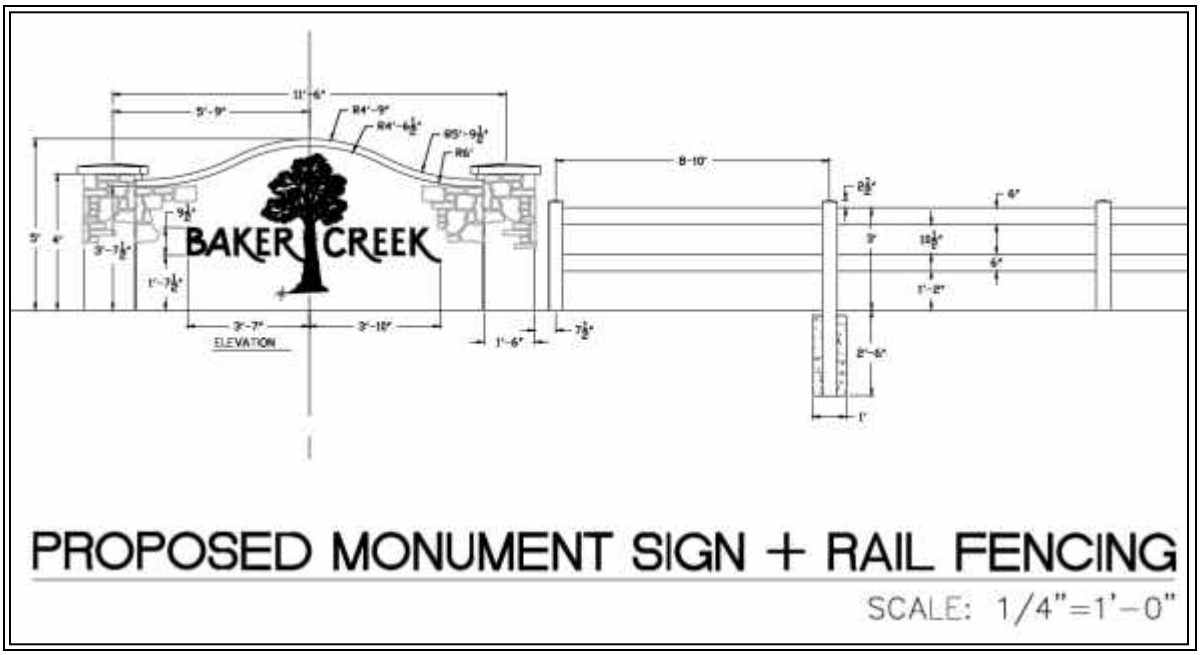
<u>17.62.070. Permanent Sign Regulations.</u> […]

A. Residential land use category: […]

1. Each subdivision or multi-family complex is permitted one permanent monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be nonilluminated.

APPLICANT'S RESPONSE: The applicant requests approval of the proposed monument sign shown on the exhibit drawing L9.0 Landscape Plan at the two locations shown on L2.0 Landscape Plan. The proposed sign locations are in the common open space along Baker Creek Road.

FINDING: SATISFIED. The applicant is requesting two monument signs, one at the intersection of NW Meadows Drive and the other at the intersection of NW Shadden Drive. The monument signs would be located in two different phases of the subdivision, so would be allowed in their number. The size of the signs also meets the standards required. The monument signs would be only 5 feet in height, and the size of the content proposed on the sign is less than 48 square feet, when measured in a dimension that surrounds only the content of the sign and not the monument structure itself. The monument signs being proposed are identified below:


BAKER CREEK
ELEVATION
PROPOSED MONUMENT SIGN + RAIL FENCING
SCALE: 1/4"=1'-0"

CD

Attachment E

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

RECITALS:

The Planning Department received an application (S 1-19) from Stafford Development Company, LLC requesting approval of a Tentative Subdivision (more than 10 lots) for a 280 lot, ten phase single-family detached residential development; and

The subject property is generally located northeast of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the applicable criteria listed in Chapter 17.53 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and

2. That the requested Planned Development Amendment is approved, subject to the following conditions:

1. That the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.

2. 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 Planning Director as required as part of L 12-19 as part of this development project for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Planning Director, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

    A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
    B. Each year the applicant shall install street trees, from October 1 to April 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.
    C. It shall be the applicant's responsibility to relocate street 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.

3. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval.

4. 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. Additionally, the

Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public park (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

5. That plat phasing is approved as depicted in Drawing EXH-6 in the applicant's submittal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

6. That the Tentative Subdivision Plan, Phase 1A shall expire two (2) years from the date this decision is final without appeal and the decision of PD 1-19 is final without appeal. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), 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.

7. That each subsequent phase of the subdivision, following Phase 1A, shall expire five (5) years from the date of this approval, which extends past 2024 as proposed in the application materials. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), 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.

8. That the applicant shall provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale for a period of six months for each subdivision phase. The applicant shall provide information detailing the number of lots that will be made available for individual sale for review and approval by the Planning Director prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.

9. That the public and private open space tracts shall be constructed per the specifications outlined the conditions of approval for the Planned Development Overlay District (PD 1-19).

10. That the required greenway trail system and access ways within and connecting to the dedicated public park parcel (Parcel D, also described as Exhibit C in Instrument

No. 201904870, Yamhill County Deed Records) shall be constructed prior to the issuance of building permits for Phase 2A or Phase 3A per Section 17.53.075(D) of the McMinnville Municipal Code.

11. All front facades and public facing building elevations must meet the following design standards.

    Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

    The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

    a. Style and Massing
        i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
            1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
    b. Quality and Type of Exterior Materials
        i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
        ii. A minimum of two types of building materials shall be used on the front elevations.
        iii. Elevations shall have trim, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
        iv. In addition, elevations will include at least four of the following.
            1. Windows – mullions, trim, orientation, sashes
            2. Gables
            3. Dormers
            4. Architectural bays
            5. Awnings made of fabric, metal or wood-framed
            6. Change in wall planes
            7. Ground floor wall lights/sconces
            8. Transom windows
            9. Balconies or decks
            10. Columns or pilasters – not decorative
    c. Front Porches / Entry Areas
        i. Front porches shall be at least 36 square feet in area, with a minimum dimension of 6 feet by 6 feet.
        ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
        iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.

d. Roof Design and Materials
   i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
   ii. Elevations shall contain more than one single, continuous ridgeline or eave.
e. Exterior Doors and Windows
   i. Windows shall be provided on all elevations and blank walls will be avoided.
f. Garage Door Types
   i. Pair garages where possible to maximize planting strip and potential for street trees.
   ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
   iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
      1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
      2. The building includes one of the following:
         a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
         b. A covered balcony above the garage that is:
            i. At least the same length as the street-facing garage wall;
            ii. At least 6 feet deep; and
            iii. Accessible from the interior living area of the dwelling unit.
         c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
            i. Change in elevation of roof ridges
            ii. Change in direction of roof ridges
            iii. Eave overhangs of over 12 inches
            iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
            v. Porch of at least 48 square feet in area
            vi. Dormer or bay windows
            vii. Shutters on all windows
            viii. Accent siding
            ix. Decorative gable vents
            x. Garage doors with windows and decorative paneling
            xi. Decorative front door (minimum 25 percent glazing)
            xii. Front door with transom and sidelight windows
            iv. Garages shall be recessed from entrances or covered front porches.

g. Exterior Lighting
h. Sample Exterior Colors
    i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

12. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

13. That the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90º as practical. The current "Y" configuration is not consistent with MMC Section 17.53.101(F).

14. That all alleys will be private alleys and that any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.

15. That the street improvement between the curbs on Meadows Drive and Shadden Drive shall have the City's typical "Teepee" section instead of the offset crown to allow for the curb elevations to match on each side of the street. This street improvement section is proposed to accommodate the additional right turn lane within the street at the intersections of Meadows Drive and Shadden Drive with Baker Creek Road.

16. That at the time of submittal of final plats for review, different street names shall be proposed to replace "Harold Drive" and "Emma Street" to avoid the creation of duplicative street names within the city.

17. That the public improvements shall be completed to address the following requirements of McMinnville Water and Light:
    a. With 15 foot front yard setbacks, electrical transformers shall be located toward the front of public utility easements to ensure that a minimum of 8 feet of clearance is provided between the transformer and combustible surfaces, and doors and windows that open.
    b. The wider multi-use path in lieu of a sidewalk on the west side of Meadows Drive from Baker Creek Road to Kent Street is located partially within the public utility easement. Electric and other utility requirements within the public easement shall be coordinated with the construction of the wider multi-use path. If the sidewalk is placed prior to utilities, conduit shall be pre-placed to facilitate the provision of future utilities.
    c. Street lighting plan will need to be designed by a licensed engineer. Street lighting shall include lighting at
    d. The terminus of Shadden Drive and William Drive shall be improved to provide sufficient conduit and vaults to facilitate the extension of McMinnville Water and Light's systems beyond the extent of the subdivision.

18. The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.

19. The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.

20. The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.

21. 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.

22. 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.

23. At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

30. 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.

31. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.

32. 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.

33. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

34. 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.

35. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, 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.

36. 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.

37. 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.

38. 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.

39. That an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 28th day of January, 2020, by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Attest:

_____
CITY RECORDER

Approved as to form:

_____
CITY ATTORNEY

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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF 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

DOCKET: S 1-19 (Tentative Subdivision)

REQUEST: Approval of a Tentative Subdivision (more than 10 lots) for a 280 lot, ten phase single-family detached residential development.

LOCATION: The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: R-4 PD (Multiple Family Residential Planned Development)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY & ACTION: The McMinnville City Council approves or denies the land-use application.

HEARING DATE & LOCATION: January 28, 2020, Civic Hall, 200 NE 2nd Street, McMinnville Oregon

PROCEDURE: An application for a Tentative Subdivision (more than 10 lots) is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance.

The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

CRITERIA: The applicable criteria for a Tentative Subdivision are specified in Chapter 17.53 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: The Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Tentative Subdivision (S 1-19), **subject to the conditions of approval provided in Section II of this document.**

//
DECISION: APPROVAL WITH CONDITIONS
//

City Council:_______________________________________ Date:___________________
Scott Hill, Mayor of McMinnville

Planning Commission:________________________________ Date:___________________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: ________________________________ Date:___________________
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (S 1-19) is a request for approval of a Tentative Subdivision for the construction of a 280 lot, ten phase single-family residential development on approximately 48.7 acres of land, referred to as Baker Creek North. If approved, the subdivision would provide the opportunity for the construction of 280 single-family homes on lots ranging in size from approximately 2,340 square feet at the smallest to 17,977 square feet at the largest. In addition, 18 public and private open space tracts would be created and an approximately 14.9 acre parcel north of the subdivision boundary would be dedicated to serve as a public park and greenway trail.

The Tentative Subdivision request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, and Landscape Plan Review to allow for the development of the 280 lot subdivision proposed in the Tentative Subdivision plans and future commercial development on an adjacent parcel.

Excerpts from Land Use Application Narrative and Findings:

> "This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay. […]
>
> <u>Site Description</u>
> All of the subject parcels are currently vacant from an urban perspective, but have been actively farmed, primarily with grass seed. The site generally slopes down from the south to north, although a small area drains surface water to the southeast. The entire site is on top of a long bluff and out of the 100-year floodplain and away from any local drainage. The site is located north of Baker Creek Road, generally west of Shadden Drive, and east of the intersection of Baker Creek Road and Hill Road where there is a new roundabout. The project will extend proposed NW Hill Lane from the roundabout, and extend NW Meadows Drive, NW Shadden Drive, and NW Blake Street into the site from their current termini at intersections and street stubs. The applicant's road profiles and details indicate a half street improvement will be installed along the NW Baker Creek Road frontage from Meadows Dr. to Shadden Dr, and new streets within the development will be fully improved to meet City standards.

Housing

Consistent with Housing Element goals and policies of the Comprehensive Plan, the proposed Planned Development will include a mix of housing types to meet the diverse needs of McMinnville residents. The applicant's Typical Lots sheet demonstrates that the requested R-4 zoning will allow the construction of various small, medium, and large lot single-family detached dwelling units.

Open Spaces

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include a multiple play structures, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process:

1) Lots: The number in the proposed seven lot types (i.e. SFD-70) reflects the typical width of the lot (i.e. 70 feet typical width). "SFD" stands for "Single-Family Detached" dwelling, and the "a" in "SFDa" stands for a lot with a garage loaded from the alley.
   - Area - The proposed seven lot types provide an overall average lot area that exceeds 4,500 square feet per lot.
     - Overall average lot area for large and medium lot types SFD-70, SFD-60, SFD-50, SFD-45, & SFD-40, where the garage faces the street, will be at least 5,000 square feet per lot. This mimics the minimum lot size of a detached single-family dwelling in a standard subdivision.
     - Overall average lot area for small lot types SFD-30a & SFD-26a, where the garage faces an alley, will be at least 2,500 square feet per lot. This mimics the minimum lot size of a common wall construction single-family dwelling in a standard subdivision, even though this planned development approach requests these dwellings types detach from the common wall approach.
   - Orientation – Side property lines are oriented as much as practicable at 90 degrees to the roadway where the dwelling takes access. Approval will require lot orientation at the final plat to substantially conform to preliminary plat drawings PL-1 through PL-5.

2) Setbacks: Minimum setbacks in the planned development are illustrated on the Typical Lots exhibit for each of the seven lot types per the Lot Type Plan. Below are setbacks that **differ** from a standard subdivision. Setbacks that meet the code standard, like 20-foot setback to the face of the garage, are not listed below:
   - Internal side yard setbacks shall be 5 feet on SFD-70, SFD-60, SFD-50 and SFD-40 lots, one foot less than the standard.

- Internal side yard setbacks shall be 4 feet on SFD-45 lots, two foot less than the standard.
- Internal side yard setbacks shall be 3 feet on each side of the dwelling on SFD-30a and SFD-26a lots, instead of 0 feet and 6 feet as would be required if these lots were built with dwellings in a standard subdivision with common wall construction. This means, the proposed lot types will have the same amount of total side yard as a 2-unit town house lots in a standard subdivision, only no burdensome common wall.
- Rear building setback from an alley shall be 15 feet.

3) Frontage: Most lots have the minimum 25 feet of frontage on a public street required by code. The lots listed below do not and the request is for approval of the access as proposed.
   - Lot 131 has a flag pole with 20 feet of frontage on a public street.
   - Lot 270 has a flag pole with 20 feet of frontage on a public street with an easement over it for a private drive, which serves as a common access to serve both Lot 270 and adjacent Lot 269. As preferred by MZO Section 17.53.100C.3, Lot 269 does not have a proposed flag pole.
   - Lots 206-209 have no frontage or flag poles (as preferred by the code section stated above), rather they are served by a private drive that is in a 25-feet wide easement from a public street over the fronts of Lots 207-210.
   - Lots 21-32, 44-49, & 69-80 have more than 25 feet of frontage on a proposed public alley at the rear of the lot. In addition, the lots maintain over 25 feet of frontage on a proposed private open space tract with a pedestrian way (some end lots also have side yard frontage on a public street).

4) Private Drives: The following lots are served by a common drive in an easement shown on the preliminary plat, rather than a driveway with frontage on a public street.
   - Lots 270 and 269, through an easement over Lot 270, see drawing PL-5.
   - Lots 206-210, through an easement over Lot 207-210, see drawing PL-3.

5) Driveways: Modified driveway widths at the public street as shown on the proposed Site Plan drawings SP-1 through SP-5. Driveways are paired, where possible, to facilitate on-street parking between driveways and a street tree planted between them in the parking strip between the curb and sidewalk, where possible.
   - SFD-70 & SFD-60 lots have 30 feet wide driveways.
   - SFD-40 lots have 20 feet wide driveways.
   - SFD-45 lots have 18 feet wide driveways.
   - SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

6) Alleys: Both through alleys and dead end alleys (of less than 150 feet) are proposed, all with a right-of-way width of 22 feet.

7) Blocks: Some blocks exceed the perimeter dimension standards, but are provided with mid-block pedestrian ways to ensure adequate circulation and access.

8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
   - The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from

the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-34 lots, but may occur on other lots in the development.

- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
- Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
- The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
- Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

9) Monument Signs: Two monument signs along Baker Creek Road are proposed with the dimensions described on drawing L9.0 Landscape Plan.
   - One will be located in Phase 1A on the NW corner of Shadden Drive oriented to the east, and the other in Phase 1C on the NE corner of Meadows Drive oriented to the west as shown on the Site Plan drawing SP-1."

See Vicinity Map (Figure 1) and Existing Zoning (as approved with concurrent zone change request) (Figure 2) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)

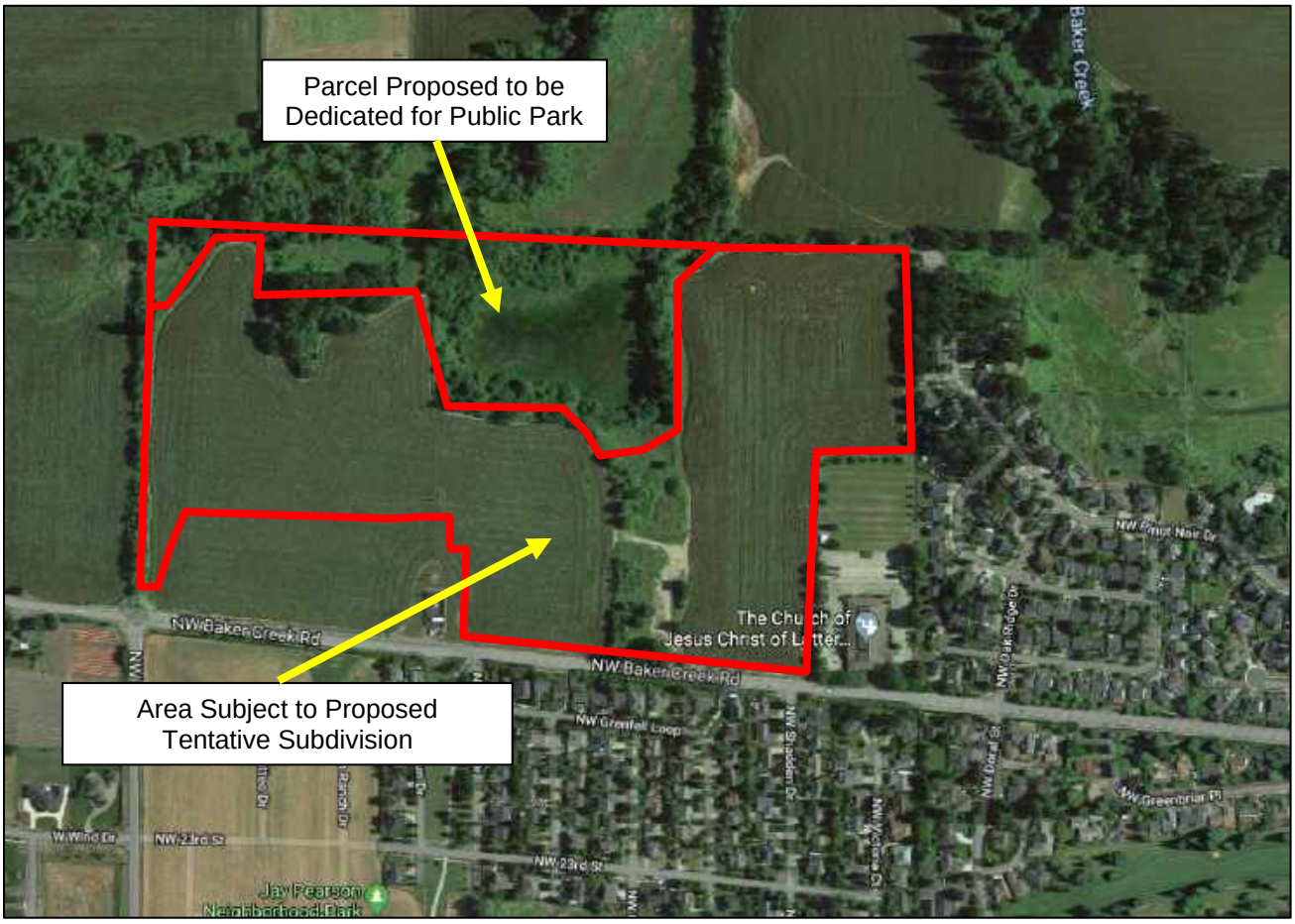
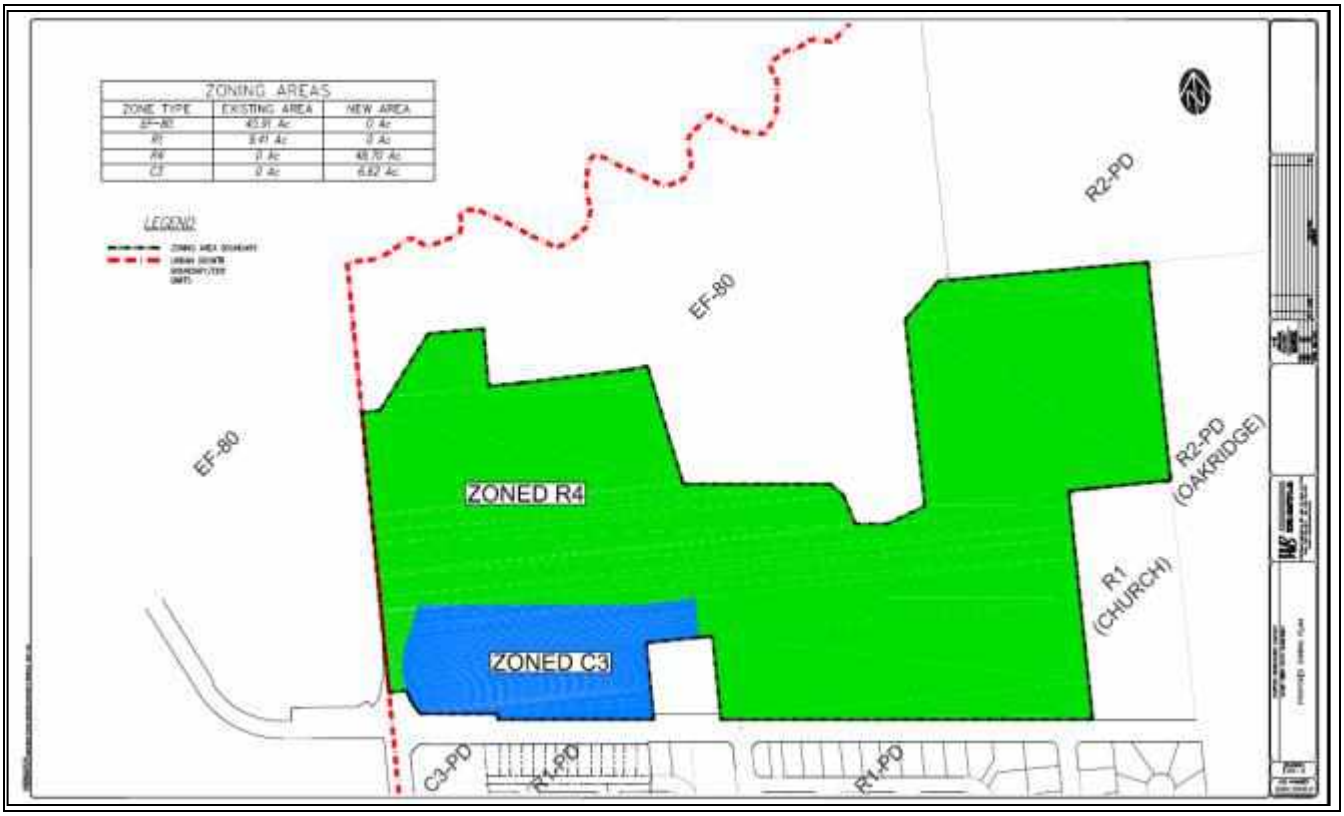


Figure 2. Existing Zoning
***Note – Zoning shown as proposed with concurrent Zone Change request**

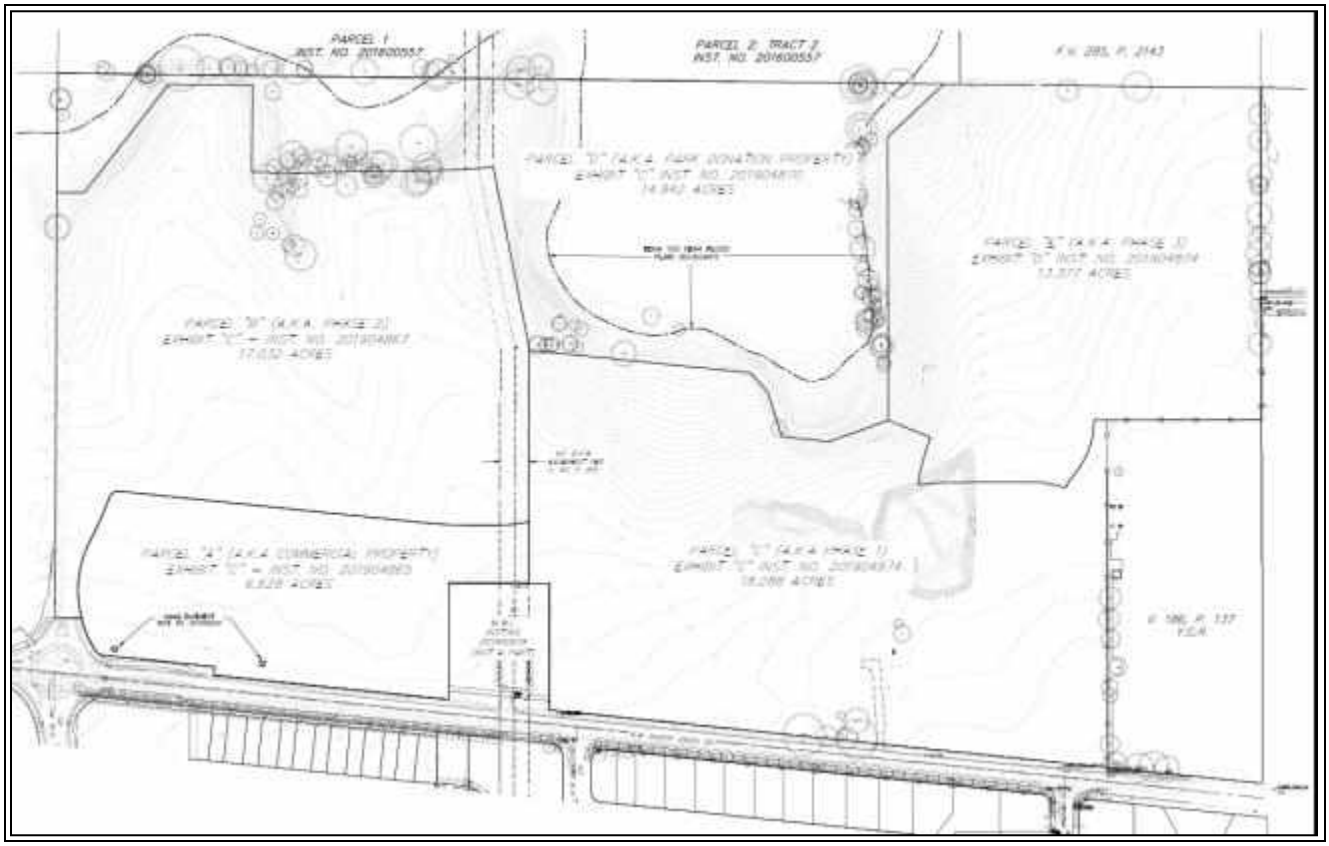


Summary of Criteria & Issues

The proposed tentative subdivision plan is provided below for reference. ***See Tentative Subdivision Plan (Figure 3) and Proposed Park Dedication Parcel (Figure 4) below.***

Figure 3. Tentative Subdivision Plan

Figure 4. Proposed Park Dedication Parcel



II. CONDITIONS:

1. That the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.

2. 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 Planning Director as required as part of L 12-19 as part of this development project for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Planning Director, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
B. Each year the applicant shall install street trees, from October 1 to April 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.
C. It shall be the applicant's responsibility to relocate street 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.

3. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval.

4. 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. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public park (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

5. That plat phasing is approved as depicted in Drawing EXH-6 in the applicant's submittal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

6. That the Tentative Subdivision Plan, Phase 1A shall expire two (2) years from the date this decision is final without appeal and the decision of PD 1-19 is final without appeal. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), 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.

7. That each subsequent phase of the subdivision, following Phase 1A, shall expire five (5) years from the date of this approval, which extends past 2024 as proposed in the application materials. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), 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.

8. That the applicant shall provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale for a period of six months for each subdivision phase. The applicant shall provide information detailing the number of lots that will be made available for individual sale for review and approval by the Planning Director prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.

9. That the public and private open space tracts shall be constructed per the specifications outlined the conditions of approval for the Planned Development Overlay District (PD 1-19).

10. That the required greenway trail system and access ways within and connecting to the dedicated public park parcel (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be constructed prior to the issuance of building permits for Phase 2A or Phase 3A per Section 17.53.075(D) of the McMinnville Municipal Code.

11. All front facades and public facing building elevations must meet the following design standards.

    Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

    The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

    a. Style and Massing
        i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
            1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
    b. Quality and Type of Exterior Materials
        i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
        ii. A minimum of two types of building materials shall be used on the front elevations.
        iii. Elevations shall have trim, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
        iv. In addition, elevations will include at least four of the following.
            1. Windows – mullions, trim, orientation, sashes
            2. Gables
            3. Dormers
            4. Architectural bays
            5. Awnings made of fabric, metal or wood-framed
            6. Change in wall planes
            7. Ground floor wall lights/sconces
            8. Transom windows
            9. Balconies or decks

10. Columns or pilasters – not decorative

c. Front Porches / Entry Areas
   i. Front porches shall be at least 36 square feet in area, with a minimum dimension of 6 feet by 6 feet.
   ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
   iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.

d. Roof Design and Materials
   i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
   ii. Elevations shall contain more than one single, continuous ridgeline or eave.

e. Exterior Doors and Windows
   i. Windows shall be provided on all elevations and blank walls will be avoided.

f. Garage Door Types
   i. Pair garages where possible to maximize planting strip and potential for street trees.
   ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
   iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
      1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
      2. The building includes one of the following:
         a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
         b. A covered balcony above the garage that is:
            i. At least the same length as the street-facing garage wall;
            ii. At least 6 feet deep; and
            iii. Accessible from the interior living area of the dwelling unit.
         c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
            i. Change in elevation of roof ridges
            ii. Change in direction of roof ridges
            iii. Eave overhangs of over 12 inches
            iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
            v. Porch of at least 48 square feet in area
            vi. Dormer or bay windows
            vii. Shutters on all windows
            viii. Accent siding
            ix. Decorative gable vents
            x. Garage doors with windows and decorative paneling
            xi. Decorative front door (minimum 25 percent glazing)
            xii. Front door with transom and sidelight windows
   iv. Garages shall be recessed from entrances or covered front porches.

g. Exterior Lighting
h. Sample Exterior Colors
    i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

12. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

13. That the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90º as practical. The current "Y" configuration is not consistent with MMC Section 17.53.101(F).

14. That all alleys will be private alleys and that any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.

15. That the street improvement between the curbs on Meadows Drive and Shadden Drive shall have the City's typical "Teepee" section instead of the offset crown to allow for the curb elevations to match on each side of the street. This street improvement section is proposed to accommodate the additional right turn lane within the street at the intersections of Meadows Drive and Shadden Drive with Baker Creek Road.

16. That at the time of submittal of final plats for review, different street names shall be proposed to replace "Harold Drive" and "Emma Street" to avoid the creation of duplicative street names within the city.

17. That the public improvements shall be completed to address the following requirements of McMinnville Water and Light:
    a. With 15 foot front yard setbacks, electrical transformers shall be located toward the front of public utility easements to ensure that a minimum of 8 feet of clearance is provided between the transformer and combustible surfaces, and doors and windows that open.
    b. The wider multi-use path in lieu of a sidewalk on the west side of Meadows Drive from Baker Creek Road to Kent Street is located partially within the public utility easement. Electric and other utility requirements within the public easement shall be coordinated with the construction of the wider multi-use path. If the sidewalk is placed prior to utilities, conduit shall be pre-placed to facilitate the provision of future utilities.
    c. Street lighting plan will need to be designed by a licensed engineer. Street lighting shall include lighting at
    d. The terminus of Shadden Drive and William Drive shall be improved to provide sufficient conduit and vaults to facilitate the extension of McMinnville Water and Light's systems beyond the extent of the subdivision.

18. The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.

19. The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.

20. The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot

right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.

21. 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.

22. 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.

23. At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

30. 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.

31. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.

32. 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.

33. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

34. 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.

35. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, 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.

36. 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.

37. 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.

38. 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.

39. That an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

III. ATTACHMENTS:

1. S 1-19 Application and Attachments (on file with the Planning Department)

2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
    a. Public Testimony
        i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
        ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
    b. Staff Memorandums
        i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

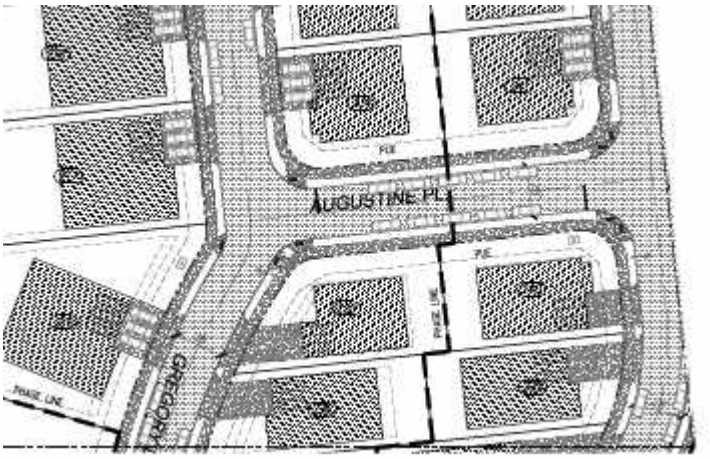
This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

- McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.

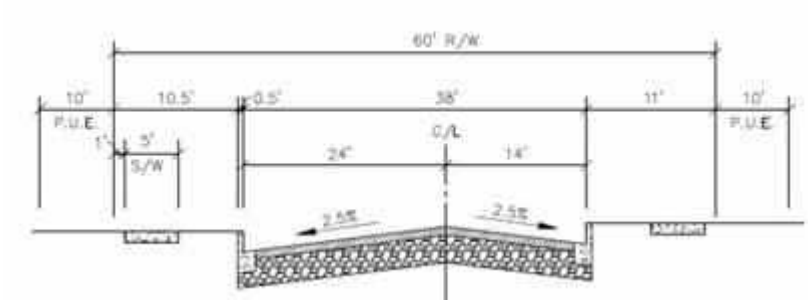
- MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.

- The proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90º as practical. The current "Y" configuration is not consistent with MMC Section 17.53.101(F):

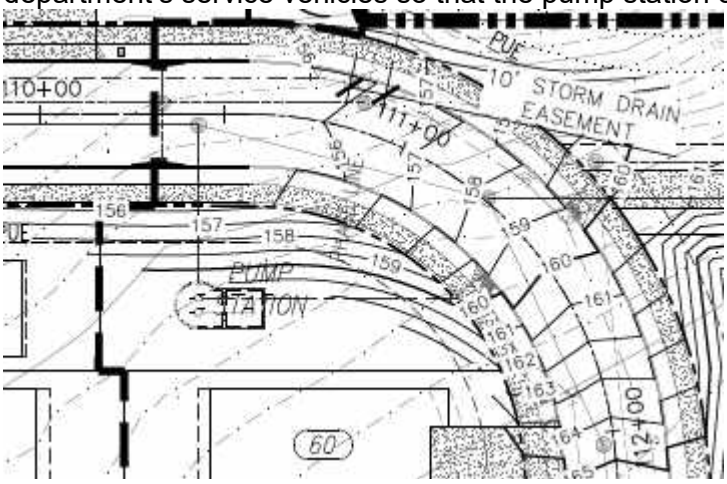


- MMC 17.53.101(O) indicates that the public alley in the City's street standards applies to commercial and industrial districts, not to residential developments. Thus, the proposed alleys on the proposal shall be private, and shall be maintained by the adjacent property owners or the Home Owners Association.

- Meadows Dr and Shadden Dr are proposed to have an offset crown to accommodate a right turn lane (see cross-section below). We would prefer see the City's typical "Teepee" section so that the curb elevations match on each side of the street.



- The proposed sanitary sewer pump station site appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained:



- All proposed storm drainage outfalls shall comply with the City's Storm Drainage Master Plan requirements, and sufficient access to the outfalls shall be constructed to accommodate City maintenance activities.
- Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." The report notes that the "primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed." The report further notes that a "slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the proposed surcharge loading of the engineered fill." It would be prudent for that work to be done prior to the approval of the proposed lot and street layouts, to ensure that those areas are buildable as proposed.

- Recognizing that street names are approved at a later date by the Planning Director, we did note that City already has a "Harold Court" and a "Emma Drive", and thus different street names for proposed "Harold Drive" and "Emma Street" should be chosen.

- Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.

Additionally, the City's Public Works staff offer the following comments re: the proposed open space and park tracts:

NOTE: *The comments provided by Publics Works staff below are based on the original development plans. The development plans were revised by the applicant on November 8, 2019, which revised the proposed improvements within the proposed open space and park tracts, some of which respond to the Public Works comments below. Dedications and improvements of the proposed open space tracts are described in findings and conditions of approval in this Decision Document.*

- There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in reviewing the narrative and findings information, it appears that the applicant is requesting that:

- Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.

- Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.

- Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.

- Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:

- Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.

- Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.

- Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.

- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.

- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.

- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.

- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.

- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.

- From the application materials, it appears that the remaining tracts (excepting tract G) are not being considered for City ownership as public open space and would be owned and maintained by the developer/HOA.

- Some tract specific comments for areas not proposed for City ownership:

- Tract A is shown as a detention pond space with an adjacent soccer/basketball court. While not really in our purview (since we won't own tract A), staff would suggest that this be reconsidered. The city typically requires that detention ponds be fenced. Placing a facility where stray balls could find their way over the fencing into the pond, could well encourage users to climb the fencing and enter the pond area to retrieve their ball, which would not be a safe use of the space.

- Tract B is shown as an active open space with a playground. The tract is adjacent to Baker Creek Road, which a fairly busy roadway. Again, although outside our purview, staff would suggest that consideration is given to securing this tract in such a way as to limit the potential for young park users to wander out near Baker Creek Road. The open space amenities, including play structures, benches, tables, and pathways should be accessible.

- Tract F shows benches, a shelter and tables. Although outside our purview (since we won't own Tract F), the improvements, including the pedestrian walk improvements, should be ADA accessible.

  The typical infrastructure related conditions of approval should be included in the subdivision approval documents, including:

- The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.

- The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.

- The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.

- 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.

- 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.

- At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.

- 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.

- 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.

- 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.

- 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.

- 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.

- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

- 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.

- The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.

- 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.

- The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

- 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.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, 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.

- 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.

- 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.

- 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.

- <u>McMinnville Water and Light</u>

  Included as Attachment #2

- <u>Oregon Department of State Lands</u>

  Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

<u>V. FINDINGS OF FACT - PROCEDURAL FINDINGS</u>

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.

2. The applicant submitted the Tentative Subdivision application (S 1-19) on April 30, 2019.

3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

   Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

2. **Size:** The Tentative Subdivision is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.

3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain

4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)

5. **Overlay Zones/Special Districts:** Planned Development Overlay District.

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
   a. **Historic Resources:** None
   b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.

8. **Other Features:**
   a. **Wetlands:** An area to the north of the proposed Tentative Subdivision, and within the Park Dedication Parcel, contains wetlands.
   b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
   c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Tentative Subdivision Plan are specified in Section 17.53.010 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans,

which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

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

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

APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed subdivision would comply with the companion Planned Development (PD 1-19) allowing an average lot size of 4,930 square feet. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall density of the planned development will be very near the requirements of the underlying R-4 zone, as allowed through the companion Planned Development (PD 1-19).

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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed subdivision would comply with the companion Planned Development (PD 1-19) allowing an average lot size of 4,930 square feet. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall density of the planned development will be very near the requirements of the underlying R-4 zone, as allowed through the companion Planned Development (PD 1-19).

Policy 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.*

APPLICANT'S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED. The City concurs with the applicants findings.

Planned Development Policies

Policy 72.00 Planned 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.

APPLICANT'S RESPONSE: As this narrative and responses to these Policies have demonstrated, the proposed zoning of R4 for the residential designated portions of the site is appropriate due to the site characteristics. The applicant could develop the site with a standard subdivision approach to meet the R4 standards with basic 2,500 square feet common wall dwelling lots (townhouses) and 5,000 square feet cookie cutter detached single-family dwellings. However, because it is written in Policy 72.00 that it is the City's policy that planned developments shall be encouraged and be the favored form of residential development in the City, and in order to allow the developer to use unique and innovative development techniques as is the City's goal (see Goal V 2 above), the applicant has prepared a planned development application for the R4 zoned portion of the site to help meet the City's goals and policies. Likewise, the applicant is proposing to amend the planned development overlay created under Ordinance 4633 to strike the existing conditions and allow no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units on the C3 zoned portion of the site.

The Baker Creek North Planned Development will accrue the benefits sought by this policy in many ways, some of which are highlighted here. The development provides a bounty of open space, common walkways and recreational amenities to support the social fabric of the community and creating habitat space to benefit the environment. The proposed lot sizes and building setbacks create attainable housing choices for a variety of income levels. The mix of housing will promote social inclusion and an aesthetically diverse streetscape adding to the value of homes and property. The volume of new dwellings will help support the community's need for housing, providing economic and social benefits for the City. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for a reduction of resource consumption in terms of yard maintenance costs as well as an incremental reduction in transportation costs since more residents will live closer to the arterial and have convenient access to transit options in the future. Therefore, environmental benefits will be provided by a reduction in pollution that comes from less yard maintenance and fewer vehicle trips for residents. Higher density housing in the planned development will support the demand for future planned transit, which will deliver a social, economic and environmental benefit to all residents in that corridor.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3, 4, 9 – 12, & 14. The proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The proposed provision of improved open spaces (public and private) and the protection of natural resources would meet the intention of this policy. Public and private parks within the planned development would provide social and recreation opportunities that would not otherwise exist but for the planned development process. Economic savings for the City would be realized through the arrangement for private maintenance of public open space until 2032 and the inclusion of alleys

in private tracts or easements. Requirements for the preparation of Covenants, Conditions, and Restrictions (CC&Rs) and a Homeowner's Association will result in economic savings through the creation of processes to ensure adequate maintenance of the improvements within the subdivision and Planned Development. Environmental savings would be accrued through a number of elements of the Planned Development, including protection of a large area of land that is identified as 100-year floodplain, protection of significant trees, and orientation of lots and streets to reduce development on areas that slope towards the Baker Creek floodplain area. Conditions of approval are included to ensure these economic, social, and environmental savings result from the Planned Development.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

APPLICANT'S RESPONSE: The attached Typical Lots Plan indicates that the applicant is proposing 7 different single-family lot sizes with specifications to provide a variety of housing types within the development. Lots that would normally contain a common wall structure (a.k.a. townhouse) are proposed with side yards, so the lots are wider than the standard to accommodate the yards. These planned development lots allow a product that is similar to a townhouse, but better for the occupant in many ways, including livability, independence and privacy. These two types (SFD-26 & SFD-30) are the "small" lots. The two types (SFD-45 & SFD-40) slightly smaller than standard R-4 lots are "medium" lots. Lots larger than standard R-4 lots (SFD-50, SFD-60, & SFD-70) are "large" lots. The Preliminary Site Plans illustrate that some of the lots will be accessed by alleys and others directly from the street. Some will even have front yards facing a common walkway and green space. Also, lot sizes vary from street to street or block to block, and sometimes even alternate from lot to lot. This unique approach to the lot layout adds to the variety of housing available on a given street. Depending on the lot size, single-family homes will be developed as either one or two-story structures. With different single-family dwelling choices on small, medium and large sized lots, the planned development will offer attainable housing for a wide range of income levels within the community.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #11 & #12. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The Planned Development includes the development of 7 different lot types, arranged in a transition of density from higher density on the southern portion of the site to lower density on the northern portion of the site where lots are closer in proximity to the environmentally sensitive area that is proposed to be dedicated as a public park. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and potential prices within the Planned Development. Conditions of approval are included to include architectural review, design standards, and separation between similar home design to ensure that a variety and mix of housing types are provided within the subdivision and Planned Development.

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

APPLICANT'S RESPONSE: The applicant has sited the proposed planned development to capitalize on its location along the bluff overlooking the Baker Creek riparian corridor. The general natural topography of the site will be retained with the proposed development. Proposed Tract F is an open space that will have a public path, benches and picnic amenities for the community, with excellent views of this natural feature. Tract L is also an area that will contain a trail with public access to view this significant adjacent natural area. Tract N is being preserved

as a common open space with significant trees, and the trees on the rear of the lots along the east boundary adjacent to Oak Ridge development are also preserved, along with various single trees on the rear of lots along the site's boundary. (see Landscape Plans)

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the site. A condition of approval is included to require the creation and improvement of the open space tracts that will provide for the preservation of existing natural features where applicable, as identified in the Planned Development (PD 1-19) Decision Document.

Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

APPLICANT'S RESPONSE: The Baker Creek Planned Development includes 19 proposed common open space tracts that are designed to directly benefit future residents of the development. After the proposed open space tracts are developed with active and passive recreation amenities as shown on the applicant's Landscape Plan sheets and the final plat records for the respective phase of development, the applicant is proposing to dedicate those tracts and facilities to the City of McMinnville that the City desires to own. Any tracts not dedicated or accepted by the City will be transferred to an incorporated homeowners association with an assessment and reserve fund to maintain the common areas for the community.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

APPLICANT'S RESPONSE: The submitted Preliminary Site Plans identify the location of 19 common open space tracts that are dispersed throughout the Baker Creek Planned Development and readily accessible to future occupants of the development. They are all adjacent to a public street with a sidewalk.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

APPLICANT'S RESPONSE: The submitted Preliminary Site Plans and Preliminary Landscape Plan demonstrate how the proposed sidewalk and street system promote safe and efficient travel throughout the development. Roadways are fully looped with no cul-de-sacs. The plans illustrate how pedestrian and bicycle travel will be enhanced with the development of accessways which shorten the distance between residential blocks and provide access to open space areas. The proposed improvements include widening and striping the north side of Baker Creek Road to add a bike lane and extra wide sidewalk, as well as a center turn lane. Both Meadows Drive and Shadden Drive include a three-lane section at their southern ends with a right turn lane from these streets onto Baker Creek Road.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application, but include many pedestrian and bicycle connections, pathways, and improvements.

Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

APPLICANT'S RESPONSE: The submitted Preliminary Site Plan demonstrates that the proposed planned development connects to all streets which are stubbed to the subject site (see Exhibit 3). To provide connectivity and compatible circulation with adjoining properties, the applicant is proposing to extend NW Blake Street, NW Shadden Drive, NW Meadows Drive, and proposed NW Hill Lane with the proposed development. The internal streets are also stubbed out to facilitate future development of adjacent underdeveloped parcels.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the

allowed density shall be set through adopted 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.

APPLICANT'S RESPONSE: The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site's development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract "G" in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

FINDING: SATISFIED. The City concurs with the applicants finding's, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The City clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant, the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

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.*

APPLICANT'S RESPONSE: The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which requires the dedication of public and private open space tracts to preserve natural features, require additional analysis prior to the development of sloped lots, and require review and approval prior to the removal of preservable trees. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements or preservation requirements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Policy 81.00 *Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.*

APPLICANT'S RESPONSE: Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which requires the dedication of public and private open space tracts, many of which include pedestrian and bicycle improvements to increase connectivity within the subdivision. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements or preservation requirements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.

APPLICANT'S RESPONSE: The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the Planned Development includes a phasing pattern that results in greater residential densities closer to Baker Creek Road (which is designated as a minor arterial street), the neighborhood commercial uses that will be included in the commercial area near the intersection of NW Hill Road and NW Baker Creek Road, and the planned public transit route along NW Baker Creek Road. The greater residential densities, which transition in density from higher density in the southern portion of the site to lower density in the northern portion of the site, is identified in EXH-4 and shown below:

Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

APPLICANT'S RESPONSE: As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.

APPLICANT'S RESPONSE: No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.

APPLICANT'S RESPONSE: To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently

under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that additional public park spaces will be developed and dedicated to the City within the subdivision, are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Urban Policies

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

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

APPLICANT'S RESPONSE: As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to the site from adjacent main lines.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #25 – 38. The City concurs with the applicant's findings, and adds that conditions of approval are included to ensure that the detailed engineering and construction plan review process occur prior to the development of the subdivision. In addition, the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided. The traffic impact analysis (TIA) report provides analysis, and includes a project impact summary with conclusions on page 9. The TIA studied the intersections of Meadows Drive and Baker Creek Road, Shadden Drive and Baker Creek Road, and Michelbook Lane and Baker Creek Road. The TIA studied the traffic impacts of the development of 280 single family homes, as proposed in the Planned Development plans, and the development of 100,000 square feet of retail shopping center commercial uses on the adjacent site that is guided for Commercial on the Comprehensive Plan. The 100,000 square feet of retail shopping center commercial use is not expected to develop on the commercial property, but was selected as the worst-case scenario in terms of trip generation. The summary table identifying the capacity analysis is provided in Table 2 of the TIA, and is provided below:

Table 2 Capacity Analysis Summary

Intersection	Type of Control	Peak Hour	Traffic Scenario											
			2019 Existing				2029 Background				2029 Total			
			Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c
Meadows Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.6	0.03	NB	B	10.6	0.14	SB	C	19.0	0.09
		PM	NB	A	9.4	0.03	NB	B	10.1	0.09	SB	F	56.2	0.20
Shadden Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.9	0.06	SB	C	18.4	0.17	SB	D	33.2	0.13
		PM	NB	A	9.8	0.06	SB	D	33.3	0.21	SB	F	137.3	0.16
Michelbook Lane and Baker Creek Road	Two-way Stop	AM	NB	B	10.9	0.08	NB	C	16.6	0.21	NB	D	28.7	0.45
		PM	NB	B	12.0	0.14	NB	F	65.6	0.78	NB	F	726.4	2.41
	Signal[1]	AM	-	-	-	-	-	B	11.0	0.39	-	B	15.3	0.47
		PM	-	-	-	-	-	B	11.7	0.54	-	B	19.8	0.70

Notes: 2010 Highway Capacity Manual methodology used in analysis, Synchro v9. NB - Northbound, SB - Southbound, Crit. Mov't - Critical movement or critical approach.

[1] Future signal identified in City's TSP - Not to be installed in conjunction with Baker Creek North Subdivision.

The "Summary and Recommendations" section of the TIA includes the following findings:

The City's mobility standard for intersection operations requires a v/c ratio of 0.90 or less. The stop controlled intersections on Baker Creek Road at Meadows Drive and at Shadden Drive will experience acceptable volume-to-capacity ratios of 0.20 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at these locations. On the southbound access approaches the lane configuration will consist of a separate right turn lane and a combination through/left lane. The approaches shall be controlled with stop signing.

The stop controlled intersection of Baker Creek Road at Michelbook Lane will experience an acceptable volume-to-capacity (v/c) ratio of 0.78 or less in the peak hours through the year 2029 background traffic scenario. For the year 2029 total traffic scenario the intersection operations will exceed the City's v/c standard with a resulting value of 2.41 in the PM peak hour. This condition can be mitigated to a v/c of 0.70 by installing a traffic signal as identified in the City's TSP. This improvement has been planned by the City for safety and capacity reasons in order to satisfy the anticipated city-wide traffic growth projections. Therefore, no mitigation at the Baker Creek Road and Michelbook Lane intersection is recommended in conjunction with the proposed development.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #8. A condition of approval is included to require that the applicant provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale for a period of six months. The applicant shall

provide information detailing the number of lots that will be made available for individual sale for review and approval by the Planning Director prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) 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.

APPLICANT'S RESPONSE: The development of the sites outlined in these applications will result in the improvement of the north side of the minor arterial called Baker Creek Road which to allow for the coordinated movement as envisioned by the City's Transportation System Plan. The proposed on-site streets, pedestrian accessways, and trail improvements will also promote this goal.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided, as described in the finding for Policy 99.00 above.

Streets

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

APPLICANT'S RESPONSE: This policy is met by the proposed roadways and lot frontages along those right-of-ways in the application's plans.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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).*
5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

APPLICANT'S RESPONSE: The attached preliminary development plans indicate that the proposed road sections meet the City design standards. Where proposed Charles Street does not extend straight east from proposed Alfred Drive to proposed Gregory Drive, a pedestrian path is provided to ensure minimal adverse effects on adjacent natural features as encouraged by factor 1 above. Where large blocks are proposed with mid-block pedestrian paths instead of streets under the flexibility proposed by the planned development application, policy design factor 2 above is being supported. The extra right turn lanes for southbound traffic at Meadows Drive and Shadden Drive are supporting design factor 3 above. The development will support

all modes of transportation as encouraged by design factor 4. Connectivity to adjacent developments and extension of existing streets is proposed, while no cul-de-sacs are planned to provide conformance with design factor 5. Therefore, all design factors of this policy are met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The existing Baker Creek Road transportation corridor will be more efficiently utilized with this proposal, meeting the intent of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The applications propose access at existing street intersections with Baker Creek Road. The traffic analysis provided shows this can be done safely even in the worst case scenario. No development or other access to Baker Creek Road from the commercial property is proposed at this time, although it may be proposed at a future time upon application for site development of that parcel.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that any future development of the commercial property will be subject to the Planned Development Overlay District that applies to that site, which is a separate overlay district.

Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

APPLICANT'S RESPONSE: No direct access is proposed from the residential development to Baker Creek Road. Street intersections from this large scale residential development are proposed to match up with opposite existing intersections.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

1. *Major, minor arterials.*
   -Access should be controlled, especially on heavy traffic-generating developments.
   -Designs should minimize impacts on existing neighborhoods.
   -Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
   -On-street parking should be limited wherever necessary.
   -Landscaping should be required along public rights-of-way

APPLICANT'S RESPONSE: Proposed improvements in all phases developed along Baker Creek Road will control and limit access to the existing intersections. The designs include an extra right turn lane at Meadows Drive and Shadden Drive to minimize delay. Approval of the development will also create additional connectivity to the minor arterial for other developments

via streets stubbed to adjacent properties. The proposed extension of exiting streets stubs will also disburse traffic volumes in adjacent residential communities. The attached plans indicate that required right-of-way widths are provided to facilitate the street improvements. No on-street parking is proposed on Baker Creek Road, an arterial street. Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

3. Local Streets
-Designs should minimize through-traffic and serve local areas only.
-Street widths should be appropriate for the existing and future needs of the area.
-Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
-Off-street parking should be encouraged wherever possible.
-Landscaping should be encouraged along public rights-of-way.

APPLICANT'S RESPONSE: Anticipated through-traffic on local streets will serve this neighborhood only, not the larger regional area. The proposed street widths are standard for local streets. The width increases in the southern segments at the approach to Baker Creek Road to allow right turn only lanes. Off-street parking is encouraged with standard 20-feet driveway depths for two off-street parking spaces in front of the garage at a minimum on all single-family lots. Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 123.00 The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.

APPLICANT'S RESPONSE: All of the proposed street improvements are within the urban grown boundary and rights-of-way will be dedicated to the City after improvements to City standards are installed in compliance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The proposed developments will achieve sufficient off street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The proposed developments will encourage off-street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum. The commercial parcel will also be provided with off-street parking. No parking will be allowed on Baker Creek Road, an arterial street.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: These development applications will result in the phased improvement of the north side of Baker Creek Road with a bicycle land in the shoulder. The improvements also include an extension of the power line trail into the site with a connection to on-site walkways. As such, the improvements will connect people with elements called for in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 130.05 In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.

APPLICANT'S RESPONSE: The applicant is proposing to install a bike lane on the north side of Baker Creek Road as phases of the planned development are constructed, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

APPLICANT'S RESPONSE: The residential planned development will dedicate several tracts to the City for public park land in phases as part of the amenities offered with the planned development application. The applicant is also providing several private common area tracts which will be retained by the development's homeowners association. The open spaces will include paths and scenic areas for both active and passive enjoyment. In addition, the applicant is offering to donate an adjacent parcel to the City for use as a special use park with high natural recreational value to help the City meet its Park Master Plan goals.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 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.

APPLICANT'S RESPONSE: The proposed bike lane on Baker Creek Road will connect the surrounding neighborhoods. The connection of proposed sidewalks and open space tracts to the power line trail at Meadows drive will provide a route to other parks and other activity areas to the south of the site. Therefore, this policy is met by the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subdivision includes pedestrian connections within park and open space tracts, and the improvements within the tracts are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*

APPLICANT'S RESPONSE: The site is relatively flat, and the streets, walkways, and ramps are planned to comply with ADA standards.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that meets ADA accessibility guidelines.

2. *Incorporate features that create a pedestrian friendly environment, such as:*
   a. *Narrower traffic lanes;*
   b. *Median refuges and raised medians;*
   c. *Curb extensions ("bulb-outs");*
   d. *Count-down and audible pedestrian signals;*
   e. *Wider sidewalks;*
   f. *Bicycle lanes; and*
   g. *Street furniture, street trees, and landscaping*

APPLICANT'S RESPONSE: The internal local streets will have traffic lanes that conform to City local street standards. Wider sidewalks are proposed along the north side of Baker Creek Road, on the west side of Meadows Drive to the roadway's first intersection, and for internal mid-block

paths. The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, except where additional improvements are required by conditions of approval.

3. *Incorporate features that create a pedestrian friendly environment, such as:*
   a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
   b. *Timing signals to minimize pedestrian delay and conflicts.*
   c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT'S RESPONSE: There are no signalized intersections near or internal to the site. This section is not applicable.

FINDING: SATISFIED. Policy 132.24.00(2) does not only apply to signalized intersections. However, the right-of-way improvements proposed in the subdivision plans include the improvements required for streets, which include pedestrian and bicycle improvements. Additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development, and required as conditions of approval.

Policy 132.26.00 *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.*

APPLICANT'S RESPONSE: The proposed improvements to transportation infrastructure support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development. The specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

APPLICANT'S RESPONSE: The proposed new street connections have the elements to create the connectivity envisioned by this policy.

FINDING: SATISFIED. The right-of-way improvements proposed in the subdivision plans include the improvements required for streets, which include pedestrian and bicycle improvements. Additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development, and required as conditions of approval.

Policy 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. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this application, findings and exhibits.

Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.

APPLICANT'S RESPONSE: The street layout and the mid-block paths proposed are designed to encourage residents to walk and bike, and with density oriented closer to the future transit corridor, the transportation improvements will facilitate use of public transit in the future as stops will be close and walking distances reasonable. Homes are oriented away from arterial streets and landscaped open space tracts will buffer noise. Therefore, the proposed development supports this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.36.00 Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

APPLICANT'S RESPONSE: The development has been designed to encourage walking to local amenities which will support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.38.00 *Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.*

APPLICANT'S RESPONSE: The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the landscaping and streetscaping improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 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.*

APPLICANT'S RESPONSE: All proposed street improvements include sidewalks to provide adequate circulation. Emergency vehicle access is ensured through the provision of streets built to City standards and the avoidance of cul-de-sacs through the planned looping of the internal street network. Temporary fire turn-arounds and fire lanes can be provided as necessary with the phasing of the project.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.*

APPLICANT'S RESPONSE: No cul-de-sac streets are proposed, providing conformance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.10 *Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network.*

APPLICANT'S RESPONSE: No physical barriers are proposed. This policy is met.

FINDING: SATISFIED. The City concurs with the applicant's findings. The only major barriers between the proposed street network occur where the development site is crossed by the BPA power line easement, and on the eastern portion of the site where grades don't allow west to east street connectivity. Where streets are not proposed to connect, pedestrian connections are provided, as described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.

APPLICANT'S RESPONSE: The roadway improvements proposed do not impair pedestrian nor bicycle movement. They enhance it through better connectivity and more facilities.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.

APPLICANT'S RESPONSE: Access is consolidated for single family residential properties to new street legs at existing intersections to conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

APPLICANT'S RESPONSE: The street connections proposed between adjacent property and rights of way conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.42.00 Generally, a major arterial street should not be widened beyond two through lanes in each direction with auxiliary turn lanes as appropriate. Minor arterials and collector streets should not be widened beyond one through lane in each direction with auxiliary left-turn lanes as appropriate. Major arterial streets with more than five lanes and minor arterial and collector streets with more than three lanes are perceived as beyond the scale that is appropriate for McMinnville.

APPLICANT'S RESPONSE: Baker Creek Road along the site frontage is a minor arterial and is not proposed to be widened beyond one through lane in each direction. The project conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.43.05 Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

1. *Traffic circles;*
2. *Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);*
3. *Landscaping barriers between roadway and non-motorized uses;*
4. *Landscaping that promotes a residential atmosphere;*
5. *Sidewalks and trails; and*
6. *Dedicated bicycle lanes.*

APPLICANT'S RESPONSE: There is an existing traffic circle at Hill Road and Baker Creek Road at the SW corner of this project, whose north leg will be connected with a phase of the residential planned development. Crosswalks at Meadows Drive and Shadden Drive across

Baker Creek Road are proposed to be striped. Street trees are proposed in planter strips along all streets promoting a residential character. There are sidewalks and trails throughout the project, and dedicated bike lanes will be striped along the site frontage. Therefore, this plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.43.10 Limited Neighborhood Cut–Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

APPLICANT'S RESPONSE: There is no risk of use of these streets as shortcuts for through traffic as there are no street connections, from the north residential neighborhoods, to other parts of the City or County. These local streets will only be used for local access. The plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.

APPLICANT'S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. Maintenance will be completed by the City. Street trees are proposed to improve air quality, noise buffering, and support water quality, as trees absorb rainfall. The right turn lane added to Meadows Drive and Shadden Drive will also decrease delay at the intersections. This will minimize negative impacts in terms of pollution and noise from cars during idling while queueing. This policy is supported by the project.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.05 Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.

APPLICANT'S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. In some cases, large blocks are proposed with mid-block paths to facilitate pedestrian and bicycle connections. This approach supports this policy as the proposed streets with mid-block paths achieve the transportation objective.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.47.00 The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.

APPLICANT'S RESPONSE: These applications support a street aesthetic discussed in this policy through the proposed street trees and landscaped open space tracts along streets shown on the landscape plans.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the applicant submitted a Landscape Plan Review application for concurrent review with the Planned Development request. Findings for the Landscape Plan Review (which includes the street tree

plan for the Planned Development site) are addressed in the Decision Document for that land use application.

Policy 132.51.05 Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.

APPLICANT'S RESPONSE: The proposed project will provide sidewalks in support of this policy in phases. It will result in sidewalk travel being continuous along the north side of Baker Creek Road, where it currently ends abruptly in the SE corner of the site in front of a church.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.51.10 Complete Connections with Crosswalks – All signalized intersections must have marked crosswalks. School crosswalks will be marked where crossing guards are provided. Subject to available funding, and where appropriate, marked crosswalks, along with safety enhancements (medians and curb extensions), shall be provided at unsignalized intersections and uncontrolled traffic locations in order to provide greater mobility in areas frequently traveled by persons with limited mobility. Marked crosswalks may also be installed at other high volume pedestrian locations without medians or curb extensions if a traffic study shows there would be a benefit to those pedestrians.

APPLICANT'S RESPONSE: The project will construct the north corners of the intersections of Baker Creek Road with Meadows Drive and Shadden Drive, such that all corners are improved, and provide crosswalks across Baker Creek Road in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.51.15 Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way.

APPLICANT'S RESPONSE: The shared use path under the BPA power lines will be extended north into the project as illustrated on the attached landscape plans in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community.

APPLICANT'S RESPONSE: With the network of proposed sidewalks and paths, this project will promote this policy. Walking to future transit will be more feasible due to the clustering of housing density on the south side of the site closer to Baker Creek Road. The proposed neighborhood

commercial area of no less than 2 acres is within reasonable walking distance of most of the proposed residential units, as well as other existing higher density housing to the south of Baker Creek Road. Thus, walking to shops, restaurants, and other services will be feasible. Walking for recreation will also be promoted with the connection/extension of the BPA powerline trail. In addition, a nature trail on the adjacent property proposed to be donated to the City as a Special Use Park will also connect to the BPA trail.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.56.00 Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

APPLICANT'S RESPONSE: Baker Creek Road is a minor arterial and will have a bike lane striped on its north side as proposed in this application in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.56.05 Mitigation of On-street Parking Loss From Bicycle Projects – New bicycle facilities require the removal of on-street parking spaces on existing streets, parking facilities should be provided that mitigate this loss, to the extent practicable.

APPLICANT'S RESPONSE: No on-street parking will be lost from the proposed bike facilities as no on-street parking exists on the north side of Baker Creek Road along the project frontage. This policy is not applicable.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.56.10 Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel.

APPLICANT'S RESPONSE: This is a directive to the City. With the proposed bike land striping on the north side of Baker Creek Road, this project helps the City meet this policy by removing a barrier to bicycling on Baker Creek Road.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.57.00 Transit-supportive Street System Design – The City will include the consideration of transit operations in the design and operation of street infrastructure.

APPLICANT'S RESPONSE: This is a directive to the City. This policy is not applicable to this application. The proposed street improvements meet 4City standards.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.57.05 Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety.

APPLICANT'S RESPONSE: The proposed residential planned development is a subdivision with site design that directly supports this policy. The clustering of density with smaller lots on the south side of the project with multiple pathways to support access to Baker Creek Road, a planned transit route, supports convenient and safe connections to transit. The proposed planned development amendment to allow no less than 2-acres of commercial and no more than 120 multi-family dwelling units on the commercial designated property will likewise promote and support transit service and use in the area by creating a node of activity and density of use needed to support transit use volumes.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: This goal is met for this project. Public and private utilities have been and will be planned and provided for in advance of or concurrent with development. This includes parks, streets and ways, water service, storm and sanitary sewer service, power, and other franchise utilities.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Sanitary Sewer System

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

APPLICANT'S RESPONSE: This is a directive to the City. This policy will be met when construction plans are reviewed, field work is inspected, and work accepted.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 138.00 The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.

APPLICANT'S RESPONSE: This is a directive to the City. The applicant will improve on-site sanitary sewer to meet City standards and connect that to the existing facilities already built with capacity for the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

1. *Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*

2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*

3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*

4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

APPLICANT'S RESPONSE: This is a directive to the City. The City can allow extension of sanitary sewage because the proposed project meets the framework outlined in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Storm Drainage

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

APPLICANT'S RESPONSE: This is a directive to the City. The City will ensure it is met during review of construction plans for conformance with City standards. The preliminary utility plans show compliance is feasible.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Water System

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

APPLICANT'S RESPONSE: This is a directive to the City and McMinnville Water and Light. The applicant has been assured by these agencies that water service at urban densities is available to the site for development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

1. *Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*

2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*

3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*

4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

APPLICANT'S RESPONSE: This is a directive to the City. The water services will be extended on-site with development to serve the new lots.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City and not applicable to this application.

40. **FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #17 and #39.** The City generally concurs with the applicant's findings, but adds that conditions of approval are included to require consideration of McMinnville Water and Light standards and specifications during the construction of public facilities, as identified by McMinnville Water and Light during the land use application review process. Another condition is included to require that an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

Water and Sewer – Land Development Criteria

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

APPLICANT'S RESPONSE: The applicant recognizes these applications will be reviewed in coordination to McMinnville Water and Light for the City to obtain concurrence that sufficient

water supply is available to meet demands of the development. This review will ensure that the proposed uses are commensurate with the planned comprehensive plan map designation for the area.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.*

APPLICANT'S RESPONSE: The applicant has coordinate with the City Public Works Department and received assurance that sufficient sewer capacity exists with the proposed on-site improvements and connections to the existing system.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.*

APPLICANT'S RESPONSE: This is a directive to the City and McMinnville Water and Light.

FINDING: SATISFIED. The City concurs with the applicant's findings.

4. *Federal, state, and local water and waste water quality standards can be adhered to.*

APPLICANT'S RESPONSE: This is a directive to the City to review construction plans and field practices to ensure standards are adhered to.

FINDING: SATISFIED. The City concurs with the applicant's findings.

5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

APPLICANT'S RESPONSE: This is a directive to the City to ensure policies are adhered to through the plan review and construction process.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Police and Fire Protection

Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Emergency services departments were provided an opportunity to review the proposal, and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

Parks and Recreation

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

APPLICANT'S RESPONSE: This goal is not an approval criterion. The proposed donation of land for the Special Use Park site is called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999. The donation will help the City meet this goal of providing open spaces and scenic areas for the use and enjoyment of all citizens of the community. The applicant is also proposing to dedicate to the City with the recording of the plat (in phases) several tracts of land with open spaces and recreational facilities for the enjoyment of all citizens and to facilitate better access and enjoyment of the Special Use Park. Acceptance by the City of the proposed donation of land for the Special Use Park and acceptance of the dedication of the tracts will help the City meet the above goal. If the City does not accept the dedication of the tracts, then they will remain in private ownership of the development's homeowners association.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Where applicable, system development charge (SDC) credits will be provided for improvements of public park infrastructure.

Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

APPLICANT'S RESPONSE: The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states that Map 1 shows underserved neighborhoods. This Planning Areas map shows the subject site is located in Underserved Area 3. Underserved means not within a half mile of a neighborhood/community park or separated from it by a major street. To serve this area, the plan identifies actions in the Table 10 Recreation Facility Action Plan – Northwest on (page 43). The City is currently constructing a neighborhood park along Yohn Ranch Drive, located within a half mile of the subject site.

The proposed donation of land, dedication of tracts within the planned development, and other improvements proposed will help the City serve this area as intended by this policy and as envisioned by the parks plan through bringing to fruition many of the items in the action plan, including:

- City acquisition of a special use park adjacent to the BPA Easement (proposed land donation)
- City acquisition of a greenway to help connect Tice Park with the BPA Easement (dedication of proposed Tracts)
- Develop a trail in the greenway acquired

The proposed donation of the special use park is land that is partially within the 100-year floodplain. The portion outside the 100-year floodplain includes an old farm access haul road well suited for use as a greenway trail. The proposed off-site improvement of this trail with a bark chip surface will ensure minimum impact on environmentally sensitive lands while achieving the intent of this policy.

The tracts in the planned development are proposed to be improved with trails and dedicated to the City after the improvement are constructed. All of the proposed trails are located outside of the 100-year floodplain and do not contain environmentally sensitive lands.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

APPLICANT'S RESPONSE: There are no floodplain lands within the boundary of the planned development proposed for land division, so this policy does not apply to the planned development. The proposed donation of land for a special use park, which does include floodplain lands, is not part of the planned development. The park land is simply being offered to the City, and acceptance of the donation is sought concurrent with the development review. This will allow for efficient processing of the offer by City staff and permit the City to evaluate how the donation fits into the City's park system. The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states, "The Director of Parks and Recreation oversees park acquisition..." It is hoped the proposed donation will be accepted by the Director and the City as it meets these policies.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

APPLICANT'S RESPONSE: The proposed Planned Development meets these policies with the open spaces and natural areas proposed to be preserved in tracts, in addition to the mini-parks proposed to be developed in tracts.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

APPLICANT'S RESPONSE: Where possible within the planned development boundary, which is an urban development, distinctive natural features are retained in tract areas. Tract N includes a grove of protected trees. The landscape plans indicate that many significant trees are preserved in the rear yards of lots, particularly on the north and east boundaries of the site. Large trees along Baker Creek Road could not be preserved as they were within the area of required frontage improvements.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

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

APPLICANT'S RESPONSE: Drainage ways north of the site are not proposed to be developed.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 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. (Ord. 4796, October 14, 2003)

APPLICANT'S RESPONSE: The applicant has reviewed the adopted City of McMinnville Parks, Recreation, and Open Space Master Plan prepared for the City by MIG, Inc. on June 1999. The applicant owns a parcel with an area of 14.9 acres adjacent to and north of the proposed Baker Creek North Planned Development. Concurrent with this application, the applicant requests acceptance of the donation of this land to the City.

The donated parcel would become a Special Use Park, and allow for Trails and a Linear Park, as defined on page 10 of the City's Master Plan (see also Appendix A Facility Inventory's Map 2, the Master Plan map, where a Special Use Park symbol is located in the area). Acceptance of this donation by the City would allow it to fulfill the recommendations listed in Chapter 6 of the Master Plan related to benefiting the residents of McMinnville. Acquisition of this property is listed in the Master Plan in Table 10 - Recreation Facility Action Plan – Northwest (page 43) under "Special Use Parks" as a top priority. City ownership of this land would also allow the City to achieve another action item in this table, which is acquiring a "Greenway" to connect Tice Park to the BPA easement, as this property has an old farm haul road along the bluff from the BPA easement east to the adjacent property boundary that is well suited for development of a trail. This land donation will also allow the City to make a connection to the adjacent Baker Creek

Greenway segment being proposed by an adjacent development (PDA 3-18/PDA 4-18/S 3-18), which is also an action item in Table 10 ("Develop a trail in the Baker Creek Greenway").

The purpose of the park land donation is to facilitate public open space enjoyment, protection of the floodplain from development encroachment, and conservation of riparian habitat along the waterway.

The proposed land donation is not part of the proposed planned development. The Proposed Planned development will create Tracts "F", "I", "J", "K", "L", "N" & "S", which the applicant recommends the City accept ownership of following installation of recreational amenities as proposed in their respective phases. These tracts include paths and trail improvements to support linear parks and greenspaces. These tracts and their improvements will facilitate public access to and enjoyment of the donated land.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Tentative Subdivision provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings and proposed conditions of approval contained in this Decision Document.

Chapter 17.53. Land Division Standards

17.53.073 Preliminary Approval of Tentative Subdivision Plan.

A. It shall be the responsibility of the Engineering Department and Planning Department to review a tentative plan to insure that it substantially conforms to the requirements of this chapter prior to the submittal of the plan to the Commission. The Planning Director may refuse to submit a tentative plan to the Commission if it is found that it does not substantially conform to the chapter requirements.

B. Upon finding that a tentative plan substantially conforms to the requirements of this chapter, the Planning Director shall either approve the plan or approve the plan with conditions (for subdivisions with up to 10 lots). When the plan is for a subdivision with more than 10 (ten) lots, the plan along with the reports of appropriate officials and agencies shall be submitted to the Commission for review at its earliest practicable meeting.

C. The decision of the Planning Director may be appealed to the Planning Commission as provided in Section 17.72.170. The decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180. Approval of the tentative plan shall indicate approval for preparation of the final plat if there is no substantial change in the plan of the subdivision and if the subdivider complies with the requirements of this chapter. (Ord. 4920, §4, 2010)

17.53.075 Submission of Final Subdivision Plat. Within 12 (twelve) months after approval of the tentative plan, the subdivider shall prepare a final plat in conformance with the tentative plan as approved. The subdivider shall submit the original drawing and two exact copies and any supplementary information to the City Engineer. Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5 - 7. Conditions of approval are included to approve the phased subdivision proposed, and also to confirm that the tentative subdivision shall expire if final plats are not completed in a timely manner as proposed in the application materials.

D. Agreement for Improvements. Before Director or Planning Commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDTIONS OF APPROVAL #10 & #20-24. Conditions of approval are included to require improvements prior to the recording of the subdivision plats for individual phases, and specifically require improvements within the public park dedication parcel prior to the platting of Phase 2A or 3A.

17.53.100 Creation of Streets.

A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:
   1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;
   2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;
   3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.

APPLICANT'S RESPONSE: The streets will be created in conformance with the requirements for a subdivision. City Council has not initiated the establishment of a street on the subject site, therefore these conditions do not apply and have been omitted for brevity.

FINDING: SATISFIED. City concurs with the applicant's findings.

B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.

APPLICANT'S RESPONSE: The applicant will establish the proposed streets through the recording of a final plat. Therefore, these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:
   1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;
   2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.
   3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.

APPLICANT'S RESPONSE: No partitioning is proposed, rather a subdivision is proposed as part of a planned development. The planned development proposes that the access easement preferred in subsection C.3. above over the creation of flag poles, be applied to the private drives proposed in subsection D. below.

FINDING: SATISFIED. City concurs with the applicant's findings.

D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:
   1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.

APPLICANT'S RESPONSE: The northwest corner of the planned development extends along a narrow bluff. Due to the existing parcels unusual topography, the most logical way to develop the parcel is to extend a private drive north from proposed Mercia Street. Therefore, access to Lots 204-208 in Phase 2C is proposed through a shared private drive in a common easement over Lots 206-208 as depicted on drawing PL-3 Preliminary Plat. Also, due to lot sizes and shapes that are deeper to protect trees in rear yards of nearby lots, the street is particularly far from Lot 269 in the corner of the site in Phase 3C. Therefore, the most feasible way to develop the parcel is to provide a shared private drive in common easement over Lot 270, as depicted on drawing PL-5 Preliminary Plat, to serve both Lots 269 and 270. This approach to lot access is proposed as part of the planned development as opposed to flag poles for each lot as it is the preferred method of access as described in subsection C.3. above. With approval of by the Planning Commission, access to these lots will meet the requirements of this code.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide and allow the shared access proposed above, and as required by the companion Planned Development (PD 1-19).

2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.
3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.

APPLICANT'S RESPONSE: The attached Preliminary Plat drawings indicate that the private drive serving Lots 204-208 is located within an access easement on Lot 206-208, and the private drive serving Lots 269 and 270 is located within an access easement on Lot 270. The private drive improvements will be designed in accordance with the standards of Section 17.53.101(P). Necessary public utility easements are shown within the access easements on the lots adjacent to and served by the easements. The private drives will be identified as a common improvement in the CC&Rs and maintenance provisions will be included so new purchasers are aware of the maintenance costs. These documents will be recorded with final plats for each phase of the development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide and allow the shared access proposed above, and as required by the companion Planned Development (PD 1-19).

4. Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.
5. Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions (Amended 8/14/07 by Ordinance No. 4879).

APPLICANT'S RESPONSE: The shared private drives proposed with this development are located in easements, and are not private streets, so it is the applicant's understanding a private street sign will not be required. No gates are proposed within or across public streets or private driveways.

FINDING: SATISFIED. City concurs with the applicant's findings.

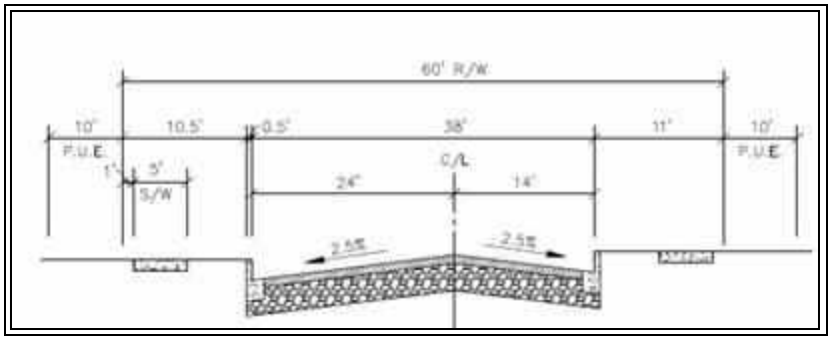
17.53.101 Streets.

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or
3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

APPLICANT'S RESPONSE: The attached plans illustrating the location, width, and grade of the proposed streets have been considered in relation to existing and planned streets, topography, public safety, and the proposed uses. As required by subsection 1. above, the arrangement of streets in the proposed subdivision provides for the extension of existing principal streets in surrounding areas. Namely, NW Blake Street is extended into the site from the east. Shadden Drive and Meadows Drive are extended north into the site opposite existing intersections of those streets with Baker Creek Road. A street north of Hill Road's new traffic circle which is also planned to extend north into the site will be named Hill Lane. Shadden Drive is also proposed to continue north in Phase 3B and align with a planned street in the adjacent development to the north of the site.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 19-21. Meadows Drive and Shadden Drive are proposed to have an offset crown to accommodate a right turn lane at their intersections with Baker Creek Road (see cross-section below). The City would prefer see the City's typical "Teepee" section so that the curb elevations match on each side of the street.



In order to meet a more typical City standard and allow for the curb elevations to match on each side of the street, a condition of approval is included to require that the street improvement between the curbs on Meadows Drive and Shadden Drive shall follow the City's typical "Teepee" section instead of the offset crown.

Other conditions of approval are included to ensure that direct access to Baker Creek Road is not provided for any individual lot, that the interior streets within the subdivision be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets, and that 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.

B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

APPLICANT'S RESPONSE: The applicant is proposing dedication of street rights-of-way and design of road improvements to conform to City standards.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #18. The City concurs with the applicant's findings, but adds that a condition of approval is included to verify the required public right-of-way dedication required along Baker Creek Road. All other right-of-way dedication shall be required during the platting of the subdivision phases.

C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

APPLICANT'S RESPONSE: Reserve strips or street plugs are not proposed with this application.

FINDING: SATISFIED. City concurs with the applicant's findings.

D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

APPLICANT'S RESPONSE: Proposed streets which align with the continuation of existing street center lines are Hill Road, Meadows Drive, Shadden Drive, and Blake Street. Blake Street and proposed Augustine Place intersections are spaced approximately 200 feet apart, as are the intersections of Kent Street and Emma Streets.

FINDING: SATISFIED. City concurs with the applicant's findings.

E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

APPLICANT'S RESPONSE: Shadden Drive in Phase 3B, and Williams Drive in Phase 3C, are proposed to be extended to the north and south boundaries of the site to provide access to adjoining land. No reserve strips or street plugs are proposed.

FINDING: SATISFIED. City concurs with the applicant's findings.

F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

APPLICANT'S RESPONSE: The proposed intersection angles of this development meet the above standards as shown on the plans.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #13. One intersection is not designed at a right, or 90 degree, angle. The intersection of Gregory & Augustine Streets is designed with a "Y" configuration is, and appears to have the ability to be redesigned to be closer to a 90 degree angle. Therefore, a condition of approval is included to require that the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90 degrees as practical.

G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

APPLICANT'S RESPONSE: NW Baker Creek Road is the only existing street adjacent to the tract of land proposed for development. The applicant is proposing to dedicate 18-feet of right-of-way and install a ½ street improvement and striping along the north side of the road to conform to the design standard for a minor arterial. Lane widths will be sufficient along the site's frontage. The south side of the right-of-way was already improved with earlier development and sufficient pavement exists on that half of the right-of-way to achieve the required road section.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #18. The City concurs with the applicant's findings, but adds that a condition of approval is included to verify the required public right-of-way dedication required along Baker Creek Road.

H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

APPLICANT'S RESPONSE: The site is the "adjoining property" in this case and the proposed Baker Creek Road improvements are completing the other half of a street developed with an earlier project.

FINDING: SATISFIED. City concurs with the applicant's findings.

I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

APPLICANT'S RESPONSE: There are no cul-de-sacs proposed with this planned development, therefore these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: The applicant is not proposing to install eyebrows with the proposed development, therefore these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

APPLICANT'S RESPONSE: As required, all extended streets maintain the same street names with the proposed development. Streets names for new streets have been proposed with the Preliminary Plat for review and approval of the Planned Director. The proposed streets reflect an English history theme.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #16. City concurs with the applicant's findings, but adds that the City already has a "Harold Court" and a "Emma Drive". To ensure that duplicative street names are not used, a condition of approval is included to require different street names for proposed "Harold Drive" and "Emma Street" to be submitted for review at the time of final platting.

L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the

Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

APPLICANT'S RESPONSE: Preliminary grading plans and street profiles have been submitted and the applicant intends to construct these requirements. Street design will comply with City requirements during the permitting of public improvement construction plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

APPLICANT'S RESPONSE: The subject site is not located within the vicinity of a railroad right-of-way. Therefore, these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

APPLICANT'S RESPONSE: The site design includes a 10-feet wide landscaped common open space tract between the proposed residential lots and NW Baker Creek Road right-of-way, so no lots directly abut an arterial street. This section is not applicable.

FINDING: SATISFIED. City concurs with the applicant's findings.

O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

APPLICANT'S RESPONSE: The proposed planned development is not located in a commercial or industrial district. The site's design includes proposed public alleys with 22-foot right-of-ways.

See the Site Plan Exhibit SP-5 for the alley section. A standard alley may only be 20-feet wide, but the Applicant is proposing the extra two feet of width to allow a six-inch gap on both sides from edge of right-of-way to back of the six-inch flush curb creating the unobstructed area for placement of the property pins and to provide a full twenty feet wide paved surface. This alley configuration will allow for extra maneuvering space for vehicles entering and exiting driveway on lots served by the alleys. This in combination with the proposed full 20-feet setback from the right-of-way to the face of a garage will make for a safe and functional public alley. The applicant seeks the City's approval of these alleys as part of this planned development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. Section 17.53.101(O) only requires alleys in commercial and industrial districts. However, in order to achieve the narrow lot size and varied lot dimensions identified as an objective of the companion Planned Development (PD 1-19), the applicant is proposing alleys to serve lots that are less than 40 feet in width. A condition of approval is included to require that the alleys be created in tracts or shared access easements, and that the tracts or easements be maintained by the properties that utilize the alleys for access.

P. Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

APPLICANT'S RESPONSE: The applicant has addressed how the proposed private drive meets the standards of Section 17.53.100(D) in this narrative. The private drive has an adequate width for the proposed use and will be constructed to the same structural standards as a public street as required by this code. The submitted Preliminary Utility Plan indicates that storm drainage facilities have also been provided within the private drive to manage storm drainage.

FINDING: SATISFIED. City concurs with the applicant's findings.

Q. Bikeways. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: The applicant is proposing to widen NW Baker Creek Road along the planned development's site frontage as required by this code and will stripe bike lanes and restripe travel lanes accordingly. The proposed planned development improvements are shown on exhibits SP-1 and SP-2 Site Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: The applicant is not proposing to develop a new residential collector nor arterial street within the Baker Creek North Planned Development. Therefore, these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: The proposed planned development has frontage on Baker Creek Road, a minor collector in a residential area. Therefore, this section does not apply. The applicant is proposing to install a meandering 10-feet wide sidewalk along the planned development's frontage on NW Baker Creek Road as shown on the exhibit SP-1 Site Plan. The applicant is also proposing to install a 12-feet wide sidewalk along the west side of Meadows Drive, south of Kent Street to its intersection with Baker Creek Road, with half the sidewalk in the ROW and half in the adjacent open space tract. This sidewalk will effectively extend the BPA trail to the common area amenities at Kent Street, where the applicant is proposing to dedicate open space tracts to the City with the proposed improvements. The applicant seeks approval of these wider sidewalks in these locations as designed.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide and allow for the wider sidewalks described above, and as required by the companion Planned Development (PD 1-19).

T. Park strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: Park strips are provided between the curb and sidewalk of all streets in accordance with the above standards. Street trees proposed in park strips are shown on drawing L1.0 Street Tree Plan. The applicant is requesting landscape plan review concurrent with this planned development application. Chapter 17.58 is addressed below.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the applicant submitted a Landscape Plan Review application for concurrent review with the Planned Development request. Findings for the Landscape Plan Review (which includes the street tree plan for the Planned Development site) are addressed in the Decision Document for that land use application.

U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager. (Ord. 5023, §2, 2017; Ord. 4922, §4B, 2010; Amended 8/14/07 by Ordinance No. 4879.)

APPLICANT'S RESPONSE: The applicant is not proposing to install gates within or across public rights-of-way. Therefore, these standards have been met.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.103 Blocks.

A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

APPLICANT'S RESPONSE: The proposed block layout has been proposed taking into account adequate lot sizes, street width and the site's topography, as well as adjacent street network.

Land outside of the urban growth boundary is located to the west of the subject site, and sloping topography and the 100-year floodplain and urban growth boundary are to the north. The adjacent constrained lands make it infeasible to extend public streets in those directions to create smaller block perimeters. Where a street can be extended in the northeast boundary of the site for future development, it is proposed. The adjoining street network represented by Blake Street justifies an exception to this standard along the east side of the project.

The block bound by proposed Emma Street, Meadows Drive and Shadden Drive is adjacent to an arterial street, Baker Creek Road. Its perimeter is controlled by the existing spacing between Meadows Drive and Shadden Drive. This spacing meets the above standards. The spacing between along Hill Lane at the north leg of the existing traffic circle also meets this code.

The site's block pattern is also constricted by the BPA easement, adjacent substation property, the large C-3 zoned parcel, Baker Creek Road's arterial intersection spacing standards, and existing development to the east. Where large blocks are proposed, mid-block paths and open space tracts are proposed to facilitate pedestrian connectivity and access to the greatest extent practicable (as shown on Exhibit 3's sheet EXH-4).

The applicant seeks approval of the proposed planned development block pattern.

FINDING: SATISFIED. The proposed block lengths and block perimeter lengths comply with the requirements of the Planned Development (PD 1-19). The planned development allows a maximum block length of approximately 645 feet (the approximate maximum length of the block length of Kent Street between Hill Lane and Harold Drive) and a maximum block perimeter of approximately 2,325 feet (the approximate length of the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road). No proposed block length or block perimeter exceeds these distances. Also, the City notes that the Planned Development will require mid-block crossings in tracts where block lengths or block perimeter lengths are

exceeded, and the subdivision allows for these mid-block crossings to be developed. Improvements within these tracts are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

C. Easements.

1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

APPLICANT'S RESPONSE: The attached Preliminary Plat indicates that the applicant is proposing to dedicate 10-ft. wide public utility easements along all street right-of-ways within the proposed planned development. Other easements through proposed lots or tracts are also shown, as necessary, at the required widths.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private tracts as described and proposed above, and as required by the companion Planned Development (PD 1-19). Some of these tracts will include mid-block crossings where block lengths or block perimeter lengths are exceeded, and the subdivision allows for these mid-block crossings to be developed. Improvements within these tracts are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

APPLICANT'S RESPONSE: The subdivision is not traversed by a water course. This section is not applicable.

FINDING: SATISFIED. City concurs with the applicant's findings.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

APPLICANT'S RESPONSE: Pedestrian ways that are in tracts greater than ten (10) feet in width are proposed at several locations in the form of mid-block paths throughout the development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private tracts as described and proposed above, and as required by the companion Planned Development (PD 1-19). Some of these tracts will

include mid-block crossings where block lengths or block perimeter lengths are exceeded, and the subdivision allows for these mid-block crossings to be developed. Improvements within these tracts are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

17.53.105 Lots.

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

APPLICANT'S RESPONSE: The applicant has submitted a Planned Development application to create 280 single-family detached lots within the R-4 zoned portion of the site. Through the planned development process, the applicant is proposing to modify lot sizes so that all lots will be buildable and conform to the planned development's zoning overlay. The planned development includes appropriate sized and orientated lots for each unique site condition. Smaller lots are located closer to Baker Creek Road and will facilitate future planned transit along the roadway. Larger deeper lots are arranged adjacent to natural features. Medium lots are located in the middle area as a transition to density. Narrow lots are oriented to the street or common open space tracts with garage loading from an alley in the rear, while medium and large lots have access oriented to adjacent streets. Lots adjacent to the BPA easement are predominately oriented with the rear yard toward the easement, and this easement has been placed in an open space tract.

The width and depth of the proposed lots are also appropriate for the location of the lot. There are seven different lot types, organized by typical lot width, as shown on Exhibit 3's Lot Type Plan sheet EXH-3. Where a lot depth exceeds two times the average width, as requested with approval of this Planned Development, the dimensions are prudent as described below:

- SFD-70 lots would normally have a lot depth of no more than 140-feet. Of the 21 lots of this type, the proposed depths are typically less than 150-feet, with only a few approaching 160-feet. Therefore, this variance from the standards is a marginal amount. These lots are all on the perimeter of the project with the rear of the lots adjacent to sloping land that is proposed to be donated as a future special use park. The proposed depths as shown on Exhibit 3's Preliminary Plat sheets PL-1 through PL-5, allow for these lots to act as a buffer between the future open space and the developed portion of the site, so this added depth to the lots is appropriate for the location.

- SFD-60 lots would normally not have a lot depth of no more than 120-feet. Of the 36 lots of this type, the proposed depths are all less than 120-feet meeting this code standard, except for lots 206 & 207 which have a 25-feet wide driveway easement encumbering the front of the lots. Therefore, the functional depth of these lots is less than 120-feet, meeting the intent of this code section.

- SFD-50 lots would normally not have a lot depth of no more than 100-feet. Of the 48 lots of this type, many conform to this code. Where they do not, they are adjacent to the exterior of the project like the SFD-70 lots. The added depth also helps preserve trees on Lots 269-280, provide a buffer from the adjacent use on Lots 122-129 or 126-

203, and rear yards of Lots 137 and 212 which are adjacent to the side yard of another lot to provide added lot depth and buffer the adjacent use. As such, the intent of this code section is met by the added depth of these planned development lots.

- SFD-40 and SFD-45 lots would normally not have a lot depth of no more than 80-feet or 68 feet respectively, if conforming to this code subsection exactly. Of the respective 50 and 47 lots of these types, all of lot depths are greater than that which the code would prescribe. An 80-feet deep lot could have a 20-foot garage setback in the front and a 20-foot rear yard setback, leaving 40-feet of depth for the dwelling unit. However, that would mean the ground floor depth of the livable part of the dwelling would be only 20-feet deep after providing 20-feet for the typical depth of a garage. The planned development request for flexibility of this standard to allow for lot depths ranging from 90-feet to just over 100-feet means these dwellings will be 10-feet to 20-feet deeper than if conforming to the code. The proposed lots will have more functional internal ground floor space within the dwelling, as well as an increased area on the second floor. Lot depths of 100-feet, plus or minus, are ordinary depths for single-family dwelling lots so this request is within reason. These dimensions are also appropriate for the higher density portions of this site these lots occupy, providing conformance with the intent of this code.

- SFD-30a and SFD-26a lots would normally not have a lot depth of no more than 60-feet or 52 feet respectively. Of the respective 24 and 54 lots of these types, all of lot depths are greater than that which the code would prescribe. This code section also states that "all lots in a subdivision shall be buildable," The lots are proposed to be 90-feet deep, which is a necessary depth to make them buildable. With the exception of Lots 17-20 and 81-84, all of which have front yards facing Shadden Drive or Meadows Drive, respectively, and are therefore deeper.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which allows for the 7 different lot types and the lot configurations described above.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

APPLICANT'S RESPONSE: All proposed lots about upon a street for a width of 25-feet as required by this section, except those listed here. Through this planned development process, the applicant seeks approval for the alternative proposed access:

- Lots 21-32 in Phase 1A, Lots 44-49 in Phase 1B, and Lots 69-77 in Phase 1C have over 25-feet of frontage on the proposed public alley at the rear of the lot, and 25-feet of frontage on the proposed common area tract with a pedestrian way at the front of the lot.

- Lot 269 is served by a shared drive in an easement over the flag pole portion of adjacent Lot 270. Per drawing PL-5 Preliminary Plat, the flag portion of Lot 270 has 20.08' of public street frontage.

- Lots 204-208 on drawing PL-3 Preliminary Plat are served by a shared drive in an easement over the front of lots 205-208 that is 25-feet wide, providing more than the required frontage on a public street.

- Lot 129 is shown on drawing PL-3 Preliminary Plat to have 20.34-ft. of frontage for the flag pole portion of the lot.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which allows for the 7 different lot types and the lot configurations described above.

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

APPLICANT'S RESPONSE: No through lots are proposed within the planned development. They have been avoided, so this section has been met.

FINDING: SATISFIED. City concurs with the applicant's findings.

D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

APPLICANT'S RESPONSE: As far as practicable, each lot's side property line runs at or near right angles to the adjacent streets.

FINDING: SATISFIED. City concurs with the applicant's findings.

E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

APPLICANT'S RESPONSE: Flag lots were avoided with the design of the planned development as much as possible. Flag lots are proposed only in three locations: 1) Lot 129 in Phase 2A, 2) Lots 269 and 270 in Phase 3C, and 3) Lots 204-208 in Phase 2C. In both the 2nd and 3rd instance, a private access drive in an easement is proposed to serve multiple lots, as is the preferred manner to provide access as described in Section 17.53.100 C.3. above. After consideration of topography, adjacent lots, and utilities, it was determined that street layouts to increase individual lot frontage for each of the lots listed above is not feasible, an inefficient use of land, and/or contrary to the policies of the Comprehensive Plan and this code. Flag lots and associated easements were determined to be the only way to reasonably access the rear portions of the lots to be subdivided.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.110 Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.
D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.
E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

APPLICANT'S RESPONSE: The exhibit drawings GR-1 through GR-5 Grading Plans demonstrate that the proposed cuts and fills conform to these standards. The proposed storm drainage system is shown on drawings UT-1 through UT-5 Utility Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.120 Building Lines. If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

APPLICANT'S RESPONSE: A special rear yard setback of 30-ft. is proposed for those lots where large oak trees are proposed to be preserved. The additional setback area will be identified on deed restrictions for the respective lots.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which allows for revised setbacks and the special rear yard setback described above.

17.53.130 Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

APPLICANT'S RESPONSE: The drawings show that full development of the planned development area is proposed with this application. Therefore, the above standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.140 Left-over Land. Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

APPLICANT'S RESPONSE: All land not developed as single-family lots or public right-of-ways has been identified as Tracts A-S on the applicant's Preliminary Plat drawings. Tracts A-F and H-S will be developed as common open space areas. Tract G will be developed as a sanitary sewer pump station. Therefore, there are no left-over strips of land within the proposed planned development.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
B. Drainage facilities;
C. Sidewalks in pedestrian ways;
D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
C. Sewer system. All lots within a subdivision shall be served by the City sewer system.
D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.
E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #10 & 20 - 23. Conditions of approval are included to require that public improvements are constructed to City standards and that all improvement requirements are achieved in the construction of the subdivision.

Chapter 17.60. Off-Street Parking and Loading

17.60.050. Spaces – Number required. Except for one or two upper-story residential dwelling units above a non-residential use, off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.

APPLICANT'S RESPONSE: Each single-family lot is provided with off-street parking spaces on the same lot as the dwelling as shown on the drawings SP-1 through SP-5 Site Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

<u>17.60.060. Spaces – Number required.</u> […]

A. Residential land use category: […]

5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

APPLICANT'S RESPONSE: Although detailed building plans have not been completed, most of the proposed single-family lots will have homes with 3-4 bedrooms, therefore 2 parking spaces are required. The attached Site Plans indicates that each dwelling is provided with 2 off-street parking spaces in garages and another 2 spaces in proposed driveways. City staff will verify that the minimum required number of required off-street parking spaces are provided for each lot during building permit review when each dwelling's total number of bedrooms is apparent.

FINDING: SATISFIED. City concurs with the applicant's findings.

CD

Attachment F

ORDINANCE NO. 5089

AN ORDINANCE APPROVING A LANDSCAPE PLAN AND STREET TREE PLAN FOR THE BAKER CREEK NORTH SUBDIVISION

RECITALS:

The Planning Department received an application (L 12-19) from Stafford Development Company, LLC requesting approval of a Tree Removal, Landscape Plan and Street Tree Plan for the Baker Creek North subdivision; and

The subject property is located generally located northeast of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Landscape Plan review criteria listed in Section 17.57.070 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and

2. That the requested Planned Development Amendment is approved, subject to the following conditions:

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.

2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.

3. That all costs and liability associated with tree removal shall be borne by the applicant.

4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.

5. That only the 17 existing trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.

6. That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.

7. That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.

8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.

11. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a

transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

12. That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.

13. That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

14. That the approved street tree species for the Baker Creek North subdivision are:
    a. Small Trees
        i. *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac)
    b. Medium Trees
        i. *Acer rubrum 'October Glory'* (October Glory Red Maple)
        ii. *Cercidiphyllum japonicum* (Katsura Tree)
        iii. *Ginkgo biloba 'Magyar'* (Magyar Ginkgo)
        iv. *Ostrya virginiana* (American Hophornbeam)
        v. *Prunus sargentii* (Sargent Cherry)

15. That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:
    a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
    b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
    c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
    d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
    e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
    f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
    g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
    h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
    i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
    j. Lots 35, 117,130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
    k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.

17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.

18. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk 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, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.

19. Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.

20. Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.

21. That the applicant is reminded that trees are not to be planted within:
    a. Five (5) feet of a private driveway or alley;
    b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
    c. Twenty (20) feet of street light standards or street intersections.

22. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

23. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

24. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 28th day of January, 2020, by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Attest:

_____
CITY RECORDER

Approved as to form:

_____
CITY ATTORNEY

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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN AND STREET TREE PLAN FOR THE BAKER CREEK NORTH SUBDIVISION

DOCKET: L 12-19 (Tree Removal, Landscape Plan and Street Tree Plan)

REQUEST: Approval of a Tree Removal, Landscape Plan and Street Tree Plan for the Baker Creek North subdivision.

LOCATION: The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: R-4 (Multiple Family Residential)

APPLICANT: Stafford Development Company, LLC

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY & ACTION: The McMinnville City Council approves or denies the land-use application.

HEARING DATE & LOCATION: January 28, 2020, Civic Hall, 200 NE 2nd Street, McMinnville Oregon

PROCEDURE: The application for Landscape Plan and Street Tree Plan review was submitted concurrently with applications for Comprehensive Plan Map Amendment, Zone

Change, Planned Development, and Planned Development Amendment. As described in Section 17.72.070 of the McMinnville Municipal Code, concurrent applications shall be processed simultaneously and subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the application for Landscape Plan and Street Tree Plan review shall be processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Landscape Plan (L 12-19), **subject to the conditions of approval provided in Section II of this document.**

//

DECISION: APPROVAL WITH CONDITIONS

//

City Council:____ Date:_____________________
Scott Hill, Mayor of McMinnville

Planning Commission:__________________________________ Date:_____________________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: __________________________________ Date:_____________________
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (L 12-19) is a request for approval of a Tree Removal, Street Tree Plan and Landscape Plan for the proposed Baker Creek North subdivision. Street Tree Plans are required for new subdivisions with curb-side planting strips. Landscaping is required in the R-4 (Multi-Family Zone) except for the construction of single-family or two-family residential units. Permits for proposed tree removals shall be granted if part of an approved development project.

The Street Tree Plan and Landscape Plan were submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested Street Tree Plan and Landscape Plan are being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development, Planned Development Amendment, and Subdivision to allow for the development of the 280 lot subdivision proposed in the Planned Development plans and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

> **Planned Development**
>
> This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay. […]
>
> <u>Open Spaces</u>
> Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include a sports court, multiple play structures, sand box, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to

the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process: […]

8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
   - The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.
   - SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
   - Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
   - The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
   - Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

Tree Removal Permit, Street Tree Plan and Landscape Plan Review

Tree removal is allowed by code as part of an approved development project, and street tree planting is required in a new residential subdivision. Trees needed to be removed to facilitate the development project are shown on landscape drawing L1.0 Street Tree Plan, as are the proposed street tree plantings in the public right of way. Modifications are requested under the planned development to allow variation to the spacing standards of street trees due to conflict with improvements. Trees that will be preserved in tracts and the rear of lots are shown with protective fencing on this drawing. Additional trees are shown to be planted in common area open space tracts within the planned development on the other landscaping plan sheets L2.0-L10.0."

See Vicinity Map (Figure 1), Existing Zoning (as approved with concurrent zone change request) (Figure 2), Proposed Site Plan (Figure 3), Proposed Street Tree Plan (Figure 4), and Proposed Landscape Plan (Figures 5-9) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)

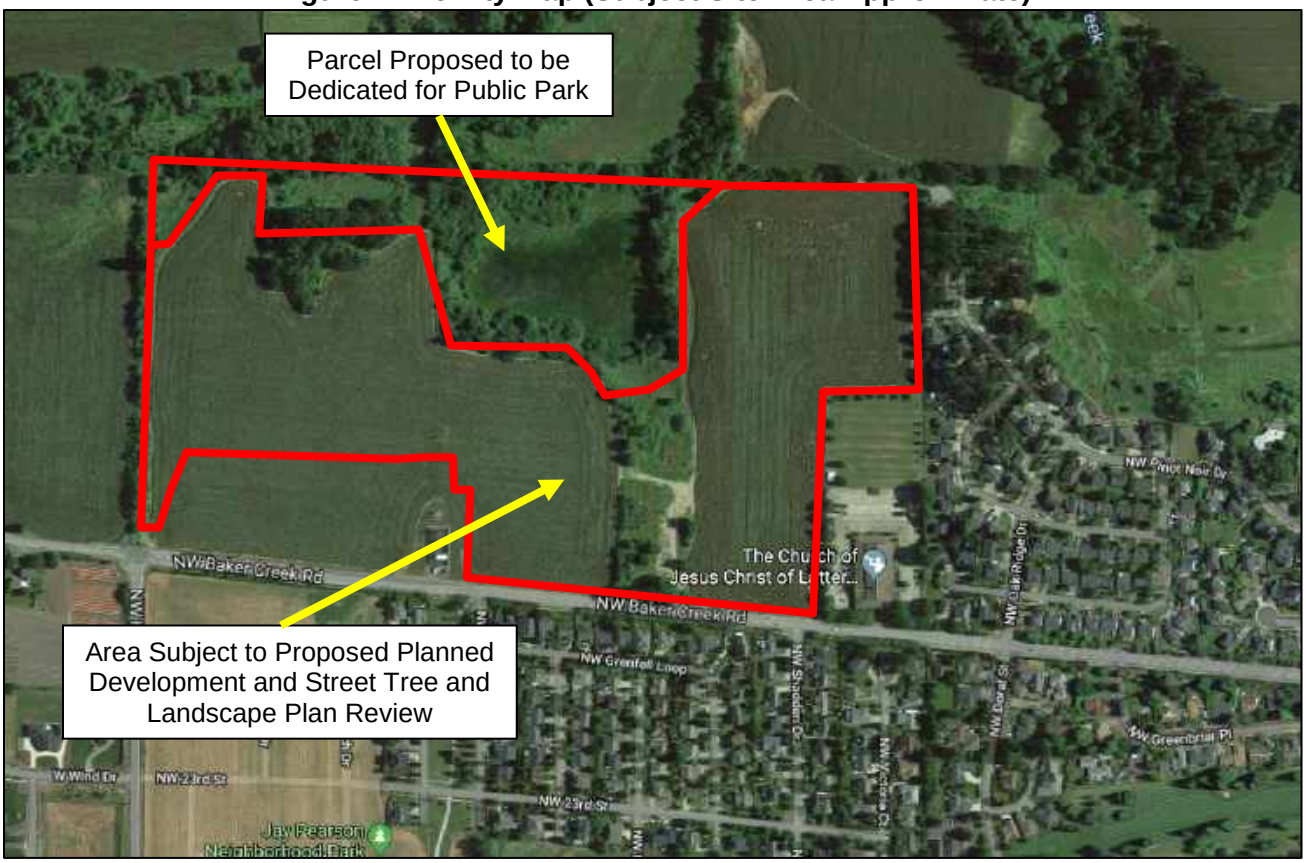


Figure 2. Existing Zoning
***Note – Zoning shown as proposed with concurrent Zone Change request**

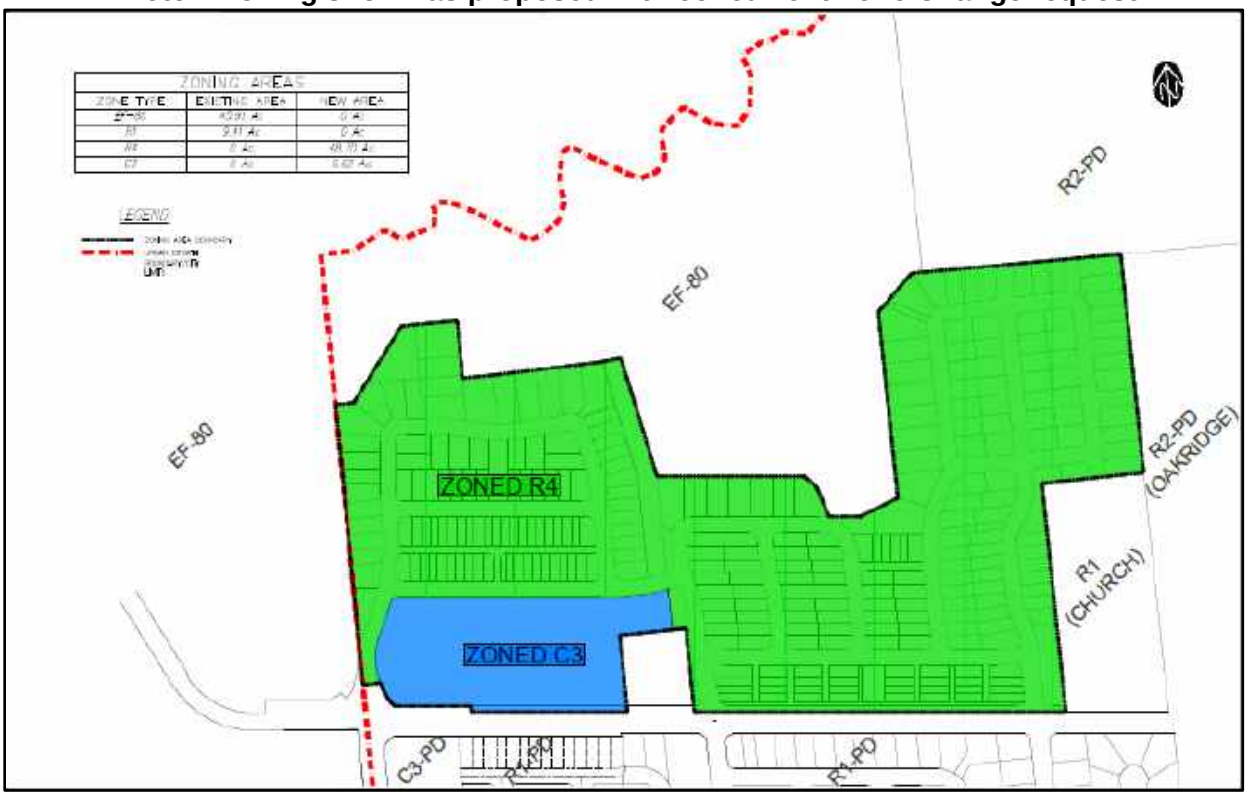


Figure 3. Proposed Site Plan

Figure 4. Proposed Street Tree Plan

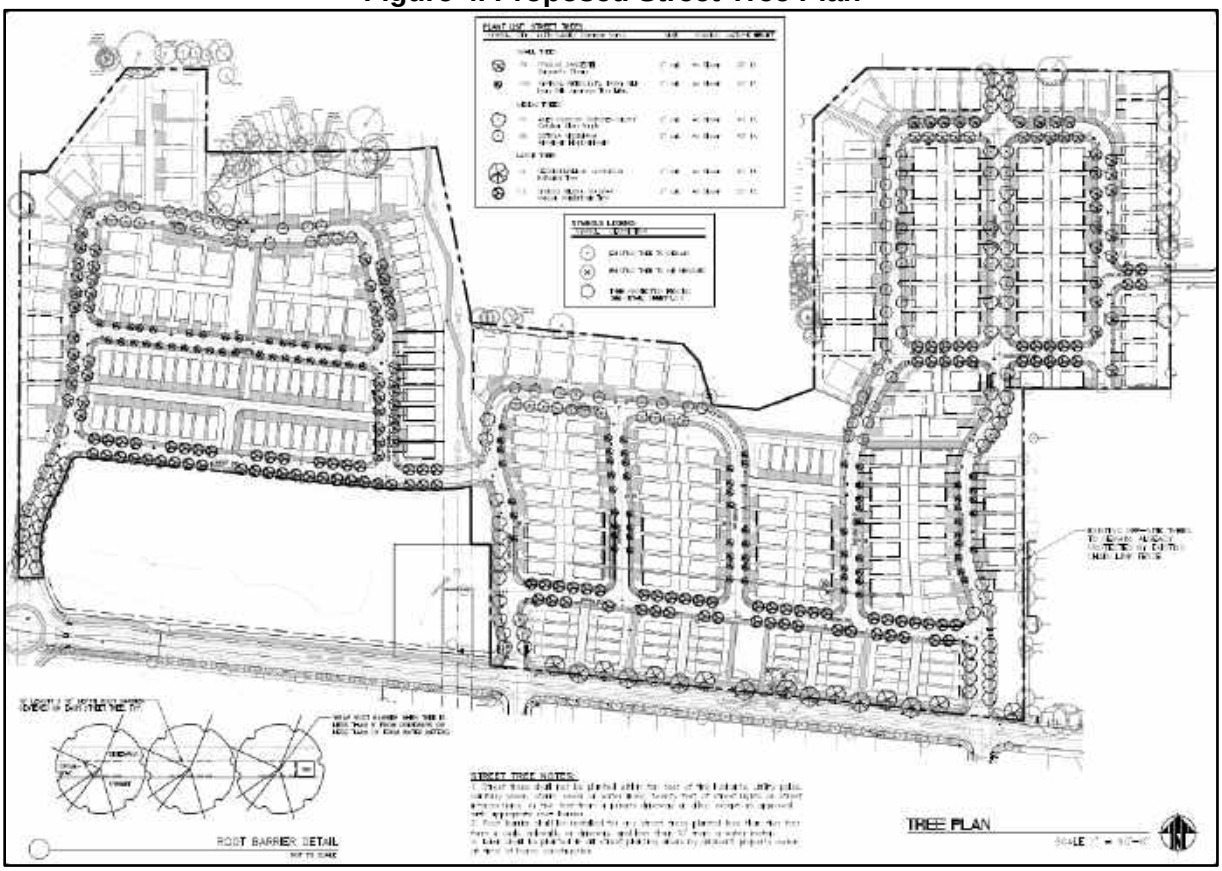


Figure 5. Proposed Landscape Plan

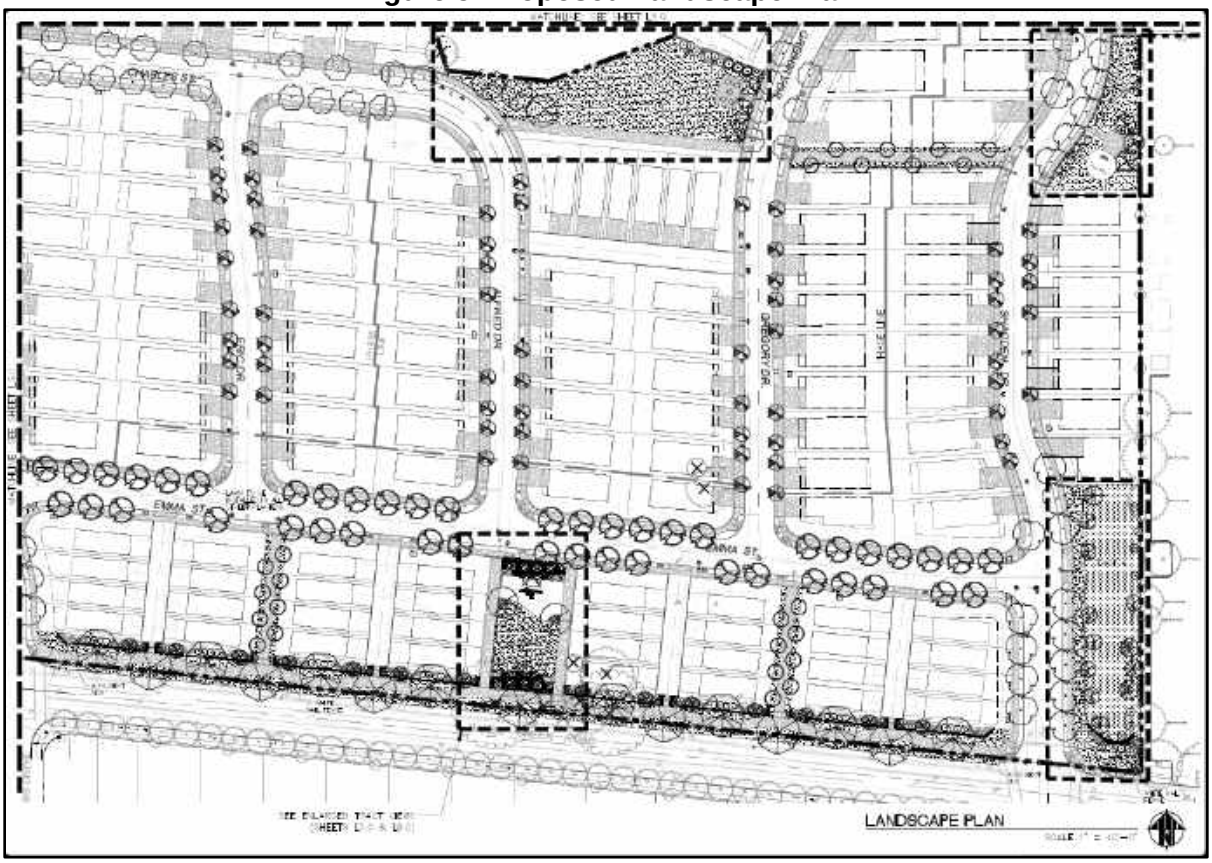


Figure 6. Proposed Landscape Plan (cont'd.)

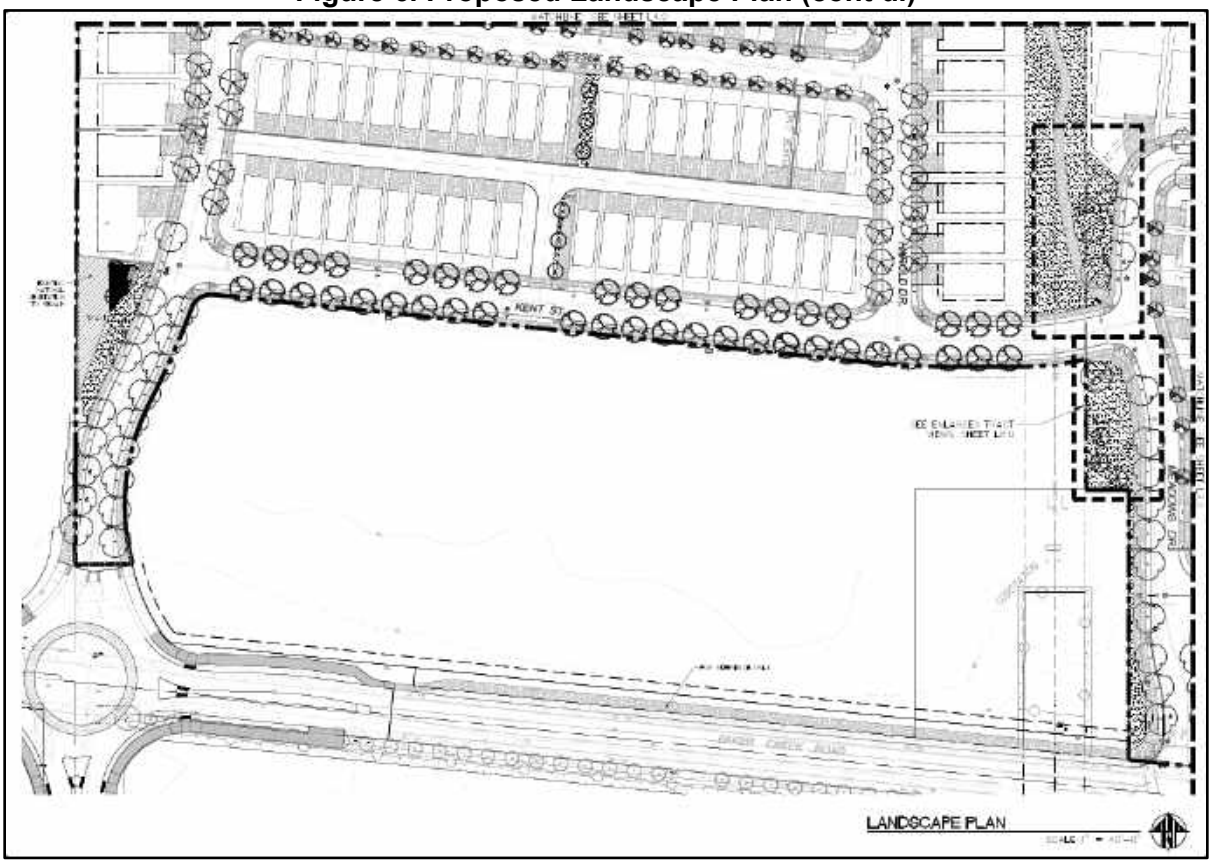


Figure 7. Proposed Landscape Plan (cont'd.)

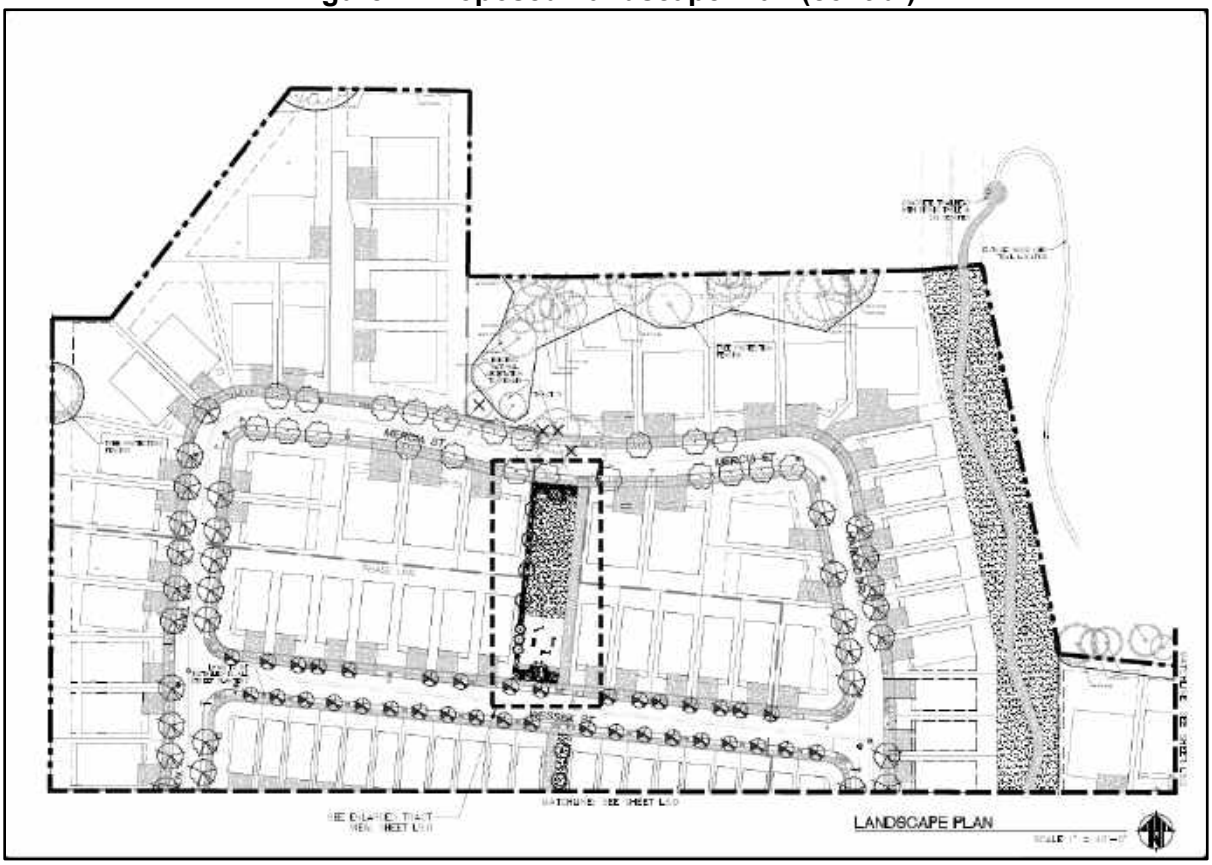


Figure 8. Proposed Landscape Plan (cont'd.)

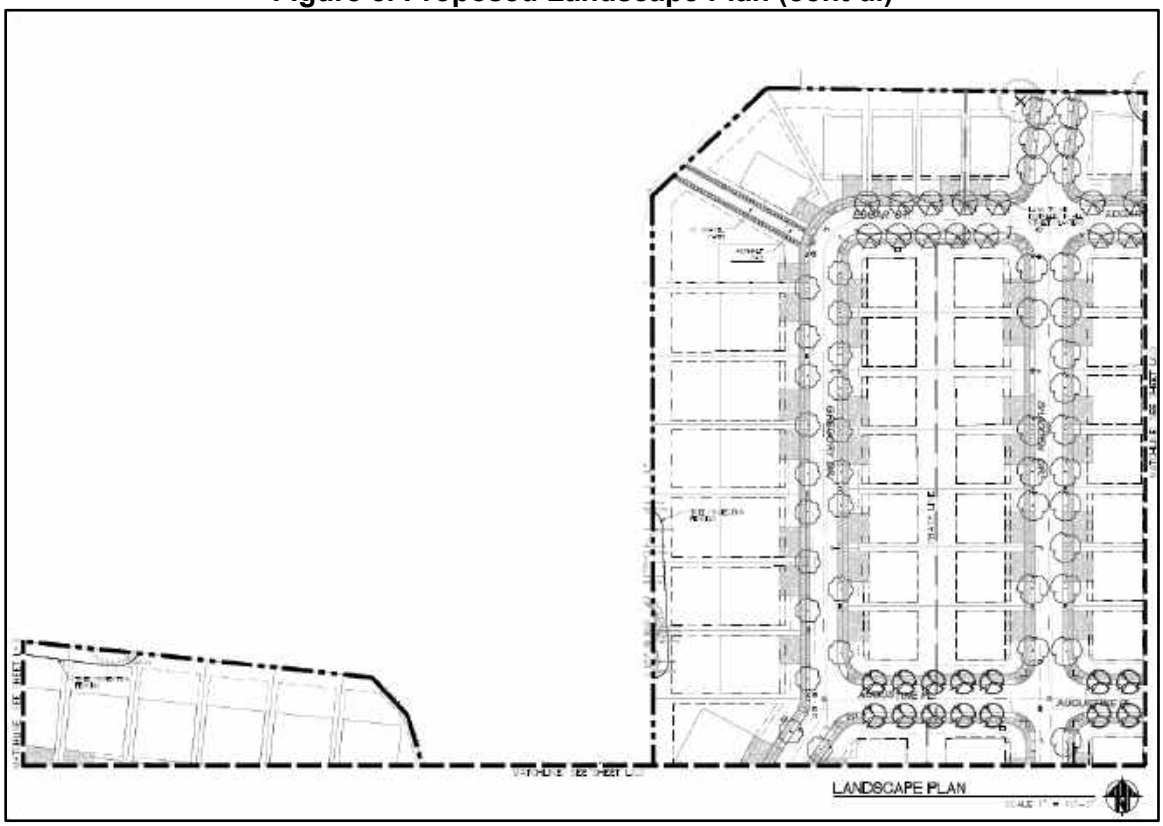
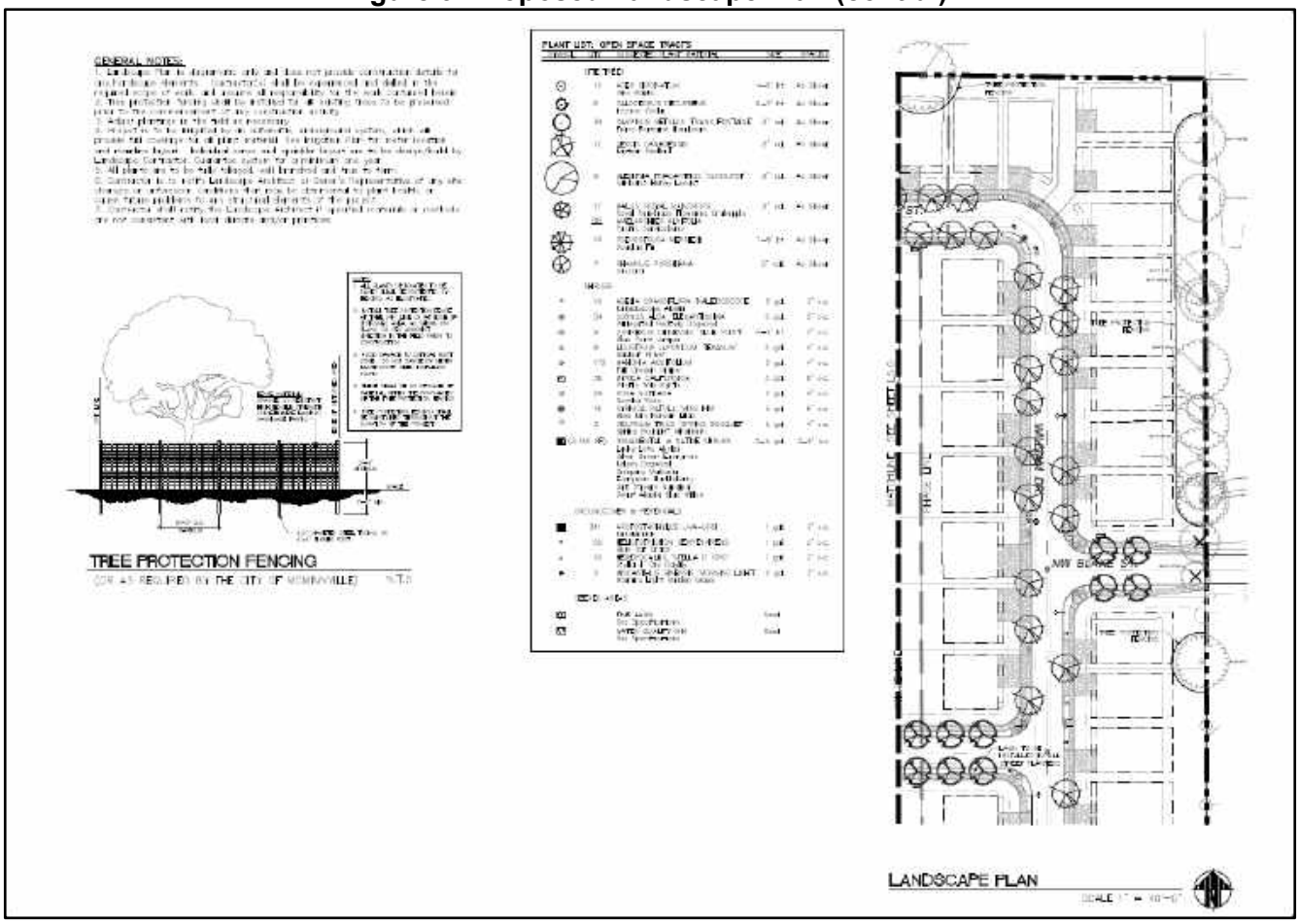


Figure 9. Proposed Landscape Plan (cont'd.)



Background

Summary of Criteria & Issues

The application (L 12-19) includes requests for approval of Tree Removal, Street Tree Plan and Landscape Plan.

The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC). Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
B. The tree is in conflict with public improvements.
C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The Street Tree Plan is subject to applicable criteria and standards found in Chapter 17.58 (Trees) of the MMC. As it relates to street trees, the purpose of Chapter 17.58 is to establish and maintain the maximum amount of tree cover on public and private land in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance

costs; to enhance the appearance, beauty and charm of the city; to increase property values and build stronger ties within neighborhoods; and to promote a diverse, healthy, and sustainable community forest.

The Landscape Plan is subject to landscaping planning factors found in Section 17.57.070 (Area Determination – Planning Factors) of the MMC. The specific planning factors required to be taken under consideration for the review of the landscape plan are below:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

The applicant has provided findings to support the requests for Tree Removal and a Street Tree Plan. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.

2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.

3. That all costs and liability associated with tree removal shall be borne by the applicant.

4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.

5. That only the 17 existing trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.

6. That landscaping be provided for Sewage Pump Station Tract ‘G’. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.

7. That trees in Open Space Tract ‘I’ adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.

8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.

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15. That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:
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    c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
    d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
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    f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
    g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
    h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
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j. Lots 35, 117,130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.

17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.

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21. That the applicant is reminded that trees are not to be planted within:
    a. Five (5) feet of a private driveway or alley;
    b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
    c. Twenty (20) feet of street light standards or street intersections.

22. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

23. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

24. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

III. ATTACHMENTS:

1. L 12-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
    a. Public Testimony
        i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
        ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
    b. Staff Memorandums
        i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments relating to the Tree Removal, Street Tree Plan, and Landscape Plan were received:

- McMinnville Engineering Department

    - McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.

    - MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.

    - Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.

    - There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in

reviewing the narrative and findings information, it appears that the applicant is requesting that:

- Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.

- Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.

- Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.

- Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:

- Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.

- Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.

- Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.

- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.

- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.

- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.

- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.

- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.

- McMinnville Water and Light

  Included as Attachment #2

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.

2. The applicant submitted the Street Tree Plan and Landscape Plan Review application (L 12-19) on April 30, 2019.

3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

   Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

2. **Size:** The Planned Development Overlay District is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.

3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain

4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)

5. **Overlay Zones/Special Districts:** None.

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
   a. **Historic Resources:** None
   b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.

8. **Other Features:**
   a. **Wetlands:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, contains wetlands.
   b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.

c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 96 feet. New local residential streets to serve the proposed subdivision are proposed.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance. The applicable criteria for a Tree Removal application and a Street Tree Plan Review are specified in Chapter 17.58 of the Zoning Ordinance

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:
The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

Policy 122.00: *The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:*
1. Major, minor arterials.
–Landscaping should be encouraged along public rights-of-way.
2. Major, minor collectors.

–Landscaping should be encouraged along public rights-of-way.
3. Local Streets
–Landscaping should be encouraged along public rights-of-way.

APPLICANT'S RESPONSE: […] Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

[…] Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new local streets within the new subdivision, and also along the right-of-way of NW Baker Creek Road adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List or otherwise approved by the City. Additionally, Open Space Tract H would provide landscaping along the adjacent arterial street, NW Baker Creek Road. Landscaping is proposed for all open space tracts adjacent to local street rights-of-way within the subdivision, except for Tract G. Therefore, a condition requiring landscaping to be provided for Open Space Tract G is included.

CONDITION FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

Policy 132.24.00: *The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*

1. *Incorporate features that create a pedestrian friendly environment, such as: […]*
   g. Street furniture, street trees, and landscaping

APPLICANT'S RESPONSE: […] The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

FINDING: SATISFIED. The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing right-of-way of NW Baker Creek Road adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List, or otherwise approved by the City.

Policy 132.38.00: *Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.*

APPLICANT'S RESPONSE: The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

FINDING: SATISFIED. The City concurs with the applicant's finding. Street trees and open space landscaping proposed in the street tree plan and landscape plans submitted for review would enhance the aesthetics and livability of the planned development.

Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

3. Landscaping barriers between roadway and non-motorized uses;
4. Landscaping that promotes a residential atmosphere;

APPLICANT'S RESPONSE: […] Street trees are proposed in planter strips along all streets promoting a residential character. […]

FINDING: SATISFIED. The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing right-of-way of NW Baker Creek Road. The trees will be located within curb-side planting strips, promoting a residential atmosphere and provide a barrier between the roadway and non-motorized uses.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Landscape Plan review provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed

complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.57. Landscaping

17.57.010 Purpose and intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. […]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed landscape plan would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. The landscape plan as proposed and with recommended conditions meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted: […]

A. R-4 (Multiple-Family Residential zone, except the construction of a Single Family or Two-Family Residential unit);
D. C-3 (General Commercial zone).

APPLICANT'S RESPONSE: The planned development is within the R-4 zone, however it is proposed with single-family residential units, so no landscaping is required per this section. No specific development or use is proposed within the proposed C-3 zone, so no landscaping is required for that area.

FINDING: SATISFIED. The planned development is proposed to be within the R-4 zone and developed with single-family residential units, therefore landscaping for those proposed single-family lots is not required. However, the 18 common open space tracts would be within the R-4 zone and not developed with single-family or two-family residential units. Therefore, landscaping is required for all proposed open space tracts.

17.57.040 Specific uses requiring landscaping.

17.57.040(D). Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development.

APPLICANT'S RESPONSE: The applicant is not proposing multi-family uses with this residential planned development. Therefore, these standards do not apply.

FINDING: SATISFIED. The City concurs with the applicant's finding's findings. The City adds that no commercial or industrial uses are proposed at this time within the planned development. Therefore, no additional landscaping requirements based on other types of uses in the planned development are required.

17.57.070 Area Determination – Planning Factors.

17.57.070(A). Landscaping shall be accomplished within the following ranges:

3. Multiple-family, twenty five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. The amount of landscaping proposed for the common tracts can be seen in the table below.

Tract	Proposed Uses	Gross Area (square feet)	Landscaping Proposed (s.f.)	Percent of Gross Area
A	storm water detention	17,431	17,431	100
B	open space, playground	15,422	15,422	100
C	open space, playground	7,695	7,695	100
D	pedestrian access way	1,841	1,841	100
E	pedestrian access way	2,357	2,357	100
F	open space, picnic shelter	22,105	22,105	100
G	sewage pump station	4,062	0	0
H	open space	8,795	8,795	100
I	bicycle/pedestrian trail	2,702	2,702	100
J	bicycle/pedestrian trail, open space	7,036	7,036	100
K	bicycle/pedestrian trail, open space	3,622	3,622	100
L	bicycle/pedestrian trail, open space, BPA access	41,905	41,905	100
M	n/a	n/a	n/a	n/a
N	open space, tree preservation	14,326	14,326	100
O	open space	7,110	7,110	100
P	pedestrian access way	1,274	1,274	100
Q	pedestrian access way	2,125	2,125	100

R	open space, playground	10,822	10,822	100
S	pedestrian access way	2,871	2,871	100

Landscaping has been proposed in excess of the 25 percent minimum for each common tract in the planned development, except for Tract G, the sewage pump station tract. Therefore, a condition is included requiring a minimum 25 percent of the gross area of Tract G be provided with landscaping.

CONDITION FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

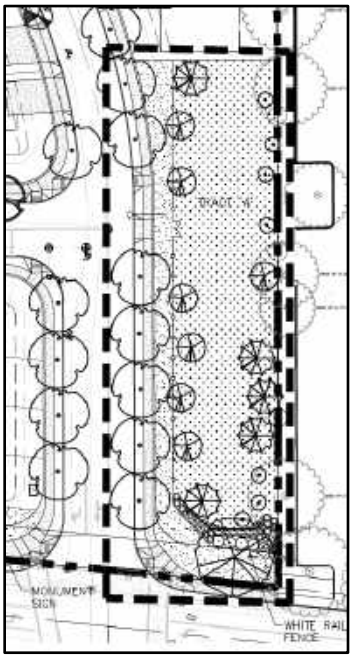
17.57.070(B). The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

17.57.070(B)(1). Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #6-11, and 16. The applicant is proposing the following landscaping for open space tracts:

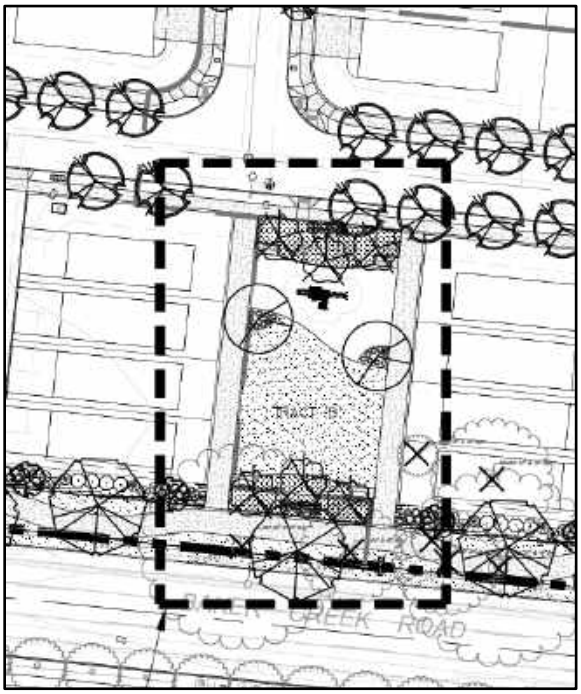
Open Space & Detention 'Tract A':



Tract A is located at the southeastern corner of the proposed planned development, at the corner of Baker Creek Road and Shadden Drive. It's primary function is to serve as a storm water detention facility, and the proposed landscaping is reflective of that purpose. Native tree species *Acer circinatum* (Vine Maple), *Pseudotsuga menziesii* (Douglas Fir), and *Rhamnus purshiana* (Cascara) are proposed around the perimeter of the detention area. At the south end of the detention area near Baker Creek Road, a planting area is proposed with a variety of native evergreen shrubs, including *Cornus alba 'Elegantissima'* (Variegated Redtwig Dogwood), *Mahonia aquifolium* (Tall Oregon Grape), *Myrica californica* (Pacific Wax Myrtle), and *Arctostaphylos uva-ursi* (Kinnikinnick). A Water Quality Facility Mix consisting of Dwarf Tall Fescue, Dwarf Perennial Rye, Creeping Red Fescue, and Colonial Bent Grass, all grasses, is proposed throughout the remainder of the open detention area. A white rail fence matching the fence proposed along Baker Creek Road separates the detention area from open space planted with a fine lawn seed mix.

Adjacent to Tract A to the east is an off-street parking lot for a church. Proposed planting around the perimeter of the detention area, in combination with existing trees within the adjacent parking area and along the property line, would serve to screen and buffer the detention area from the adjacent church property.

Open Space & Private Utility Easement 'Tract B':

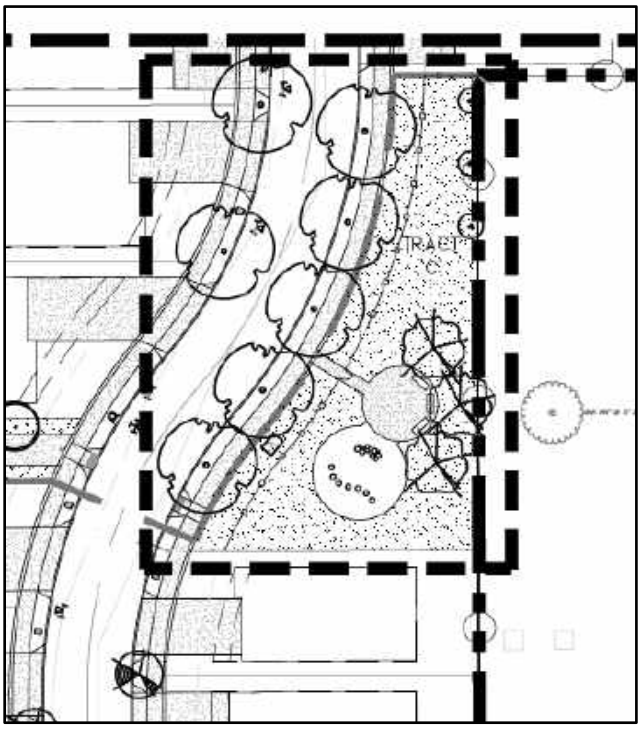


Tract B is located amid the SFD-26a lots proposed along Baker Creek Road. It would serve several functions, including active and passive recreation space and as a mid-block pedestrian way connecting Baker Creek Road to Emma Street.

The north and south ends of the tract have the same landscape treatment, *Cercis canadensis* (Eastern Redbud) trees and *Syringa patula 'Miss Kim'* (Miss Kim Korean Lilac) planted in a mix of small ornamental and native shrubs. The mix includes the ornamental shrubs Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, and Dwarf Alaska Blue Willow, and native shrubs Kelsey Dogwood and Evergreen Huckleberry. Four benches are located in the planting areas to provide seating opportunities.

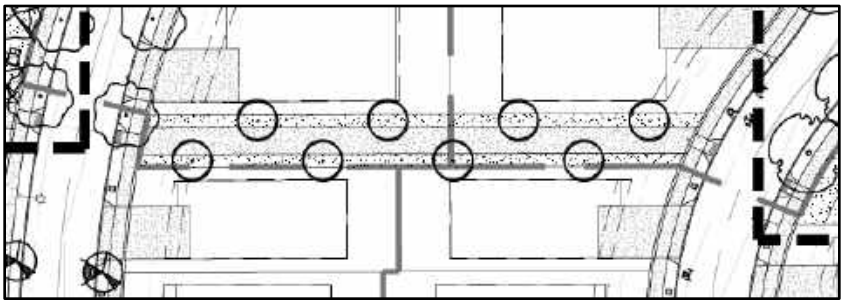
A play structure is located in the northern portion of the tract, with engineered wood fiber surfacing. A lawn area is located to the south of the play structure. Planting areas with *Gleditsia triancanthos 'Sunburst'* (Sunburst Honey Locust) trees and *Helictotrichon sempervirens* (Blue Oat Grass) provide separation between the spaces. Paths on the east and west sides of the tract connect the sidewalks along Baker Creek Road and Emma Street.

Open Space 'Tract C':



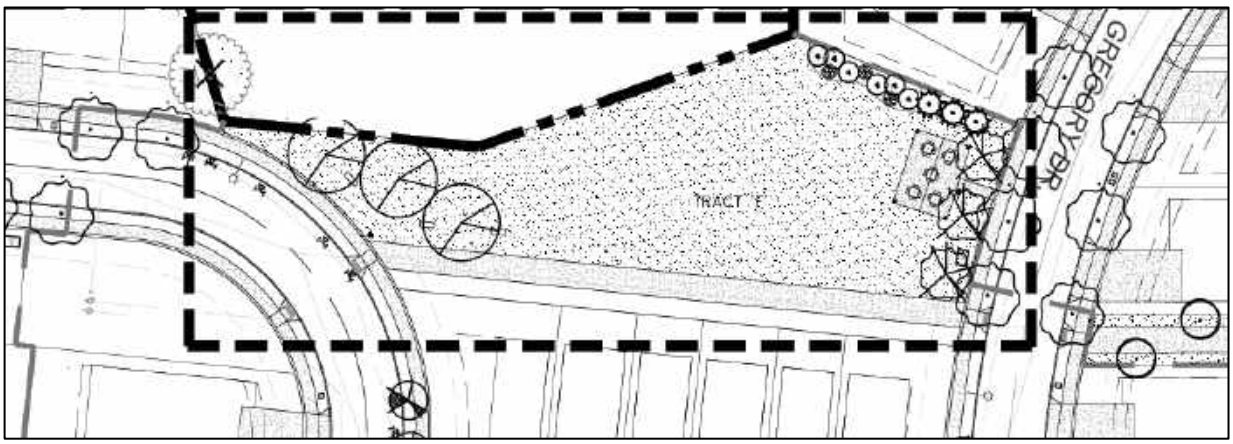
Tract C is located along Shadden Drive, north of Tract A. In Tract C, a three (3) foot white rail fence matching that found around the Tract A detention area and along Baker Creek Road encloses an open lawn space and a play area. The play elements in the Tract C are natural wood stumps arranged to create a climbing element and trail on an engineered wood fiber surface. Next to the play area is a seating area with three (3) benches under *Cercis canadensis* (Eastern Redbud) trees. *Acer circinatum* (Vine Maple) trees would provide additional screening of the open space from the adjacent church property to the east.

Open Space 'Tract D' & 'Tract E':



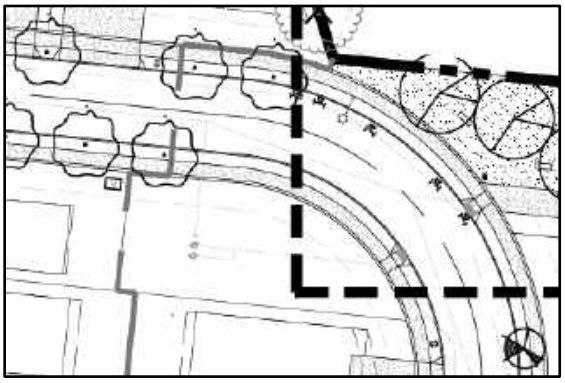
Tracts D and E connect across phase lines to provide a pedestrian connection from Shadden Drive to Gregory Drive. On each side of a 10 foot wide path, a five (5) foot wide landscape area is proposed with *Carpinus betulus 'Frans Fontaine'* (Frans Fontaine Hornbeam) trees and lawn. The trees are spaced at 50 feet on center, alternating spacing on each side of the path. Frans Fontaine Hornbeams grow to 40 feet tall and 25 feet wide. The proposed spacing of the trees would allow near continuous canopy over the walkway.

Open Space 'Tract F':



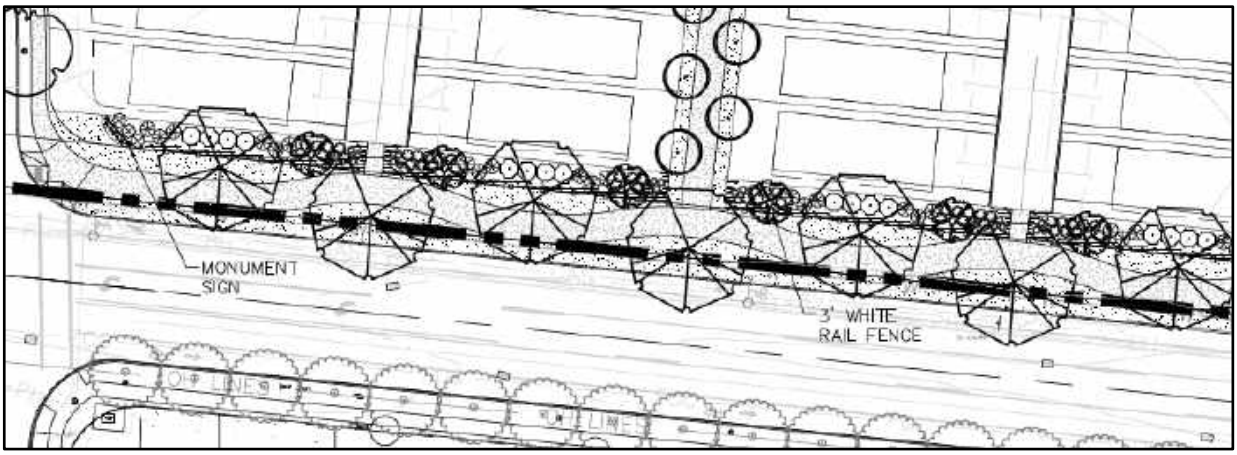
Tract F is centrally located in the planned development between Gregory Drive and Charles Street. It is contiguous to the proposed 14.9 acre park dedication to the north. It is accessed from sidewalks along Gregory Drive and Charles Street, and from a pedestrian walkway in an access easement along the southern edge of the tract. On the western side of the tract, *Gleditsia triancanthos 'Sunburst'* (Sunburst Honey Locust) trees and benches would be along a future woodchip path leading to the park trail to the north. A large open lawn area would separate the western side from the picnic shelter on the eastern side of Tract F. A permanent picnic shelter measuring approximately 22 feet by 30 feet would cover five (5) picnic tables. *Cercis canadensis* (Eastern Redbud) trees would buffer the shelter from the Gregory Drive right-of-way, and a row of *Calocedrus decurrens* (Incense Cedar), *Acer circinatum* (Vine Maple), and *Syringa patula 'Miss Kim'* (Miss Kim Korean Lilac) would provide screening and buffering from the adjacent residential lot to the north, Lot 216.

Pump Station 'Tract G':



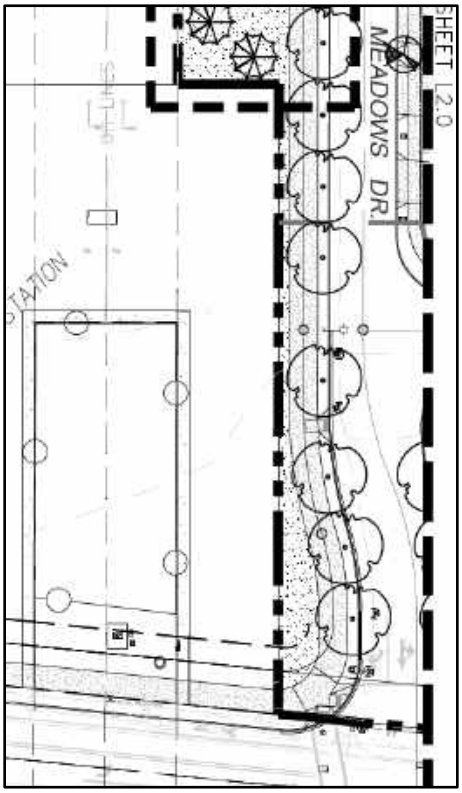
Landscaping was not proposed for Tract G at the intersection of Charles Street and Alfred Drive, where a sewer pump station is located. Tract G is adjacent to residential lots 60, 109, and 110, and is across the street from lots 49, 111, and Open Space Tract F. There is no screening or buffering of the pump station from the adjacent residential uses. A condition of approval requiring landscaping to screen and buffer the sewage pump station has been included.

Open Space & Private Utility Easement 'Tract H':



Tract H is a ten (10) foot wide space located along the planned development's Baker Creek Road frontage, from Shadden Drive to Meadows Drive and north of additional right-of-way dedication. Separating the meandering sidewalk, street trees, and lawn in the right-of-way from Tract H is a three (3) foot high white rail fence, consistent with existing fencing along the developments at the south side of Baker Creek Road and Hill Road. The fencing would end in monument signs at the Meadows Drive and Shadden Drive intersections with Baker Creek Road. Behind the white rail fence, planting areas are proposed. A repeating pattern of ornamental and native shrubs and trees is proposed adjacent to each SFD-26a lot along Baker Creek Road, with connections to the alleys, pedestrian ways, and open space tracts between the planting areas. Shrubs proposed in these areas include *Juniperus chinensis 'Blue Point'* (Blue Point Juniper), *Cornus alba 'Elegantissima'* (Variegated Redtwig Dogwood), *Myrica californica* (Pacific Wax Myrtle), *Mahonia aquilfolium* (Tall Oregon Grape), and *Helictotrichon sempervirens* (Blue Oat Grass). In each planting area, *Malus 'Royal Raindrops'* (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry) trees are proposed.

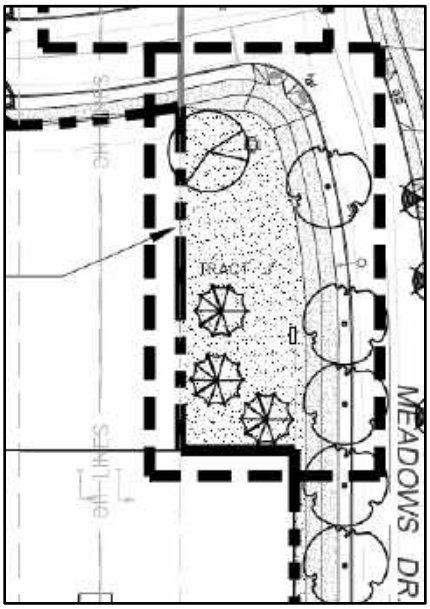
Open Space 'Tract I':



Tract I is located between the McMinnville Water and Light Substation and Meadows Drive. It would be the beginning of the northerly extension of the Westside Bicycle/Pedestrian Greenway, which currently terminates across Baker Creek Road from Tract I. A 10 foot wide paved multi-use trail is proposed similar to the existing multi-use trail to the south. Lawn is proposed throughout the tract, with street trees lining the trail adjacent to Meadows Drive.

Based on comments from McMinnville Water & Light, trees surrounding the electric substation should be limited in height to 25 feet. A condition is included limiting the height of any trees located in Open Space Tract I to a maximum mature canopy height of 25 feet.

Open Space 'Tract J':

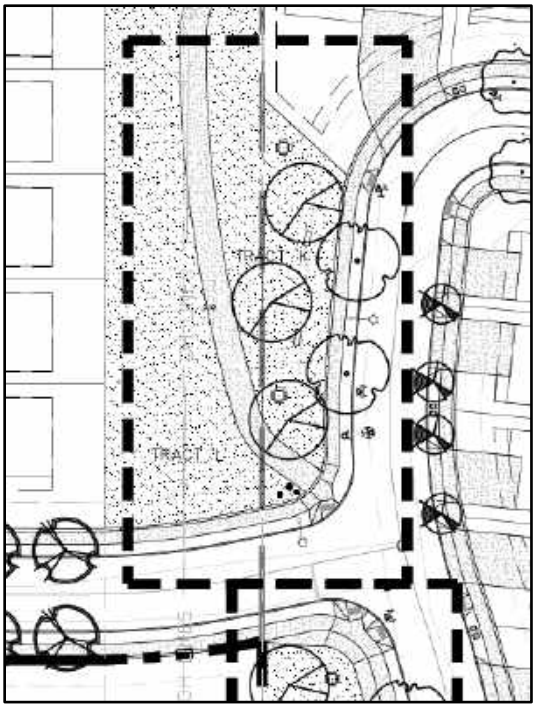


Tract J located north of the McMinnville Water and Light substation and east of the adjacent commercially zoned property, at the intersection of Meadows Drive and Kent Street. It is the continuation of the multi-use trail from Tract I. Like in Tract I, a 10 foot wide multi-use trail is proposed as a continuation of the Westside Bicycle/Pedestrian Greenway. An open lawn space is proposed adjacent to the substation and commercial property. Evergreen *Pseudotsuga menziesii* (Douglas Fir) trees and a deciduous *Gleditsia Triacanthos 'Sunburst'* (Sunburst Honey Locust) are indicated on the Landscape Plan along the west and south property lines bordering the substation and commercial property. A picnic table is proposed in the lawn area, and a bench is proposed adjacent to the trail.

Douglas Fir trees can grow to approximately 100 feet tall and 30 feet wide, and Sunburst Honey Locust grow to approximately 40 feet tall and wide. Based on comments from McMinnville Water & Light, trees surrounding the electric substation should be limited in height to 25 feet. Additionally, trees adjacent to the transmission easement should be limited in height 40 feet and located such that no canopy encroaches into the transmission easement. A condition is included limiting the height of any trees in Open Space Tract J adjacent to the electric substation to a maximum mature canopy height of 25 feet, and no tree in Tract J shall

exceed a maximum mature canopy height of 40 feet or be located such that no canopy encroaches into the transmission easement.

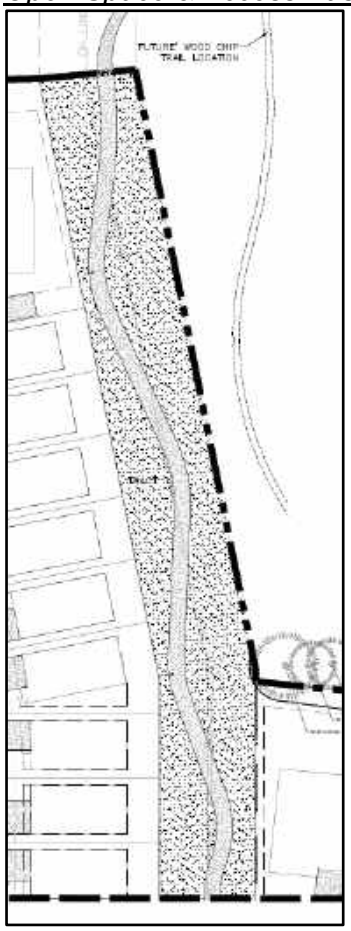
Open Space 'Tract K':



Tract K is the northerly continuation of the Westside Bicycle/Pedestrian Greenway multi-use trail across Kent Street. The tract is between Tract L (described below) and Meadows Drive. Lawn is indicated on the Landscape Plan for Tract K, and three (3) *Gleditsia Triacanthos 'Sunburst'* (Sunburst Honey Locust) are shown, making a visual connection with the same tree proposed in Tract J. Two (2) benches and a picnic table would be located below the Sunburst Honey Locusts in the open lawn area of Tract K.

Sunburst Honey Locusts grow approximately 40 feet tall and wide. Based on comments from McMinnville Water & Light, trees in Tract K should be located such that no canopy encroaches into the transmission easement. A condition is included limiting the height of any trees in Open Space Tract K to a maximum mature canopy height of 40 feet and to locations such that no canopy encroaches into the transmission easement.

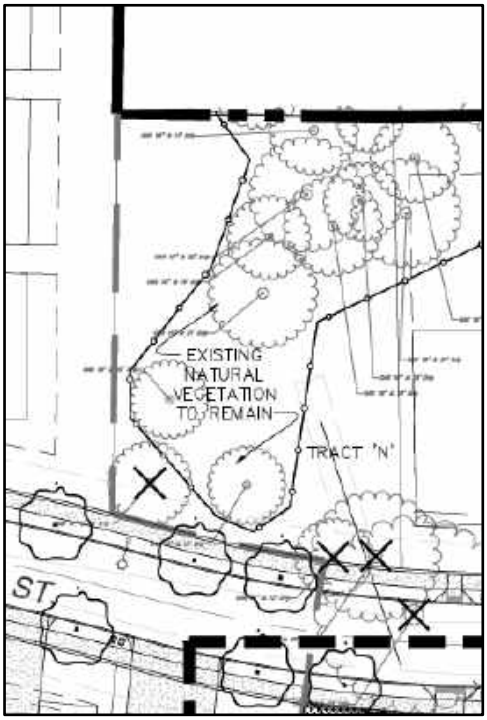
Open Space & Access Easement 'Tract L':



Tract L is the northernmost extension of the Westside Bicycle/Pedestrian Greenway through the planned development and BPA easement, leading to the proposed park dedication. A 10 foot wide multi-use trail is proposed, meandering through an open lawn area below overhead electric transmission lines. Because of the overhead lines, trees in the Access Easement are not recommended. Based on McMinnville Water & Light comments, conditions of approval are included to restrict the placement of trees inside Open Space & Access Easement Tract L, limiting the height of any trees in adjacent to Tract L to a maximum mature canopy height of 40 feet and to locations such that no canopy encroaches into the transmission easement, and to ensure no picnic table or other public amenity blocks access to transmission facilities.

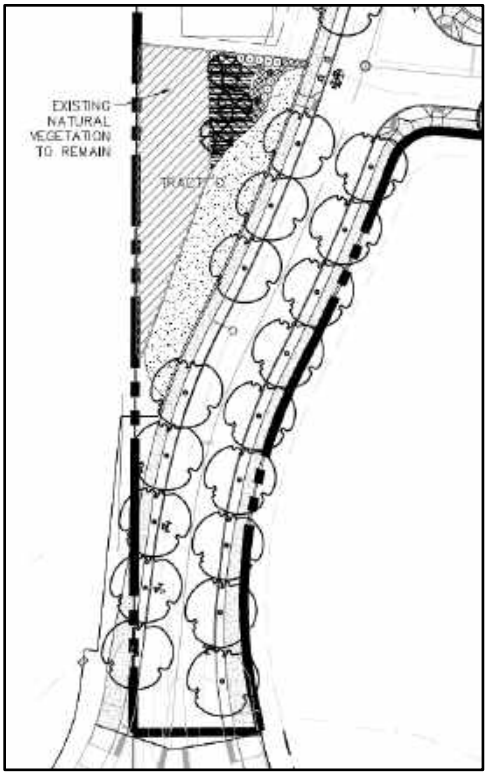
Additionally, no street trees should be located within the public right-of-way in the transmission line easement, where they would be in incompatible with electrical transmission lines overhead.

Open Space 'Tract N':



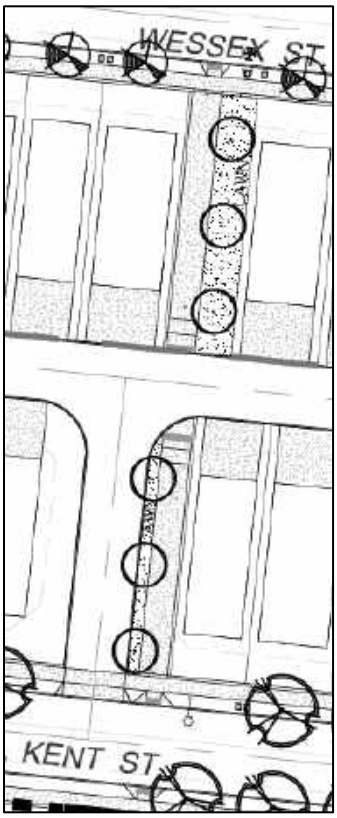
Tract N is located north of Mercia Street. It slopes from the Mercia Street down to the proposed park dedication, and has many mature native oak trees that are part of a larger stand extending into the park to the north. Four trees are requested to be removed to accommodate site development, but the remainder of existing trees and vegetation in Tract N would remain largely undisturbed. A storm water discharge would be located within Tract N.

Open Space 'Tract O':



Open Space Tract O is located on the west side of Hill Lane, north of the roundabout at Baker Creek Road and Hill Road. Existing natural vegetation is retained on the west side of the tract. Open lawn is proposed along the Hill Lane right-of-way which is shown with a sidewalk and street trees. At the north end of the open space, a planting area is proposed adjacent to Lot 163. The landscape plan specifies an evergreen hedge of *Ligustrum japonicum 'Texanum'* (Waxleaf Privet) along the northern lot line. *Malus 'Royal Raindrops'* (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry) trees are shown among a mix of ornamental shrubs Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, and Dwarf Alaska Blue Willow, and native shrubs Kelsey Dogwood and Evergreen Huckleberry. Other plants proposed in the planting area are *Abelia grandiflora 'Kaleidoscope'* (Kaleidoscope Abelia), *Juniperus chinensis 'Blue Point'* (Blue Point Juniper), *Viburnum tinus 'Spring Bouquet'* (Spring Bouquet Viburnum), and *Miscanthus sinensis 'Morning Light'* (Morning Light Maiden Grass).

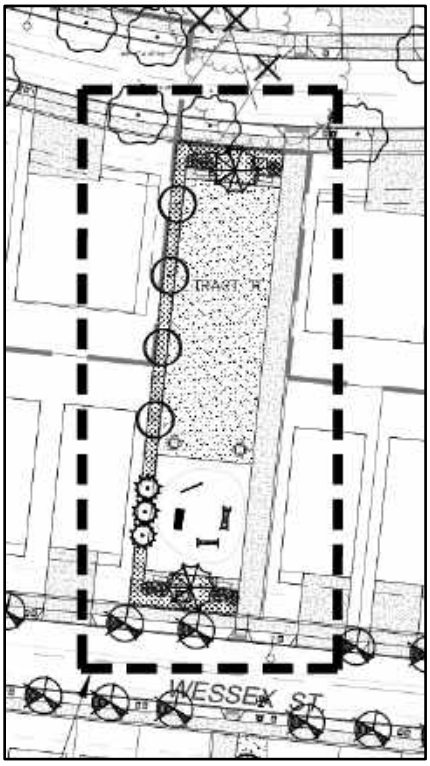
Open Space 'Tract P' and Open Space 'Tract Q':



Tract P is an open space tract adjacent to the public alley proposed between Lots 152 and 153. A 10 foot wide walkway would provide pedestrian access through the space and connect to Tract Q to the north. Between the pedestrian path and the alley is a planter strip with three (3) *Carpinus betulus 'Frans Fontaine'* (Frans Fontaine Hornbeam) trees and lawn. The trees are spaced at 30 feet on center, which would allow near continuous canopy over the walkway. Frans Fontaine Hornbeam have an approximate 25 foot wide canopy.

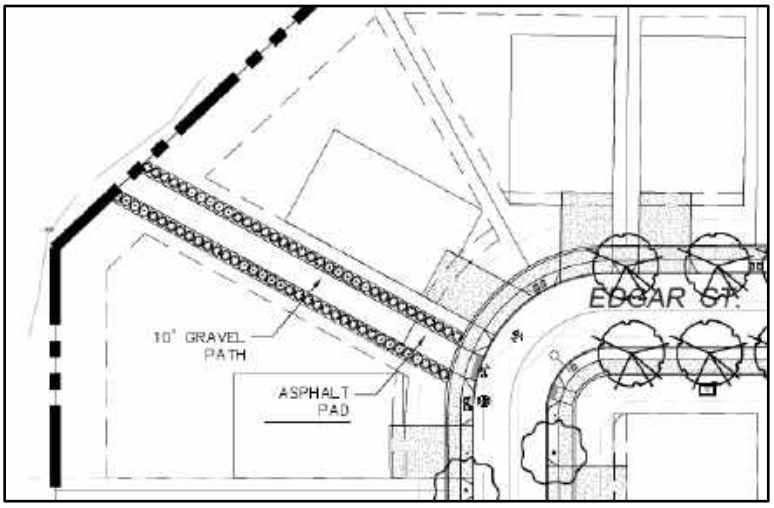
Tract Q is the portion of the midblock pedestrian accessway from Wessex Street to the alley, between Lots 175 and 176. A 10 foot wide walkway aligns with the walkway in Tract P to the south. Between the walkway and Lot 176, an open space approximately 12 feet wide with three (3) *Carpinus betulus 'Frans Fontaine'* (Frans Fontaine Hornbeam) trees and lawn is proposed. The trees are spaced at 30 feet on center, which would allow near continuous canopy over the walkway. Frans Fontaine Hornbeam have an approximate 25 foot wide canopy.

Open Space 'Tract R':



Tract R is a located between Mercia Street and Wessex Street, and is the northern continuation of the midblock pedestrian accessway that includes Tracts P and Q. Tract R also includes passive and active recreation amenities. The 10 foot wide pedestrian path is located along the eastern edge of the tract. Around the remainder of the perimeter of the open space, planting areas are proposed to screen and buffer Tract R from the adjacent residential lots and the Mercia and Wessex Street rights-of-way. On the west side of Tract R, four (4) *Carpinus betulus 'Frans Fontaine'* (Frans Fontaine Hornbeam) are shown at 30 feet on center. Three (3) *Calocedrus decurrens* (Incense Cedar) are shown at 10 feet on center. On the north and south ends of Tract R adjacent to the rights-of-way, Douglas Fir trees are proposed with Miss Kim Korean Lilac shrubs. The remainder of the perimeter planting is the ornamental and native shrub mix including Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, Dwarf Alaska Blue Willow, Kelsey Dogwood, and Evergreen Huckleberry. A playground is located on the south end of Tract R, with four (4) distinct play elements. Four benches are located around the perimeter, and an open lawn space with two (2) picnic tables makes up the northern portion of the open space.

Open Space 'Tract S':



Tract S is located at the intersection of Edgar Street and Gregory Drive. It is a pedestrian accessway leading to the nature trail in the proposed park dedication. A 10 foot wide gravel path with an asphalt pad near the street intersection is flanked by five (5) foot wide planting strips. Plants proposed along the path are Rosa nutkana (Nootka Rose) and Mahonia aquifolium (Tall Oregon Grape). Both species are native to the Pacific Northwest.

Generally, the proposed landscaping is compatible with the proposed project and the surrounding and abutting properties and the uses occurring thereon. However, no landscaping was proposed for Pump Station Tract G, which the City has determined to be not compatible with the project or with surrounding properties. Restrictions on tree height and location in Tracts I, J, K, and L adjacent to and including the electrical substation and transmission line easement will ensure compatibility with the surrounding uses. Landscaping is shown within the public utility easement adjacent to the right-of-way in Tracts A, B, H, O, R, and S. Landscape design should accommodate utilities.

CONDITIONS FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.

That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission easement.

That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40' and be located such that no tree canopy encroaches into the transmission easement.

That no trees are allowed within Open Space and Access Easement Tract 'L'. Trees adjacent to Tract 'L' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other public amenity in Tract 'L' shall block access to transmission facilities.

That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor

adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.

17.57.070(B)(2). Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. The uses proposed in open space tracts throughout the planned development are consistent with permitted uses in the underlying residential zone (R-4), and would not be generally be considered conflicting land uses that require extensive screening. The proposed landscape plans for the open space tracts specify perimeter landscaping where feasible and practical that would provide appropriate screening and buffering of certain uses within each open space tract from adjacent uses. See table below:

Tract	Proposed Uses	Adjacent Uses	Screening Recommended	Screening Provided	Additional Screening Recommended
A	storm water detention	church right-of-way	✓	✓	
B	open space, playground	residential lots right-of-way	✓	✓	
C	open space, playground	church residential lots right-of-way	✓	✓	
D	pedestrian access way	residential lots right-of-way		✓	
E	pedestrian access way	residential lots right-of-way		✓	
F	open space, picnic shelter	residential lots right-of-way park dedication access easement	✓	✓	
G	sewage pump station	residential lots right-of-way open space	✓		✓
H	open space	residential lots right-of-way	✓	✓	
I	bicycle/pedestrian trail	substation right-of-way			
J	bicycle/pedestrian trail, open space	substation right-of-way future commercial	✓	✓	
K	bicycle/pedestrian trail, open space	residential lots right-of-way bike/ped trail		✓	
L	bicycle/pedestrian trail, open space, BPA access	residential lots right-of-way park dedication			
N	open space	residential lots		✓	

		right-of-way park dedication			
O	open space	residential lots right-of-way agriculture		✓	
P	pedestrian access way	residential lots right-of-way		✓	
Q	pedestrian access way	residential lots right-of-way		✓	
R	open space, playground	residential lots right-of-way	✓	✓	
S	pedestrian access way	residential lots right-of-way		✓	

No landscaping is proposed for Tract G, the sewage pump station. Given the central location of the tract and pump station and the variety of adjacent uses, a condition has been included requiring landscaping for Tract G that provides screening of the permanent pump station structure from surrounding properties.

CONDITION FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.

17.57.070(B)(3). The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant has retained the majority of the existing trees found on the site, requesting only to remove 17 trees that are necessary for the grading and site development of the planned development as proposed. Of the 17 trees proposed for removal, 5 would be removed to accommodate additional required right-of-way dedication and improvements along the north side of Baker Creek Road. The existing grade has been preserved around the existing trees that are to remain. Additionally, the landscape plans specify tree protection fencing beyond the dripline and the critical root zone of existing trees to provide further protection during construction of the planned development. The applicant has also incorporated existing natural areas into the development of the project, specifically in Open Space Tracts 'N' and 'O'.

17.57.070(B)(4). The development and use of islands and plantings therein to break up parking areas.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No parking areas outside of the individual residential lots are proposed within the planned development, therefore this planning factor is not applicable.

17.57.070(B)(5). The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The applicant is proposing to install six (6) different street tree species within the Baker Creek North subdivision. The proposed street tree species are identified in the plant list below, found on drawing L1.0 Street Tree List. All proposed tree species were found on the McMinnville Street Tree List, as approved by Resolution 2016-22. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.

PLANT LIST: STREET TREES

SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING	MATURE HEIGHT
		SMALL TREES			
	79	PRUNUS SARGENTII Sargent's Cherry	2" cal.	As Shown	35' ht.
	105	SYRINGA RETICULATA 'IVORY SILK' Ivory Silk Japanese Tree Lilac	2" cal.	As Shown	20' ht.
		MEDIUM TREES			
	77	ACER RUBRUM 'OCTOBER GLORY' October Glory Maple	2" cal.	As Shown	40' ht.
	69	OSTRYA VIRGINIANA American Hophornbeam	2" cal.	As Shown	40' ht.
		LARGE TREES			
	16	CERCIDIPHYLLUM JAPONICUM Katsura Tree	2" cal.	As Shown	40' ht.
	112	GINKGO BILOBA 'MAGYAR' Magyar Maidenhair Tree	2" cal.	As Shown	50' ht.

All the proposed street trees except for the *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac) are Recommended Medium Tree Species on the revised street tree list approved by Resolution 2019-26. The categorization of recommended tree species was updated in the new list.

McMinnville Street Tree List — ***Recommended Medium Tree Species***

Scientific Name Common Name	Minimum Planter Width (ft.)	Under Wires?	Mature Height (ft.)	Canopy Width (ft.)	Tree Form	Flowers	Fall Color	Native	Comments
Acer rubrum 'October Glory' October Glory Red Maple	5	No	40	35		n/a			One of the last trees to color in fall
Cercidiphyllum japonicum Katsura Tree	5	No	40	40		n/a			Sensitive to drought
Ginkgo biloba 'Magyar' Magyar Ginkgo	5	No	50	25		n/a			Male only; More upright and narrow than Autumn Gold
Ostyra virginiana Hophornbeam	5	No	40	25		n/a			Hop-like fruit, slow growing; tolerant of urban conditions

Prunus sargentii Sargent Flowering Cherry	5	No	30	30					Single pink flowers; good fall color; mahogany colored bark

The proposed species that is not found on the street tree list, *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac), is consistent with the desired characteristics for street trees, found in the McMinnville Street Tree List:

- Single trunked to allow for adequate vision clearance;
- Growth characteristics that allow for the lower branching to be maintained at a minimum of eight feet above grade to allow for adequate vision and pedestrian clearance;
- Non-columnar to provide the maximum amount of tree canopy (some exceptions);
- Relatively deeper rooting system to protect sidewalks, lawns, and utilities;
- Not brittle or weak-wooded;
- Deciduous;
- Do not drop excessive amounts of litter (fruits, nuts), have thorns, or excessive sap; and
- Not listed as a prohibited tree.

The Ivory Silk Japanese Tree Lilac is a flowering, single-trunked deciduous tree that matures to approximately 25 feet in height and 15 feet in width, placing it in the small tree category. Its upright form yields good clearance below. It is not found on the prohibited tree list. Although not found on the updated Street Tree List, the City finds that the proposed *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac) is an appropriate small street tree species because it is consistent with the desired street tree characteristics.

CONDITION FOR FINDING: That the approved street tree species for the Baker Creek North subdivision are:

a. Small Trees
   i. *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac)
b. Medium Trees
   i. *Acer rubrum 'October Glory'* (October Glory Red Maple)
   ii. *Cercidiphyllum japonicum* (Katsura Tree)
   iii. *Ginkgo biloba 'Magyar'* (Magyar Ginkgo)
   iv. *Ostrya virginiana* (American Hophornbeam)
   v. *Prunus sargentii* (Sargent Cherry)

17.57.070(B)(6). Suitable watering facilities or irrigation systems must be included in or near all planted areas.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #12. The applicant has submitted irrigation plans specifying an automatic irrigation system for all landscaping within open space tracts, except for Tract S, and for all street trees adjacent to open space tracts. Additionally automatic irrigation is provided for street trees on the block north of the commercially zoned property, bounded by Wessex Street to the north, Hill Lane to the west, Kent Street to the south, and Harold Drive to the east, and for the block north of Baker Creek Road, bounded by Shadden Drive to the east, Meadows Drive to the west, and Emma Street to the north.

The irrigation plan indicates that no automatic irrigation system is proposed for Phase 3 of the Planned Development. Included in Phase 3 is Open Space Tract S, the pedestrian access from Edgar Street to the nature trails in the proposed park dedication. According to the Irrigation

Plan, Tract S "Native shrubs to be watered by hand until established". However, suitable watering facilities are not indicated on the submitted plans. Therefore, a condition requiring automatic irrigation for Tract S has been included.

CONDITION FOR FINDING: That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.

17.57.070(C) All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #13. A condition of approval is included to require that all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

CONDITION FOR FINDING: That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Chapter 17.58. Trees

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The street tree plan will establish tree cover on new public right-of-way to be dedicated to the City. It will provide for tree-lined streets in the new residential planned development and will enhance the appearance of the City. Conditions of approval have been included in the findings described in further detail below to ensure that the planting of street trees meets all necessary street tree standards, which will result in the appropriate planting and maintenance of the street trees. This will help minimize hazard, nuisance, damage, and maintenance costs.

Section 17.58.020 Applicability. The provisions of this ordinance shall apply to:

A. Individual significant or historic trees as defined in this ordinance.
B. All trees with trunks located completely or partially within any public area or right-of-way;
C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

APPLICANT'S RESPONSE: The applicant is requesting development review of its application for a planned development and subdivision to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas as illustrated on the plans. Therefore, per subsection D. above, the provisions of Chapter 17.58 apply to trees on the planned development site.

FINDING: SATISFIED. The City concurs with the applicant's finding.

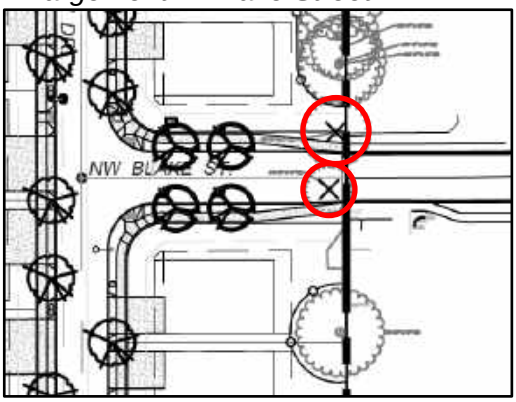
Section 17.58.040 Tree Removal/Replacement.

17.58.040(A). The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

APPLICANT'S RESPONSE: The exhibit landscaping plan drawing L1.0 Street Tree Plan indicates that the applicant is proposing to remove trees to facilitate site development of the planned development. The applicant requests concurrent review and approval of this request with the proposed planned development and subdivision applications.

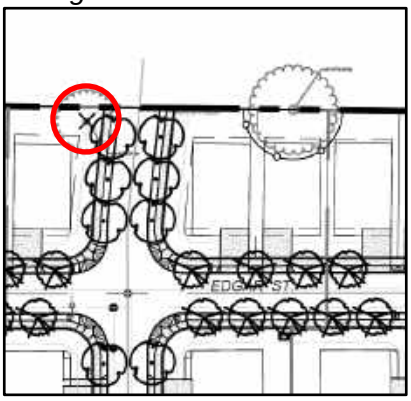
FINDING: SATISFIED. The City concurs with the applicant's finding's finding. Drawing L1.0 Street Tree Plan indicates that 17 trees are proposed for removal. The applicant has indicated the location, type, and size of the trees requested for removal on the Street Tree Plan, shown in more detail in Street Tree Plan Enlargements A-F and accompanying tree schedules below. The requested tree removals are not designated as exempt by the zoning ordinance, therefore the requested removals require City approval.

Enlargement A: Blake Street



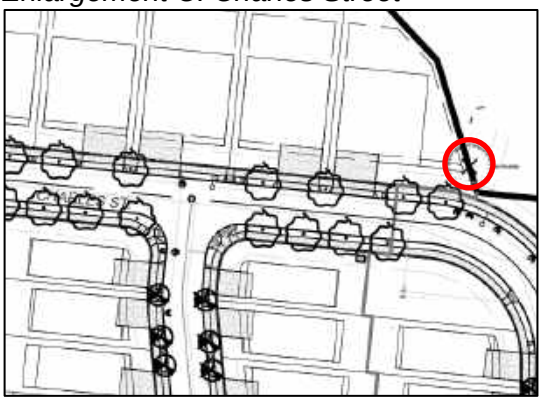
Blake Street	
Species	**Size (DBH)**
Oak	27”
Oak	28”

Enlargement B: Shadden Drive



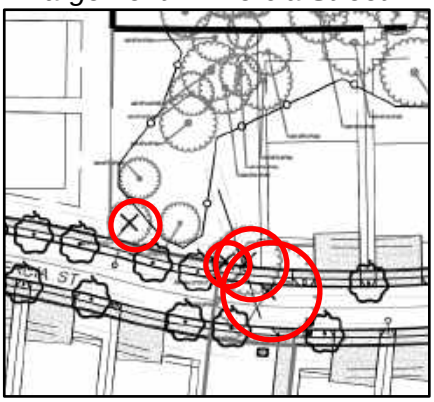
Shadden Drive	
Species	**Size (DBH)**
Oak	38”

Enlargement C: Charles Street



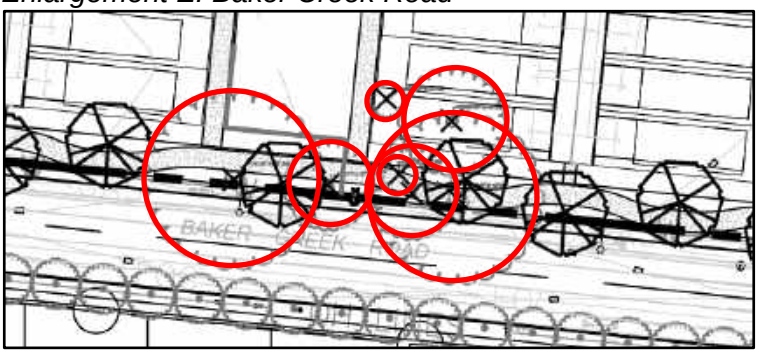
Charles Street	
Species	**Size (DBH)**
Oak	27”

Enlargement D: Mercia Street



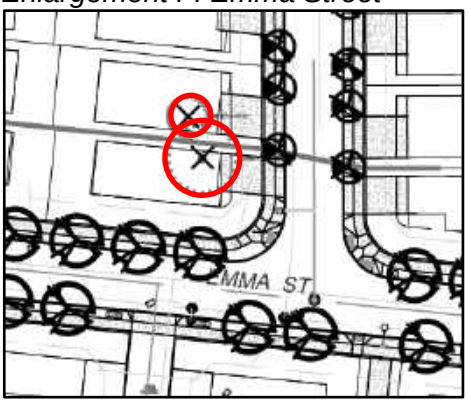
Mercia Street	
Species	**Size (DBH)**
Oak	17”
Oak	18”
Oak	Unknown
deciduous	Unknown

Enlargement E: Baker Creek Road



Baker Creek Road	
Species	**Size (DBH)**
Oak	52”
Oak	24”
deciduous	10”
Walnut	37”
deciduous	unknown
Oak	33”
Oak	37”

Enlargement F: Emma Street



Emma Street	
Species	**Size (DBH)**
Apple	14”
deciduous	11”

17.58.040(B). Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. […]

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

17.58.040(C). The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3 and 4. Conditions of approval have been included to ensure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

CONDITION FOR FINDING: That all costs and liability associated with tree removal shall be borne by the applicant.

That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.

17.58.040(D). Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city […]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant has proposed to remove 17 existing trees from the property to facilitate site development of the planned development. The landscape plan indicates that 108 trees are proposed to be planted within the open space tracts of the planned development. With a tree replacement ratio of over 6 to 1, the City does not require additional specific replacement trees for the 17 trees requested for removal.

17.58.040(E). The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

17.58.040(F). The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

17.58.040(G). Other conditions may be attached to the permit approval by the Landscape Review Committee as deemed necessary.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #21. A condition of approval have been included to ensure that McMinnville's street tree standards are met.

CONDITION FOR FINDING: That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
B. The tree is in conflict with public improvements.
C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

APPLICANT'S RESPONSE: With concurrent review and approval of this tree removal request with the proposed planned development and subdivision applications, the trees proposed for removal are part of an approved development project which meets criteria C. above.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5. The City concurs with the applicant's finding's finding. The applicant has requested the removal of 17 trees with concurrent review and approval of this request with the proposed planned development and subdivision applications. Removal of the 17 identified trees would facilitate the site development of the planned development and subdivision, if approved.

CONDITION FOR FINDING: That only the 17 trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

APPLICANT'S RESPONSE: The proposal is for a new subdivision so street tree planting is required in the curb-side planting strip.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding.

17.58.090 Street Tree Standards.

17.58.090(A). The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

APPLICANT'S RESPONSE: Proposed street tree species were chosen from the McMinnville Street Tree List. The trees are identified on the attached landscape drawing L1.0 Street Tree Plan, which was prepared by a landscape architect.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The applicant is proposing to install six (6) different street tree species within the Baker Creek North subdivision. The proposed street tree species are identified in the plant list below, found on drawing L1.0 Street Tree List. All proposed tree species were found on the McMinnville Street Tree List, as approved by Resolution 2016-22. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.

PLANT LIST: STREET TREES

SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING	MATURE HEIGHT
		SMALL TREES			
	79	PRUNUS SARGENTII Sargent's Cherry	2" cal.	As Shown	35' ht.
	105	SYRINGA RETICULATA 'IVORY SILK' Ivory Silk Japanese Tree Lilac	2" cal.	As Shown	20' ht.
		MEDIUM TREES			
	77	ACER RUBRUM 'OCTOBER GLORY' October Glory Maple	2" cal.	As Shown	40' ht.
	69	OSTRYA VIRGINIANA American Hophornbeam	2" cal.	As Shown	40' ht.
		LARGE TREES			
	16	CERCIDIPHYLLUM JAPONICUM Katsura Tree	2" cal.	As Shown	40' ht.
	112	GINKGO BILOBA 'MAGYAR' Magyar Maidenhair Tree	2" cal.	As Shown	50' ht.

All the proposed street trees except for the *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac) are Recommended Medium Tree Species on the revised street tree list approved by Resolution 2019-26. The categorization of recommended tree species was updated in the new list.

McMinnville Street Tree List — ***Recommended Medium Tree Species***

Scientific Name Common Name	Minimum Planter Width (ft.)	Under Wires?	Mature Height (ft.)	Canopy Width (ft.)	Tree Form	Flowers	Fall Color	Native	Comments
Acer rubrum 'October Glory' October Glory Red Maple	5	No	40	35		n/a			One of the last trees to color in fall
Cercidiphyllum japonicum Katsura Tree	5	No	40	40		n/a			Sensitive to drought
Ginkgo biloba 'Magyar' Magyar Ginkgo	5	No	50	25		n/a			Male only; More upright and narrow than Autumn Gold

Ostyra virginiana Hophornbeam	5	No	40	25		n/a			Hop-like fruit, slow growing; tolerant of urban conditions
Prunus sargentii Sargent Flowering Cherry	5	No	30	30					Single pink flowers; good fall color; mahogany colored bark

The proposed species that is not found on the street tree list, *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac), is consistent with the desired characteristics for street trees, found in the McMinnville Street Tree List:

- Single trunked to allow for adequate vision clearance;
- Growth characteristics that allow for the lower branching to be maintained at a minimum of eight feet above grade to allow for adequate vision and pedestrian clearance;
- Non-columnar to provide the maximum amount of tree canopy (some exceptions);
- Relatively deeper rooting system to protect sidewalks, lawns, and utilities;
- Not brittle or weak-wooded;
- Deciduous;
- Do not drop excessive amounts of litter (fruits, nuts), have thorns, or excessive sap; and
- Not listed as a prohibited tree.

The Ivory Silk Japanese Tree Lilac is a flowering, single-trunked deciduous tree that matures to approximately 25 feet in height and 15 feet in width, placing it in the small tree category. Its upright form yields good clearance below. It is not found on the prohibited tree list. Although not found on the updated Street Tree List, the City finds that the proposed *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac) is an appropriate small street tree species because it is consistent with the desired street tree characteristics.

CONDITION FOR FINDING: That the approved street tree species for the Baker Creek North subdivision are:

a. Small Trees
   vi. *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac)
b. Medium Trees
   vii. *Acer rubrum 'October Glory'* (October Glory Red Maple)
   viii. *Cercidiphyllum japonicum* (Katsura Tree)
   ix. *Ginkgo biloba 'Magyar'* (Magyar Ginkgo)
   x. *Ostrya virginiana* (American Hophornbeam)
   xi. *Prunus sargentii* (Sargent Cherry)

<u>17.58.090(B).</u> Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

APPLICANT'S RESPONSE: Following site construction, the street trees will be planted according to the specifications of this code section, as noted on the attached landscaping plans included with this application.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #20. The City concurs with the applicant's finding's finding. A condition of approval is included to ensure that street trees shall meet City standards for size and quality at the time of planting.

CONDITION FOR FINDING: That street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

17.58.090(C). Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. […]

APPLICANT'S RESPONSE: The proposed stature of the street trees, small, medium, and large, as well as the mature height and proposed spacing are referenced on the landscaping drawing L1.0 Street Tree Plan. This planned development is a residential neighborhood where street trees are evenly spaced where possible. The applicant is requesting concurrent approval by the City to permit variations to the spacing as shown on the plans. The proposed modifications are due to specific site limitations inherent in a planned development with a mix of housing types, a variety of lot widths, and range of driveway types, coupled with pedestrian curb ramps, alley access ramps, lamp posts, and other utility conflicts.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 17. The Street Tree Plan has been requested for concurrent review and approval with the Planned Development and Subdivision applications. Approval of the Planned Development and Subdivision would allow variances to lot sizes and widths. The Street Tree Plan illustrates the proposed lot layout, along with proposed building envelopes, driveways, and utility locations. The applicant is requesting as part of the planned development approval street tree spacing that varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The applicant notes that the planned development compensates for the increase in spacing in the following ways:

- The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing requirement for street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.
- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
- Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
- The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
- Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

The applicant is proposing six different street trees. One species, *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac), grows to 25 feet tall and 15 feet wide and would be considered a small stature tree. The other five species are found in the Recommended Medium Tree

Species section of the McMinnville Street tree list approved by Resolution 2019-26. *Acer rubrum 'October Glory'* (October Glory Red Maple) grows to approximately 40 feet tall and 35 feet wide. *Prunus sargentii* (Sargent Cherry) grows to approximately 30 feet tall by 30 feet wide, *Ostrya virginiana* (American Hophornbeam) grows to approximately 40 feet tall and 25 feet wide. *Cercidiphyllum japonicum* (Katsura Tree) grows to approximately 40 feet tall and wide. *Ginkgo biloba 'Magyar'* (Magyar Ginkgo) grows to approximately 50 feet tall and 25 feet wide. All reach height or canopy dimensions identified by the medium stature tree category.

Based on the infrastructure conflicts and constraints, the applicant has generally proposed street trees that comply to the spacing standards where possible. Where the small stature trees are proposed in front of narrower lots, the spacing is typically 20 to 30 feet, unless greater spacing is required due to setbacks from infrastructure. Where medium stature trees are proposed in front of wider lots, the spacing is typically 30 feet unless larger spacing is required due to setbacks from infrastructure.

Along Baker Creek Road, *Cercidiphyllum japonicum* (Katsura Tree), are spaced on alternating sides of a meandering sidewalk at approximately 50 to 60 feet on center. This exceeds the maximum spacing for a medium street tree, and full canopy coverage would not be achieved. The trees are spaced such that the small trees proposed within Open Space Tract 'H', *Malus 'Royal Raindrops'* (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry), would fill in the spaces between the Katsura Trees and provide near continuous canopy along the sidewalk. However, the right-of-way along Baker Creek Road has minimal utility and improvement conflicts and the maximum street tree spacing for medium trees of 30 feet, including Katsura Trees, can be achieved. A condition of approval has been included to require maximum street tree spacing for small and medium street tree of 30 feet, unless may be appropriate to ensure that more regular or maximum street tree spacing is achieved where possible.

Additional locations have been identified where additional street trees can possibly be added to achieve more regular spacing, or where maximum street tree spacing can be achieved. Maximum street tree spacing can be achieved adjacent to open space tracts and exterior side yards where street trees are required. These locations typically do not have infrastructure constraints associated with the fronts of lots. More regular spacing can be achieved by identifying gaps in the street tree plan where trees can be accommodated. A condition of approval has been included to identify additional locations street trees may be appropriate to ensure that more regular or maximum street tree spacing is achieved where possible.

CONDITION FOR FINDING: That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:

a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;

i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
j. Lots 35, 117,130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.

17.58.090(D). When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb.

APPLICANT'S RESPONSE: The landscape strips of the proposed development are primarily located adjacent to local residential streets, with one strip also located along a minor arterial street. The proposed street trees and landscape strips meet the above standards (see Exhibit 3).

FINDING: SATISFIED. The subdivision includes new local residential streets. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivision, which is greater that the three (3) foot minimum requirement. The species of street trees being proposed are considered "small" and "medium" sized trees in the McMinnville Street Tree List. Small trees require a minimum four (4) foot wide planter strip, and medium sized trees require a minimum five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List, and this is being satisfied with the proposed planter strip. Baker Creek Road, identified as minor arterial in the 2010 McMinnville Transportation System Plan, is proposed to have a variable width planter strip that is between six (6) and 14 feet wide. No tree proposed along Baker Creek Road is closer than four (4) feet from the back of the sidewalk or closer than two and one-half (2 ½) feet from the face of the curb.

17.58.090(E). Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

APPLICANT'S RESPONSE: The landscape plan drawing L1.0 Street Tree Plan illustrates that the proposed street trees are properly spaced from utilities, street intersections, driveways, alleys, as required by this Section, except in some cases driveway wings and water meter boxes encroach into the 5-feet and 10-feet spacing requirements. However, the proposed root barrier detail provides a means to deal with this encroachment in a way that will allow a tree to still be planted. Utilities shown on this drawing account for some of the proposed gaps in standard street tree spacing. The applicant seeks concurrent approval of this Street Tree Plan with the proposed planned development and subdivision.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 18-21. As part of the Street Tree Plan review and the concurrent planned development review, the applicant is requesting

modification of the standards for spacing street trees from infrastructure improvements found in the planting strip. As discussed above, the variety of proposed lot widths increases the conflicts with the infrastructure. To provide for more opportunities for street trees in constrained areas of the planned development at a more consistent spacing, the applicant is proposing plant trees in the approximately 10 foot long maximum planter strip that will be between the driveways on neighboring lots, and in some locations that would be less than the standard 10 feet away from water meters. To mitigate the requested reduced setbacks from driveways and water meters, the applicant has proposed increased root barrier protection adjacent to those improvements. A condition of approval has been included to require that root barrier protection be provided around the entire perimeter of the approximately 10 foot long planter strips between driveways, and adjacent to water meters, extending from the curb to the sidewalk, when a tree is located less than 10 feet from a water meter.

It was noted in comments from the Engineering Department that the proposed lot configurations for the SFD-70, SFD-60, and SFD-40 lots do not comply with maximum driveway width standards. Additionally, driveways for lots 117,130, 131, 132, 202, 203, 224, 225, 228, and 271 do not comply with maximum driveway width standards. Reconfiguration of the lots and driveways may provide more opportunity for street trees in the planter strip. Therefore a condition of approval has been included to require a revised street tree plan showing reconfigured driveway layouts and additional required street trees, if appropriate, be submitted to the Planning Department for review and approval.

Additionally, other utilities have been identified on the Street Tree Plan, and a condition has been included to require that setbacks from utilities be maintained.

CONDITIONS FOR FINDING: That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk 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, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.

Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.

That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:

a. Sewage Pump Station Tract ‘G’: Street trees shall be provided at the maximum spacing for the stature of tree proposed;
b. Open Space Tract ‘F’: Street trees shall be provided at the maximum spacing for the stature of tree proposed;
c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;

e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle of the alley and the street;
f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
j. Lots 35, 117,130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

That the applicant is reminded that trees are not to be planted within:
a. Five (5) feet of a private driveway or alley;
b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
c. Twenty (20) feet of street light standards or street intersections.

17.58.090(F). Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

APPLICANT'S RESPONSE: There are no street trees on or adjacent to the subject site. Therefore, these standards do not apply.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding.

17.58.090(G). Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

APPLICANT'S RESPONSE: The applicant is not proposing to locate street trees within sidewalk cuts, therefore these standards do not apply.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding.

17.58.100 Street Tree Plans.

17.58.100(A)(1). Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.

APPLICANT'S RESPONSE: The applicant is requesting approval of a Planned Development application to create 280 single-family detached lots, construct public streets and alleys, and

develop common open space areas. The applicant is also proposing to plant street trees with the planned development project in phases. The applicant is requesting concurrent approval of the street tree plan (L1.0) with this application.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding. Street tree planting plans (L1.0) have been submitted to the City for concurrent review and approval.

17.58.110 Street Tree Planting.

17.58.110(A)(1). Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

APPLICANT'S RESPONSE: As required, the developer will provide a surety bond at the developer's expense to the City to assure the planting of the required street trees shown on the approved Street Tree Plan.

FINDING: SATISFIED. The City concurs with the applicant's finding.

17.58.120 Street Tree Maintenance.

A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees.
D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #22. A condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

CONDITION FOR FINDING: That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

JF

Attachment G

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

PUBLIC HEARING NOTICE

PLANNING COMMISSION REVIEW OF COMPREHENSIVE PLAN AMENDMENT, ZONE CHANGE, PLANNED DEVELOPMENT AMENDMENT, PLANNED DEVELOPMENT (NEW), TENTATIVE SUBDIVISION, & LANDSCAPE PLAN REQUESTS

BAKER CREEK NORTH
LOCATED AT NORTHEAST CORNER OF THE INTERSECTION OF NW HILL ROAD & NW BAKER CREEK ROAD

NOTICE IS HEREBY GIVEN that applications for a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review have been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding these applications or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Chuck Darnell with any questions at 503-434-7311, or chuck.darnell@mcminnvilleoregon.gov.

DOCKET NUMBER: CPA 1-19 / ZC 1-19 / PDA 2-19 / PD 1-19 / S 1-19 / L 12-19 (Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review)

REQUEST: The applicant is requesting the approval of six concurrent actions. The actions include:

1) Comprehensive Plan Map Amendment on the southwestern portion of the site to reduce the size of an existing area designated as Commercial on the Comprehensive Plan Map. The proposed amendment would result in 4.76 acres of existing Commercially designated land being designated as Residential;

2) Zone Change from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential);

3) Planned Development Amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site;

4) Planned Development to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on the proposed 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities;

5) Tentative Subdivision to allow for a 10-phase subdivision including a total of 280 single family detached dwelling units, public right-of-way improvements, and open spaces consistent with the proposed Planned Development plan;

6) Landscape Plan Review for the landscaping of proposed open space tracts within the subdivision phases and a street tree plan for the planting of street trees in the planter strips within the right-of-way adjacent to the single family dwelling unit lots.

APPLICANT: Stafford Development Company, LLC

SITE LOCATION(S): Northeast corner of the intersection of NW Hill Road and NW Baker Creek Road (see attached map)

MAP & TAX LOT(S): Tax Lots 100, 105, 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lot 106, Section 18, T. 4 S., R. 4 W., W.M.

ZONE(S): R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)

MMC REQUIREMENTS: McMinnville City Code (MMC), Chapter 17.53, Sections 17.51.030(C), 17.57.070(B), 17.58.090, 17.74.020, & 17.74.070 (see reverse side for specific review criteria)

NOTICE DATE: November 7, 2019

PUBLIC HEARING DATE: December 5, 2019 at 6:30 P.M.

HEARING LOCATION: McMinnville Civic Hall Building
200 NE 2nd Street, McMinnville, OR, 97128

Proceedings: A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5th Street, McMinnville, OR 97128, or by email to chuck.darnell@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov.

Appeal: Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

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.

REVIEW CRITERIA:

McMinnville Municipal Code (MMC)

MMC, Section 17.51.030 Procedure (Planned Development). 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;
   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;

MMC, Chapter 17.53 Land Division Standards
All applicable criteria found in Chapter 17.53 shall apply to this request.

MMC, Section 17.57.070 Area Determination—Planning factors (Landscape Plan Review). […]

B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
   1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
   2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
   3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
   4. The development and use of islands and plantings therein to break up parking areas.
   5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
   6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

MMC, Section 17.58.090 Street Tree Standards
All applicable criteria found in Section 17.58.090 shall apply to this request.

MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - 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 serve 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 statute), 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.

MMC, Section 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:

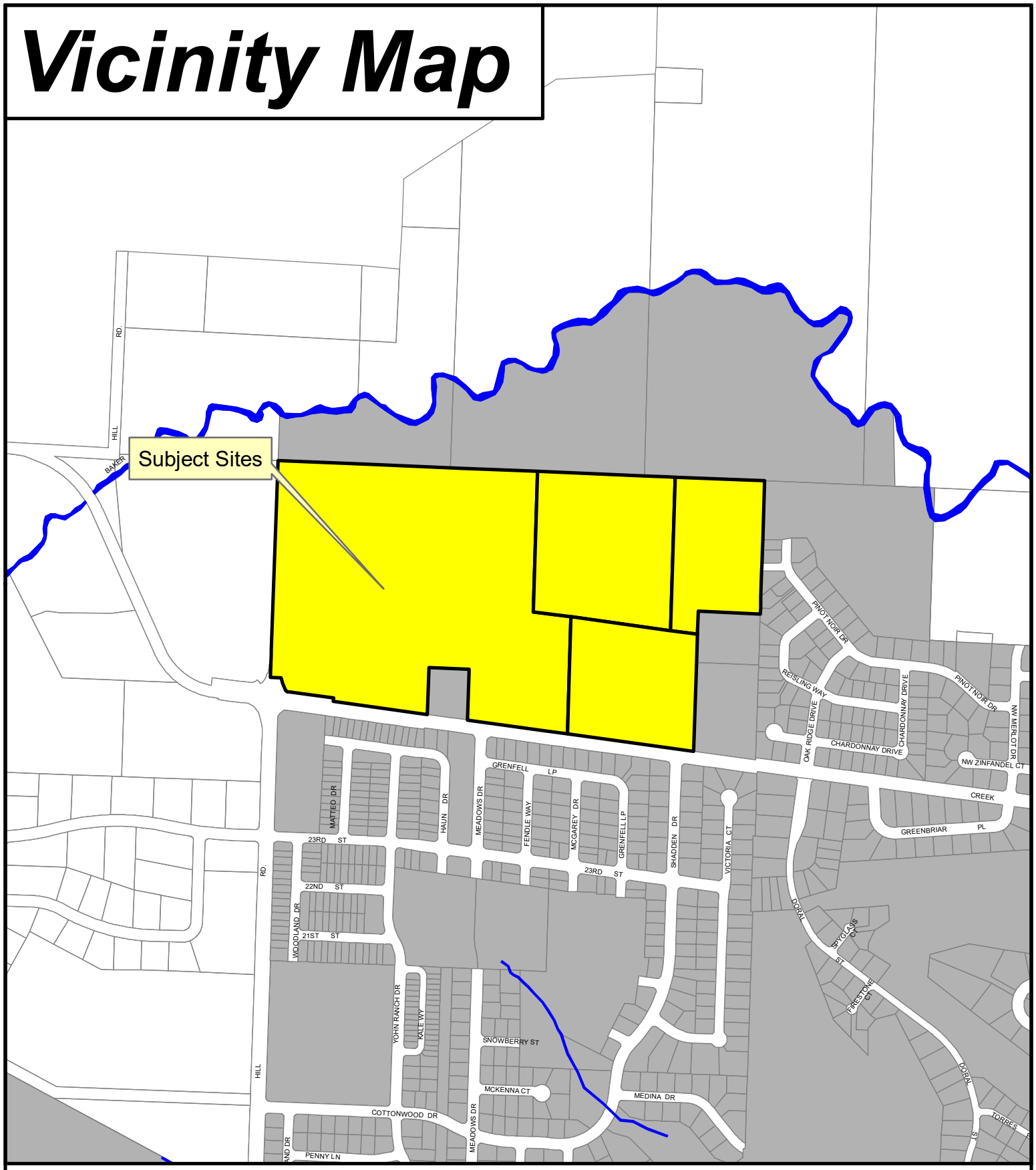
A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
C. The development shall be designed 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.

Planned Development Overlay Ordinances

Ordinance No. 4633
All applicable criteria found in Planned Development Ordinances 4633 shall apply to this request.

PROPOSED DEVELOPMENT PLAN:

Vicinity Map



City of McMinnville
Geographic Information System

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570 285 0 570 Feet

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

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

PUBLIC HEARING NOTICE

CITY COUNCIL REVIEW OF COMPREHENSIVE PLAN AMENDMENT, ZONE CHANGE, PLANNED DEVELOPMENT AMENDMENT, PLANNED DEVELOPMENT (NEW), TENTATIVE SUBDIVISION, & LANDSCAPE PLAN REQUESTS

BAKER CREEK NORTH
LOCATED AT NORTHEAST CORNER OF THE INTERSECTION OF NW HILL ROAD & NW BAKER CREEK ROAD

NOTICE IS HEREBY GIVEN that applications for a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review were reviewed by the Planning Commission on December 5, 2019, and the Planning Commission recommended approval, subject to conditions, of all six applications to the City Council. Per the McMinnville Municipal Code, the Planning Commission recommendations need to be submitted to the City Council for consideration. The City Council has the opportunity to either move forward with the consideration of the Planning Commission's recommendations or elect to hold a public hearing. On December 10, 2019, the City Council elected to hold another public hearing to review the applications and the Planning Commission's recommendations. That public hearing is scheduled for January 28, 2020 at 7:00 PM at the Kent Taylor Civic Hall, 200 NE Second Street. On January 14, 2020, city staff will provide a staff report to the City Council outlining the details of the project and the Planning Commission recommendations, 7:00 PM, Kent Taylor Civic Hall, 200 NE Second Street.

The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding these applications or to attend the public meeting of the City Council where this request will be reviewed and a public hearing will be held. Please contact Chuck Darnell with any questions at 503-434-7311, or chuck.darnell@mcminnvilleoregon.gov.

DOCKET NUMBER: CPA 1-19 / ZC 1-19 / PDA 2-19 / PD 1-19 / S 1-19 / L 12-19 (Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review)

REQUEST: The applicant is requesting the approval of six concurrent actions. The actions include:

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2) Zone Change from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential);

3) Planned Development Amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site;

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APPLICANT: Stafford Development Company, LLC

SITE LOCATION(S): Northeast corner of the intersection of NW Hill Road and NW Baker Creek Road (see attached map)

MAP & TAX LOT(S): Tax Lots 100, 105, 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lot 106, Section 18, T. 4 S., R. 4 W., W.M.

ZONE(S): R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)

MMC REQUIREMENTS: McMinnville City Code (MMC), Chapter 17.53, Sections 17.51.030(C), 17.57.070(B), 17.58.090, 17.74.020, & 17.74.070 (see reverse side for specific review criteria)

NOTICE DATE: January 3, 2019

PUBLIC HEARING DATE: January 28, 2019 at 7:00 P.M.

HEARING LOCATION: McMinnville Civic Hall Building
200 NE 2nd Street, McMinnville, OR, 97128

Proceedings: Prior to the scheduled public hearing, Planning Department staff will be providing a presentation to the City Council that will include a description of the applications, the review process completed to-date, and the Planning Commission's recommendations. This presentation will be conducted during the regular City Council meeting on Tuesday, January 14, 2020 at 7:00 PM at the McMinnville Civic Hall Building (200 NE 2nd Street). An abbreviated staff presentation will then be provided during the public hearing on January 28, 2020. Members of the public are welcome to attend the City Council meeting on January 14, 2020 to observe the staff presentation. The public may also watch the replay of the January 14 City Council meeting and the staff presentation on local community TV channels or on the City Council's portion of the City of McMinnville website at www.mcminnvilleoregon.gov/citycouncil.

A written staff report will be provided at least seven days before the scheduled public hearing. On January 28, 2020, the City Council will conduct a public hearing, take testimony, and then make a decision to either approve or deny each of the applications.

Persons are hereby invited to attend the McMinnville City Council public hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the City Council in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5th Street, McMinnville, OR 97128, or by email to chuck.darnell@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov.

Appeal: Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

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.

REVIEW CRITERIA:

McMinnville Municipal Code (MMC)

MMC, Section 17.51.030 Procedure (Planned Development). The following procedures shall be observed when a planned development proposal is submitted for consideration: […]

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

MMC, Chapter 17.53 Land Division Standards
All applicable criteria found in Chapter 17.53 shall apply to this request.

MMC, Section 17.57.070 Area Determination—Planning factors (Landscape Plan Review). […]

B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
   1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
   2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
   3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
   4. The development and use of islands and plantings therein to break up parking areas.

5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

MMC, Section 17.58.090 Street Tree Standards
All applicable criteria found in Section 17.58.090 shall apply to this request.

MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - 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 serve 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 statute), 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.

MMC, Section 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.

Planned Development Overlay Ordinances

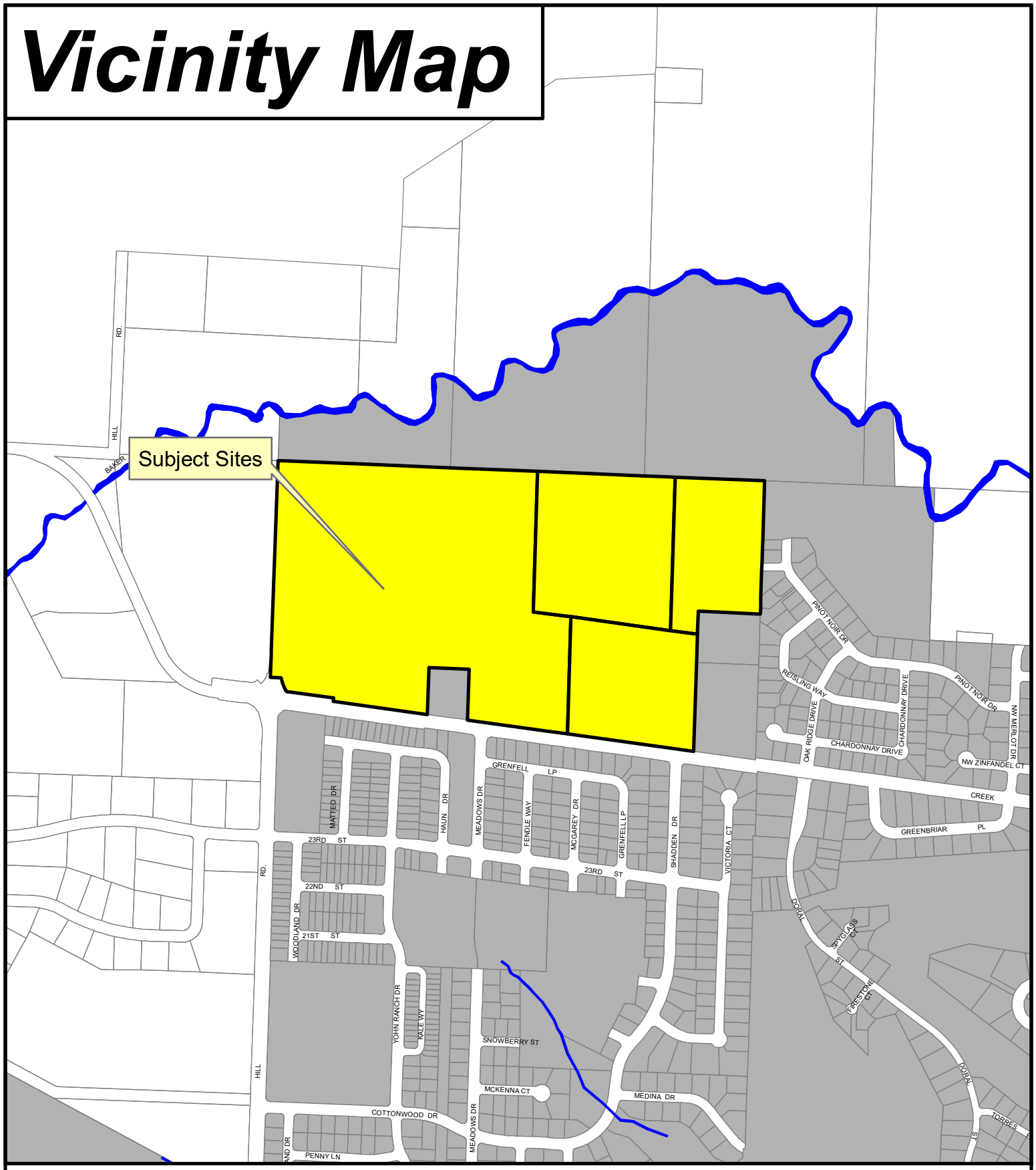
Ordinance No. 4633
All applicable criteria found in Planned Development Ordinances 4633 shall apply to this request.

PROPOSED DEVELOPMENT PLAN:

(See Development Plan on following page)

PROPOSED DEVELOPMENT PLAN:

Vicinity Map



City of McMinnville
Geographic Information System

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

MCMINNVILLE WATER & LIGHT
COMMUNITY OWNED — COMMUNITY FOCUSED

PO Box 638
855 NE Marsh Lane
McMinnville, OR 97128
503-472-6158 | mc-power.com

Attachment H

MEMORANDUM

TO: City of McMinnville Planning Department
FM: McMinnville Water and Light, Staff (contact is Sam Justice, General Counsel).
RE: **MW&L Staff comments**; Baker Creek North land use applications; CPA 01-19; ZC 01-19; PDA 02-19; PD 01-19; S 01-19; L 12-19
DT: November 15, 2019

The McMinnville Water and Light Commission (MW&L Commission) is the electric, water and fiber utility for the city of McMinnville. McMinnville's municipal water and electric utility was created in 1889. The utility was initially operated by a water committee under the direction of the city council. The five-member Water and Light Commission was first described and created by act of the Oregon State Legislature in 1905 (Senate Bill 241). In 1907 the citizens of McMinnville amended the city charter to authorize and form the Commission as we know it today. The Commission has run and governed the utility systems since that time. The MW&L Commission serves approximately 17,000 electric, and 14,000 water customers in and about the city of McMinnville. Approximately sixty full-time employees serve the Commission.

The MW&L Commission's professional staff acknowledges the planning director's request for comments regarding the above-reference land use applications. MW&L staff comments are offered in furtherance of applicable goals, policies and proposals reflected below, but do not reflect a decision or action of the Water and Light Commission.

COMMENTS:

I. Applicable Goals, Policies and Proposals from the Comprehensive Plan.

The following City of McMinnville planning goals, policies and proposals appear to apply to MW&L staff comments related to Baker Creek North.

ELECTRICITY (Light)

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

173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

174.00 The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to supply the electrical energy needs of the community.

32.00 The City of McMinnville should zone, or otherwise regulate, land uses around future energy system-related sites to insure compatibility with the site.

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34.00 Proposed extensions of energy system facilities should be coordinated with the extension of other facilities (sewer and water, telephone lines, storm drainage, etc.) where necessary to insure provision of full urban services to developable areas within the urban growth boundary.

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

Policies:

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

WATER

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.

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

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:

* * * *

4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (As amended by Ord. 4796, October 14, 2003)

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.

132.41.10 Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network. (Ord. 4922, February 23, 2010)

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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.

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

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

1) Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.

2) Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3) For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.

4) Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

146.00 The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to provide water system facilities and services commensurate with the projected population in the Comprehensive Plan.

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.

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.

II. Comments regarding the ELECTRIC System

Electric/fiber: The following are comments relating to utility service across this proposed development and the utility's need for space related to connectivity with its electric and fiber system.

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1. Side yard setbacks

   a. If fences are built to the front corner of the structure, three foot (3') side yard setbacks do not allow room to maintain National Electric Safety Code (NESC) and National Electric Code (NEC) with a minimum clearance of three feet (3') in front of energized equipment.
      i. This appears to be especially true for lots with developer's home models "SFDA 26- 30", where space for meters only appear to be available in side yards.

1. Front setback (transformer clearances)
   b. A fifteen foot (15') front setback, as proposed in this development, creates a higher likelihood of conflicts with transformer clearances.
   c. MW&L standard is an 8' clearance from transformers to combustible surfaces, doors and windows that open.
      i. With these narrow setbacks, it will be critical to locate the transformer toward the front of the PUE to avoid conflicts.
      ii. See sheet UT-4 for illustration of "closeness". Note that communications and gas lines in a joint trench will have to pass by transformer vaults and remain while remaining within the PUE.
2. Public Utility Easement (PUE) (Policy 174.00)
   d. The apparent absence of a PUE along the north side of Baker Creek Road, east of the substation is a concern. A PUE is required east of the substation for connectivity of electricity and other utilities.
   e. A PUE should be required where Hill Road will be extended north of the traffic circle prior to construction of Phase 2A. *See* SP-2. Future development will require a PUE.
   f. On the west side of Meadows from Baker Creek to Kent Street, there is an approximately twelve foot (12' +/-) sidewalk. Approximately six feet (6') of the walk is in the PUE. See GR-2. The sidewalk needs to conform with and take into account the landscaping as required by CU 02-19 (electric substation) and also not obstruct the PUE for utilities. Until electric (and other utility) design is complete, covering the PUE with sidewalk creates unknown issues.
3. Transmission Line (Policy 174.00)
   g. There is a twenty foot (20') "open space & access easement" off of Mercia (Tract M) that results in a ten foot (10') asphalt path. The proposed design does not appear to provide sufficient space to access the electric transmission easement with heavy trucks and approximately eighty-five foot (85') poles. Design should account for weight of trucks (concrete and other surface should be designed and constructed to carry truck weight), and account for turning radius needed to access the easement space with transmission length poles.
      i. The development should provide at least one additional access point and an addition turn around point for heavy trucks.
      ii. The current plans show the first transmission pole north of substation is 24' off of curb. The design should allow access to the pole for maintenance/replacement from street, other access built to allow access by heavy truck.
   h. The gravel path along the transmission line should be built and rated for heavy truck traffic expected to service the line.
   i. No trees or tree canopies should be permitted within the transmission easement. Trees in rear yards adjacent to the easement should be limited in height (40'). Trees in or near the

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transmission line should be consistent with **CU 02-19 (electric substation expansion)**. Current plans show trees with excessive height at maturity (40' – 60' trees) planted adjacent to the transmission line at Kent Street and along the transmission line.

j. Canopy of Prunus Sargentii encroaches into transmission line easement north of Kent Street. *See* L3.0.

k. Picnic tables or other public structures should not block access to transmission facilities. *See* sheet L8.0.

l. A homeowners association (H.O.A.) may be required to maintain public areas within easement area, and in a manner that does not obstruct the utility use.

4. Street lighting

m. Along Baker Creek Road, street lighting needs to be designed (lights placed for height and wattage) by licensed engineer. *See* sheet UT-1. Plan needs clarification as to sufficient lighting.

n. MW&L design guides require lighting at public alleys, where walks intersect public streets. The design should show these lights at the intersection of "open space" and sidewalk along north side of Baker Creek Road (as required). See SP1.

o. Streetlight on east side of Shadden at the intersection of Kent is shown in the PUE (not in the ROW). Is that an error?

5. Baker Creek Electric Substation Access. (Policy 132.41.10)

p. Consideration should be given to providing curb-apron access to electric substation from NW Meadows Drive directly opposite of Emma St. Street access off of Meadows Drive could reduce need to obstruct major arterial Baker Creek Road for substation access.

6. Public Streets (Policy 132.41.10)

i. The northerly terminus of Shadden runs into Premier property. The developer should be required to provide/install sufficient conduit and vault to facilitate the extension of MW&L's electric distribution system beyond the extent of planned development. The requirements for conduit and vault will be detailed in approved electric drawings that will accompany the MW&L Extension Agreement. (Goal VII; 147.00).

q. Make provision for power to extend south from William Drive in the future. The developer should be required to provide/install sufficient conduit and vault to facilitate the extension of MW&L's electric distribution system beyond the extent of Stafford's development. The requirements for conduit and vault will be detailed in approved electric drawings that will accompany the Extension Agreement. (Goal VII; 147.00).

7. Landscaping

r. Utility design needs to be completed prior to approving street tree layout and landscaping. Landscape design should accommodate utilities. (Goal VII; 147.00).

s. Forty to sixty foot (40' – 60') trees are shown on plants to be installed adjacent to the transmission line at Kent Street/ transmission line and Tract K.

i. Shorter trees with lesser canopy should be planted as prudent electric practice to reduce the risk of tree contacting lines (fire/outage risk) or unnecessary tree trimming (prevailing west winds).

ii. Canopy of trees planted, as indicated in plans, in Tract K will encroach within transmission easement.

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t. Approved table of trees should include width of tree canopy at maturity, as well as tree height at maturity.
   i. Cercidiphyllum Japonicum has canopy range of 25-60'. See sheet L1.0
   ii. Tree height limits around substation should follow limits of CU 02-19.
   iii. Trees species with mature height that could fall into transmission lines should be restricted from lots adjacent to the electric transmission line (former "BPA" line).

u. Trees and shrubs are being designed within the PUE. *See* sheet L2.0, Tract B. Tract R, sheet L4.0; Tract A, sheet L7. Landscaping design within PUE should come after utility design is finished.

III. Comments regarding the WATER system

The following are staff comments regarding the water system.

1) No Approval of water service locations at this time. Civil Plans of the development's water system requires approval at a later stage (these comments do not reflect MW&L approval of civil plans). There are several key items missing from the civil plans such as sewer lateral lines and power drawings. Until all utilities are on the plans, MW&L cannot reasonably foresee what conflicts exist, and what water services will need to be moved. Some of the services currently drawn will need to be relocated.
2) Fire Hydrants. The fire hydrants as drawn on preliminary plan will need to be relocated to meet distance/spacing requirements.
3) Conflict with Trees. MW&L is not able to approve the landscape drawings at this time. Until the civil plans have been finalized MW&L cannot address all the conflicts with the trees. MW&L Specs WMCLEAR, WMCLEAR2, and FH-CLR call out a ten foot (10') clearance from tree trunks. The current drawings have several trees that fall below the minimum clearance.
4) Curbs and Driveways. Pouring of the curbs and driveway cutouts in locations that are inconsistent with the development plans will cause water services to be in conflict with driveway aprons. Actual curb and driveway cutout location should not deviate from approved plans.
5) ADA Ramps. ADA ramps for crosswalks which are not at corners should be planned in relation to other utility services. Development plans need to show placement for these non-corner ADA ramps and relate these ramps to utility facilities. Failing to show the ramps on plans may cause utility facilities to conflict with them. With development plans showing locations of all ADA ramps MW&L can avoid placing utilities in ADA ramp locations.
6) Driveway width. Driveway width must not widen beyond approved development plan. When house is under construction, the builder may request to widen the driveway. This request should be denied unless without utility review and input. (**Policy 147.00**). Without MW&L review, room may not be left for water meter or a fire hydrant. Without review and consultation fire hydrants and other facilities may be too close to the edge of driveway aprons.
7) Mail box clusters. Mail box clusters should be shown on plans in relation to streets, utilities, ADA ramps, etc. With knowledge of location, MW&L can avoid placing utilities next to mail boxes. This comment also applies to the electric system.

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8) Water Easement. MW&L currently enjoys water easement rights over the former BPA electric easement (MW&L recently acquired the easement) through the planned development. MW&L does not have water easement rights overlying the electric easement in Parcel 1, Instrument No 201600557, which bounds the easement to the north. MW&L long term planning (**Policy 146.00**) foresees water transmission facilities being placed in the former BPA easement space to "loop" the city's water transmission from the northwest to the northeast sections of McMinnville. The City should seek this additional easement rights (to the Water and Light Commission) for water transmission to further the future plans of the utility to loop the city with water transmission along the electric transmission easement (in the same space). (Policy 146.00).

IV. PROPOSED CONDITIONS of Approval:

1). Landscaping around substation and electric utility easement (former BPA easement).

a. Require development to conform to standards for landscaping development along Baker Creek Road and Meadows Drive (and around the electric substation) consistent with the requirements imposed on MW&L as related to land use approvals for the expansion of the Baker Creek Electric Substation. (CPA 02-19; ZC 02-19; PDA 01-19; and C.U. 02-19).

b. White two-railing fencing along the south property line to match the fencing along the south side of Baker Creek Road.

c. Trees proposed surrounding electric substation (CU 02-19) shall be of a species or variety that may grow to a maximum mature canopy height of 25 feet.

d. If the sidewalk (12') along Meadows covers the P.U.E. conduits should be pre-placed before sidewalk construction (to facilitate utilities).

e. No trees or tree canopies should be permitted in electric transmission easement (former BPA easement). **Conditions, Covenants and Restrictions**, should restrict tree species in lots adjacent to electric transmission line that have mature species height which make mature tree capable of falling into the electric transmission (restriction for benefit of utility). (Policy 174.00)

e. Build gravel walks and cement access to "BPA" easement to handle heavy utility trucks.

f. Build access to "BPA" easement to accommodate access with up to 85' utility poles.

2). Right-of-way and public utility easement requirements for development along Baker Creek Road and Meadows Drive should be substantially similar to, and otherwise comparable and compatible with the requirements described in the Baker Creek Substation land use decision and more specifically in C.U. 02-19.

a. That the applicant shall coordinate and schedule the construction of Baker Creek Road right-of-way improvements to coincide with the improvements to be completed with the development of the property surrounding and immediately adjacent to the subject site on the north side of Baker Creek Road. See CU 02-19.

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b. Require R.O.W. and P.U.E. grants along Baker Creek Road, to the east of electric substation and west of the intersection with Hill Road consistent with development of electric substation under CU 02-19. These requirements are necessary for MW&L to interconnect the electric substation to its larger electric system. Specific utility facilities (bump outs) and easement areas east of the substation will be unreasonably isolated (landlocked) without an extension of R.O.W. and P.U.E., consistent with the R.O.W. and P.U.E. along Baker Creek Road in front of the substation.

c. Applicant should be required to dedicate and grant R.O.W. and P.U.E. east of Baker Creek substation along Baker Creek Road to permit connectivity of utility systems.

3) Complete Engineering Plans. By development phase require applicant to show complete water and electric utility facilities on final engineering plans. Subdivision engineering plans (maps) for approval should be fully developed prior to construction and show surface facilities, to include handicap ramps, water facilities (hydrant, meters), electric facilities (i.e. transformers); communication facilities, mailbox clusters, street trees, street lights, and placement of driveways on street, and as those facilities relate to the R.O.W. and the public utility easement (P.U.E.). (Proposal 34.00)

a. Placement of a facility in a manner, other than as described in the approved plans, requires input/comment/feedback of the effected utility and approval of planning director.

b. Driveways and driveway aprons will not be changed from the approved plans (engineering drawings), without consultation with effected utility and approval of planning director.

4) In placing surface facilities on approved plans, six feet (6') for water meters (or as permitted by utility construction standard), four feet (4') for hydrants (NFPA standard) and _three feet (3') feet for transformers is required between the facility and the driving surface of a driveway (driveway setback). Where setback is not met, the developer will be required to (one of following):

a. place bollards to protect the facility from the driveway; or

b. Grant additional easement area outside of the R.O.W. and P.U.E. for placement of the facility in conformance with the setback distance.

5) Front, side and backyard structures, to include fencing cannot be placed within 3 feet of an electric meter or other electric facility (to provide required work space).

6) Connectivity to water system. Require applicant to grant MW&L Commission water easement overlaying existing electric transmission easement on Parcel 1 of property described in document No. 201600557. This will permit extension of city services to the city edge and beyond as the UGB may expand.

7) Connectivity of water and electric System. Extend water transmission mains and underground electric transmission service (conduit) to the terminus of Shadden, and terminus of William Drive, and loop transmission service on Blake St. The developer will be required to provide/install sufficient conduit and vault, and water line, to facilitate the extension of MWL's electric and water distribution system

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beyond the extent of Stafford's development. The requirements for conduit and vault will be detailed in approved electric drawings that will accompany the Extension Agreement. Water line will be addressed in the Extension Agreement for water.

V. Summary: MW&L staff appreciates the opportunity to comment on these applications in furtherance of the city's goal to maintain a healthy utility system. Specific questions can be directed to our MW&L engineering and management staff. General questions may also be directed to General Counsel, Sam Justice. 503-435-3110.

To: Planning Director:
Fm: Sam Justice, General Counsel, MW&L
Re: "Baker Creek North" Application, Supplemental Comments
Dt: 12-5-19

MW&L staff met with Mr. Root and Mr. Will ("applicant") on 12/4/2019 and after a discussion seeks to revise MW&L comments to the above-referenced application.

With regard to MW&L comment 3 on page 4 of the memo of 11/15/2019, MW&L would not need or require a utility access way (from Mercia to the "BPA easement") if applicant provides a turnaround easement for long trucks along the easement. Applicant has suggested to MW&L that a turnaround-easement could replace the utility easement and be made a condition of approval as follows (language provided by applicant):

> Prior to recording the plat for proposed Phase 2A, the Applicant will provide an easement to the benefit of MW&L and that serves the so called 60' B.P.A. Easement per V. 40. P. 851 in the Yamhill County Records, such that the easement will have a 90-foot diameter for access and turnaround at a location acceptable to MW&L north of the development on Parcel 1 and Parcel 2 (Inst. No. 201600557), which are parcels shown as north of the subject site on the Applicant's Exhibit 3 labeled as drawing "EXH-1".

MW&L defers to city staff and applicant to work out the details. MW&L affirmatively supports applicant's proposal to use a 90-foot diameter turnaround easement as described above for the purpose of utility access (instead of the utility access from Mercia).

Based on our discussion with applicant, MWL would also suggest conditions that require the "BPA" path trailhead on the NW corner of the proposed intersection of "Kent" & "Meadows" streets be constructed during the applicable phase without impediments and designed to allow for heavy long truck access from proposed Meadows Drive. (BPA standards). MW&L would further like to seek during review and approval of construction plans the eliminating or tempering of the meander of the pathway as it goes north to more easily accommodate long-trucks (over 100 feet-long).

December 4, 2019

City of McMinnville Planning Department
Attn: Charles Darnell
231 NE Fifth Street
McMinnville, Oregon 97128

RE: Stafford – CPA 1-19; ZC 1-19; PDA 2-19; PD 1-19; s 1-19; L 2-19

Dear Mr. Darnell,

Stafford Development is asking for multiple zoning considerations for Baker Creek North. While I understand that McMinnville needs to increase density to fulfill state growth planning mandates, and I prefer increased density over enlarging the UGB, I hope both the City Planning Commission and the City Planning Department keep several things in mind during the negotiations.

Stafford wanted all the applicable ordinances honored for their "Baker Creek South" project because it gave them higher density than the then-applicable density and it gave them a large apartment complex that had no commercial center within ½ mile nor were there any mass transit routes in the area. We were told that Michelbook Golf Course was the nearest "commercial" center; the mass transit requirement was ignored; and remember that there was about 10 acres of commercial space on the north side of Baker Creek Road that would fulfill the ½ mile commercial center proximity requirement. OR 4626 specifically stated that there could be no residential on the C-3 acreage north of Baker Creek as a condition of getting a large apartment complex in a location that fit none of the requirements, as well as the higher density. I am not sure why the City believes it is not applicable. If the apartment portion was accepted, then it should all be accepted.

A portion of a letter that I wrote in January 2017 regarding Stafford Baker Creek South is below:

> **Ordinance 4626**
>
> …Section 3. 7. specifies that "the applicant shall initiate with the City a process which will result in the designation of a minimum net 10 acres of land on the north side of Baker Creek Road in close proximity to its intersection of Hill Road for commercial purposes. The process shall include the application of a planned development overlay **which restricts the property from use for residential purposes**." I only mention that fact because of the applicant's comment at the January 19, 2017 hearing that they plan to put a senior residential structure on that site. Additionally, I'm sure you know that McMinnville is already short

approximately 106 acres of commercially-designated land per state requirements. And finally, if that designation was not completed, I believe Ordinance 4626 is invalid since that designation was a condition of approval.

So now that Stafford got what they wanted on the south side, it is to their advantage to ignore the commercial requirement on the north side. I understand that they have not been able to figure out a commercial plan that can interest any tenants. I'm not sure why that is reason enough to allow them to significantly reduce the size of the commercial space that was a condition to get Stafford the other benefits they wanted.

I understand that Stafford was, shall we say, a bit enthusiastic about clearing the natural habitat along Baker Creek itself. I also recall reading about a $19,000 fine for not containing run-off.

Stafford's "affordable" houses, planned to be in the $240,000 range, are actually in the $300,000 range. Their "high-end" houses adjacent to Michelbook Golf course are sold without heat pumps and with one garage door opener.

Stafford defended their design policies because McMinnville is a bedroom community to Portland. I believe we now have researched confirmation that McMinnville is more closely aligned with Salem than Portland. This is only relevant because it shows that Stafford is not, in fact, in tune with McMinnville.

While I do not appreciate the non-descript boxes that LGI has built, I do appreciate that they installed the fence, and street tree and landscaping portion of their build immediately, thus shielding the neighborhood from the construction mess and noise. They have also done a good job of maintaining their job sites and their landscaping. Stafford, on the other hand, has not maintained the mature Baker Creek Street landscaping since they purchased the property. A West Wind homeowner rode his lawnmower over and mowed the grass until he couldn't get through the road construction anymore. So, a paraplegic could maintain the landscaping, but Stafford wouldn't.

Another fun tidbit is that during all the Hill Road construction. Stafford vehicles, particularly their water truck, used the middle of 23rd as a parking lot so it was not available as a detour route until McMinnville engineering was notified and they told Stafford to keep the road clear.

My point in all of this is that Stafford has not shown itself to be a good neighbor in any way.

Finally, remember that there is a large apartment complex under construction on Evans. Premier is planning about 100 housing units north of Oak Ridge. Stafford's Baker Creek South is several hundred housing units including a large apartment complex. Stafford's Baker Creek North will be several hundred units. And I'm just listing the new construction immediately off of Baker Creek Road.

So as you consider all the special allowances Stafford wants, think about the following:

- What happens to traffic on Baker Creek Road?
- Does any of this construction count towards what McMinnville needs to account for beginning in 2021 or will McMinnville still need to come up with additional land and housing because of state mandates based on inflated population projections? Would it be in our best interest to delay until 2021?
- Is Stafford building what people move to McMinnville for? I agree that more apartments are needed, but as a city, we're committing to an enormous number, just along Baker Creek Road only. Also, a lot of us are transplants from other areas. Would the housing that Stafford is building be anything that would have drawn us to McMinnville? I have seen a preliminary plan that Ruden is developing for 40 acres by Hill Road and Fox Ridge. I think it's a much better plan and more suitable to McMinnville's needs and wants. It was eye-opening to me to drive through the small lot "affordable housing" of Stafford and then drive through Ruden's The Bungalows. Personally, I would have moved to McMinnville for The Bungalows. I'd keep looking if I had seen Stafford's stuff.

To quote Heather Richards, what is built now will last 100 years. I hope you all keep that in mind.

Patty O'Leary

December 5, 2019

City of McMinnville Planning Department

Attn: Charles Darnell

231 NE Fifth Street

McMinnville, Oregon 97128

Submitted @ Public Hearing

RECEIVED

DEC - 5 2019

Planning Department

Dear Mr. Darnell,

Ref: Stafford

The following comments are in regard to tonight's Planning Commission meeting on Stafford LLC North proposal, and based on a rather quick one day review of the 377 page pdf package.

In summary, I am not opposed to the development, but do have a few concerns. I can see a lot effort went into this package by Stafford and McMinnville city staff.

1.A. Item. Packaged not staffed for comment to ODOT and Oregon DEQ.

1.B. Discussion. I note this package was staffed to a number of McMinnville city departments, as well as other external key stakeholders. There are two agencies who were not, apparently, canvased that I believe should be asked to review and comment: ODOT and Oregon DEQ. My rationale for including these two agencies is the addition of hundreds of vehicles coming in and out of this proposed development may exceed the capacity of key road intersections (e.g., Hwy 99 and Baker Creek; Hwy 99 and 2nd street by police station) to safely and efficiently process vehicles through the intersections. And this is just one of multiple new housing developments that will result in many more vehicles on local roads. There is also a possible worrisome vehicle emissions impact from these additional vehicles – in a city and county that currently do not require vehicle emissions testing.

2.A. Item: Assessment of Stafford LLC ability to complete the project in a timely manner.

2.B. Discussion. Someone within City of McMinnville needs to conduct a review (e.g., Counsel and Financial Departments) to determine whether Stafford has the financial resources to complete the full project. The more "due diligence" performed up front, the less chance of disappointment and possible litigation.

3.A. Item: Traffic throughput. Page 99, #5 states: "The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area."

3.B. Discussion. I agree that street capacity in close proximity to the Stafford development should be adequate. However, I wholeheartedly disagree with their opinion (and city staff concurrence) that traffic "will not overload the streets outside the planned area." The downtown core roads were not designed to carry the traffic volumes we will soon be experiencing. There are two key downtown road intersections already suffering capacity shortfalls: 1) the intersection of Baker Creek Rd and Hwy 99 and 2, the recently renovated intersection of 2nd street and Hwy 99 by the police station.

The intersection of Baker and Hwy 99 is so backed up at some times of the day that I take side streets to get around this intersection. I'm sure many other drivers are doing the same out of frustration – which is probably frustrating the residents of homes on side streets. A dedicated left turn light is need now (!) to go from Baker onto northbound Hwy 99. With the upcoming addition of hundreds of vehicles belonging to residents of the new apartment complex off of Evans St., soon to be followed hundreds more from Baker Creek North development (corner of Baker and Hill), the bottleneck will become exponentially worse.

A similar situation exists at the intersection of 2nd St and Hwy 99. It often takes me takes me two traffic light cycles to get through the intersection headed up towards city hall. The addition of new homes on the west side of McMinnville will continue to add to the traffic load at this intersection. I can't recall the last time I noted traffic measuring devices (air hoses across the road) installed at these intersections to count vehicles. This needs to be done ASAP. I'm not sure whose jurisdiction this falls under, perhaps, ODOT.

4.A. Item. Home spacing and fire risk.

4.B. Discussion. I note the package was staffed to McMinnville Fire Dept but I did not note their response. Stafford's proposal calls for some high density homes to be separated by a mere six feet. I'm not a fire expert but common sense and past news reports seemingly indicates that when one home catches on fire, odds are that others in close proximity will as well. In that area of town, the winds blow pretty well, and the fire dept is at least 10-15 minutes away. With significant housing growth on the western side of town, it might make good business sense to construct a first responder site nearby for fire, ambulance, and police.

5.A. Item. Architectural standards for residential construction.

5.B. Discussion. I like the proposed city requirements levied upon Stafford regarding home design, materials, etc. It appears the City Planner is the decision authority. I would suggest creating a 3 person Architectual Review Board with at least one member being a certified architect, tasked to review and approve residential designs. I'm not sure what happened at Stafford North currently under development at the corner of Baker and Hill. The homes built and currently under construction there are not pleasing to the eye! We can and must do better in this regard.

6.A. Item. Pedestrian Safety.

6.B. Discussion. I note the proposed crosswalk markings across Baker St. With so many local drivers forgetting to turn on headlights, having burned out headlights, it's important these crosswalks be well lit. The best example I've seen is in downtown Wilsonville near the city park where pedestrians hit the crosswalk button and the lights come on in the roadbed warning drivers. Too many pedestrians being killed in Oregon. This safety feature should be funded.

Respectfully,

Markus Pfahler

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McMinnville, OR. 97128

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Attachment J

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MINUTES

December 5, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin Susan Dirks, Roger Lizut, Amanda Perron, and Lori Schanche

Members Absent: Christopher Knapp and Gary Langenwalter

Staff Present: Heather Richards – Planning Director, Chuck Darnell – Senior Planner, and Spencer Parsons – Legal Council

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Public Hearing:

A. <u>Quasi-Judicial Hearing. Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review (CPA 1-19 / ZC 1-19 / PDA 2-19 / PD 1-19 / S 1-19 / L 12-19)</u> *(Exhibit 1)*

Request: Approval of six concurrent actions.

1) Comprehensive Plan Map Amendment on the southwestern portion of the site to reduce the size of an existing area designated as Commercial on the Comprehensive Plan Map. The proposed amendment would result in 4.76 acres of existing Commercially designated land being designated as Residential;

2) Zone Change from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential);

3) Planned Development Amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site;

4) Planned Development to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on the proposed 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages,

driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities;

5) Tentative Subdivision to allow for a 10-phase subdivision including a total of 280 single family detached dwelling units, public right-of-way improvements, and open spaces consistent with the proposed Planned Development plan;

6) Landscape Plan Review for the landscaping of proposed open space tracts within the subdivision phases and a street tree plan for the planting of street trees in the planter strips within the right-of-way adjacent to the single family dwelling unit lots.

Location: The subject site located Northeast corner of the intersection of NW Hill Road and NW Baker Creek Road. It is more specifically described as Tax Lots 100, 105, 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lot 106, Section 18, T. 4 S., R. 4 W., W.M.

Applicant: Stafford Development Company, LLC

6:31 Opening Statement: Chair Hall read the opening statement and described the application.

6:36 Disclosures: Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site, but had no comments to make on the visits.

6:37 Staff Presentation: Senior Planner Darnell said this was a request for six land use applications associated with the Baker Creek North project. He described the subject site. The Comprehensive Plan Map amendment would reduce the size of an existing area designated as Commercial from 11.3 acres to 6.62 acres and the remaining 4.76 acres would be designated as Residential. The Zone Change request was to change the current mix of R-1 and EF-80 to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential. The Planned Development amendment would reduce the size of the existing Planned Development Overlay District to the size of the proposed 6.62 acre C-3 (General Commercial) site and amend the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site. The fourth application would create a new Planned Development to apply to the R-4 (Multiple Family Residential) land on the site to allow for the development of 280 single family detached dwelling units with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities. The tentative Subdivision would correspond to that Planned Development and would allow for a 10-phase subdivision of the 280 single family detached dwelling units and all associated improvements. A Landscape Plan application for the subdivision had also been submitted which included tree removal requests, street tree plan, and landscaping areas. All of these applications were going through a concurrent process and the Planning Commission would be making a recommendation to the Council on all the applications.

Senior Planner Darnell showed maps of the parcel and of the requests. The majority of the parcel was zoned EF-80 which was a remnant of the County Exclusive Farm Use zone when the property was annexed into the City. There was a portion of R-1 on the site and some of the park donation site was zoned Flood Plain, consistent with the FEMA 100 year floodplain line. The

non-floodplain areas would be changed to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential). He also showed a map of the development plan for the subdivision. He then reviewed the Comprehensive Plan Map amendment and Zone Change criteria. He explained the Comprehensive Plan goals that applied to this request including encouraging growth, diversification of the economy, and promoting development and quality housing for all City residents. The City had a deficit of both commercial and residential land. Even though this would be reducing commercial land, it would provide more residential land and he noted the housing policies were given added emphasis in the Comprehensive Plan. There was a housing need in the City to warrant the reduction of the commercial. The surrounding area was mostly residential and the smaller commercial area would allow for appropriately scaled commercial uses at this location. The zone change would designate the commercial as C-3, General Commercial, and the residential as R-4, Multiple Family Residential. There was a goal in the Comprehensive Plan that called for the City to allow for commercial development that maximized the efficiency of the land use. The proposed C-3 zone would be consistent with that goal. The Planned Development amendment would also regulate the use and development of the site in a way that was consistent with the Comprehensive Plan policies and neighborhood commercial uses that the applicant intended, and staff suggested that the zone change not be approved unless the Planned Development amendment was approved. Regarding the housing goals in the Comprehensive Plan, they related to providing affordable, quality housing and promoting a residential development pattern that was land intensive and energy efficient. One policy that was applicable to the zone change was the locational requirements for high density housing. Overall the site met the locational requirements as it would be located on an arterial, future transit corridor, adjacent to commercial services, and was not subject to any development limitations. There were a couple locational requirements that were not achieved, such as being adjacent to public/private open space, ability to buffer from low density residential, and capacity of existing services had not been shown for the maximum buildout. All of these issues were addressed in the Planned Development application.

Senior Planner Darnell then reviewed the Planned Development Amendment which applied to the commercial area of the site. There was an existing ordinance and Planned Development Overlay District which had recently been reduced to allow for the McMinnville Water and Light substation expansion. The request was to reduce the size of the Overlay District to be consistent with the Comprehensive Plan Map commercial designation and to amend the existing conditions of approval to allow up to 120 multi-family units and to require a minimum of two acres of neighborhood commercial uses. No development plan had been submitted for this portion of the site. He explained the criteria for amending a Planned Development. This proposal would introduce a mix of uses on the site by allowing multi-family residential and neighborhood commercial uses. Staff thought that these special objectives could warrant departure from the existing requirements if the development was designed appropriately given its location in the surrounding residential area and the intent to provide neighborhood commercial uses which were currently not provided in this area and would be more fitting with the surrounding residential development. Staff thought mixed uses could be provided on site if they were integrated well and if the development was consistent with all applicable Comprehensive Plan policies. There had been changes in the City since this Planned Development was adopted in 1996. There are identified housing inventory and affordability issues in the City and providing multi-family units on the site would help meet the needs. There was a lack of commercial land in this area and staff suggested the minimum size of the neighborhood commercial uses be 5 acres instead of the 2 acres proposed by the applicant. He discussed the Comprehensive Plan policies and goals that applied to this site including efficiency of land use, providing a compact form of urban development, and exploring utilization of innovative land use regulatory ordinances to integrate the functions of housing and commercial into a compatible framework. Staff was suggesting a condition to allow up to 120 multi-family dwelling units on the site as proposed by the applicant if they were integrated with neighborhood commercial uses. This integration could be done in

either a mixed use building or some other form in a development plan that integrated the uses in a manner acceptable to the Planning Commission when detailed development plans were submitted for review. Staff also added a condition that the minimum neighborhood commercial area be 5 acres as part of a mixed use development. The 5 acres would be calculated based on all the development requirements for the commercial use. There was a policy that called for neighborhood commercial uses in residential areas, but the applicant had not stated what those uses would be. Staff suggested a condition that would allow neighborhood commercial uses on this property as defined in the C-1 zone and to allow a restaurant on the property. They also included language that would allow the applicant to request another use when detailed development plans were submitted and the Planning Commission could determine if it was a neighborhood commercial use. There were a number of policies in the economy chapter of the Comprehensive Plan that applied to how a commercial use was designed in terms of scale and size and impacts on surrounding land uses as well as on access points, traffic patterns, bicycle and pedestrian designs, and not creating auto oriented development patterns. Staff suggested a condition of approval that required the review of detailed development plans continue to be applied to this Overlay District as they were today and staff added more site and design components to meet applicable Comprehensive Plan policies. There were also policies related to a commercial site that it was not providing excessive traffic on the surrounding street network. Staff suggested a condition that an updated traffic impact analysis would be provided before development on the site.

Senior Planner Darnell continued with the Planned Development application for the residential zoned property. It would be a separate Planned Development Overlay District that would be created to allow for the 280 single family detached residential units, 18 open space tracts, and a dedicated public park. The request included modifications to lot sizes, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities. There would be 7 different lot types throughout the Planned Development area. Reduced setbacks were requested for each of the lot types and larger setbacks were requested on some lots for tree preservation. The average lot size that was being proposed was just under 5,000 square feet which was the minimum required in the R-4 zone. Planned Development policies allowed for a slight change in the density of the site. Staff thought it was close to the 5,000 square foot minimum and the applicant had described how the front loaded lots exceeded the 5,000 square feet and the alley loaded lots exceeded what would be required by a townhome. He went over the review criteria for Planned Developments. The applicant had listed the special objectives for the application including tree preservation, natural areas preservation, providing a mix of housing types throughout the development, providing open space amenities, and providing adequate off street parking. Staff suggested a condition that prior to any other tree removal than what was shown in the current plans, that the removal would be submitted for review by the Planning Director. A geotechnical report was submitted by the applicant that had some recommendations for additional analysis on the slope area and recommendations to be followed during construction. Staff had included a condition that those recommendations be followed. Staff suggested the plan for the transition of density from the south side to the north side of the site and the denser development near the arterial and the less dense development by the natural features be binding. Staff also suggested a condition allowing lot size averaging. Staff suggested another condition that all lots less than 40 feet in width would be alley-loaded which would reduce vehicle conflicts with the sidewalk space and streetscape environment and reduce garage door dominance on the front facades. The alleys would be private. There were 18 open space tracts proposed throughout the site. The City would accept some of those as public parks and some conditions had been added stating which of the tracts would be accepted by the City at the time of the plat and the improvements that would be required. He explained how these tracts would connect with the trail system and the plans that were in the Parks Master Plan. The tracts that the City would not be accepting would be private and maintained by the Homeowners Association and he explained the

amenities that would be on those tracts. The applicant was requesting wider driveways for adequate off street parking and staff included a condition that would allow the private lots the maximum driveway width to be what was requested by the applicant, but that the driveway narrow down at the property line to the maximum 40% of the lot frontage that was required by the code. This would reduce vehicle conflicts at the street and provide more space for street trees and utilities. In terms of the overall lot pattern and types of lots being created, the applicant wanted to avoid cookie cutter housing. The lot sizes and dimensions being proposed would result in a denser development pattern throughout the area. To avoid the cookie cutter housing, staff was suggesting a condition that design standards be applied to the building plans that were developed on the lots within the Planned Development. These would deal with style and massing, type of exterior materials, front porches and entry areas, roof design, exterior doors and windows, garage doors, lighting, and colors. Another suggested condition was to not allow any same house design in adjacency to another including both sides of the street. He discussed the other design features that were proposed, such as a wider meandering sidewalk path on Baker Creek Road and longer block lengths and block perimeter lengths with mid-block crossings. Staff had proposed conditions to include these features. He discussed the other review criteria including the streets being adequate to support the anticipated traffic and utility and drainage facilities being adequate for the density. There had been no issues raised regarding the utilities and drainage. A traffic impact analysis was provided by the applicant and the analysis showed that the volume-to-capacity ratios were less than the City's standard for the surrounding intersections except for Michelbook and Baker Creek Road at full build out. The applicant noted there was a future signal identified in the City's Transportation System Plan to address that intersection.

Senior Planner Darnell discussed the subdivision application. The applicant planned to have 10 phases for the 280 single family lots to be developed. Streets were required to be provided to connect to the surrounding areas. There would be a connection at Hill Road, Meadows Drive, and Shadden Drive. Easements would also be required for public utilities and drainage. Access easements and pedestrian ways would be provided as well. The lots were consistent with the Planned Development Overlay District and street access was provided to all the lots except those with alleys. Conditions were included to allow for the phasing of the project and the timeframes for the phases. There was a lot sale policy in the Comprehensive Plan that required a number of lots to be provided for sale to encourage a variety of housing types within a Planned Development. Staff had included a condition that 25% of the lots in each phase be offered for sale. There were a couple of conditions that related to public improvements, which included a redesign of the intersection geometry at Gregory and Augustine Streets and that the alleys be private either in a tract or an easement. There were other conditions related to the general conditions that were typically applied to a subdivision including the creation of CC&Rs and a Homeowners Association to maintain the open spaces and maintain the park until 2032, right-of-way dedication along Baker Creek Road, standards for right-of-way improvements, process for review of final plats, and applicant obtaining all required permits.

Senior Planner Darnell discussed the last application which was the Landscape Plan. Tree removals were being proposed, there was a street tree plan for all of the new streets and improved Baker Creek Road, and landscaping in the open spaces. There was a condition for variation in the spacing of the street trees. Some locations were identified that could accommodate additional trees and were included as conditions of approval unless they were found to be in conflict with the utilities. Other conditions included changing tree species in the open spaces next to the overhead easement, transmission line, and BPA easement, setbacks from utilities, and planting standards. A revised Landscape Plan would need to be submitted to the Planning Director for review to respond to some of the conditions related to changes in species and coordinating with utility locations. Open Space Tract G was not identified with any improvements in the Landscape Plan. This was a tract that the City would be taking over for a

public sewer pump station. A condition was included that a landscape plan be submitted for this tract. The pump station needed to be screened from the surrounding lots and a minimum of 25% of the site needed to be landscaped. Maintenance vehicles would also need to be able to access the site.

Senior Planner Darnell said the City had received one written public testimony from Patty O'Leary. The testimony referenced older Planned Development ordinances in relation to the multi-family use that was proposed. He gave an overview of the history of these ordinances. In 1991, Ordinance 4506 was passed which designated commercial land on the south side of Baker Creek Road. That was amended in 1996 by Ordinance 4626 which reduced the commercial land south of Baker Creek Road and allowed multi-family in that location. There was also a condition of approval that land north of Baker Creek Road would be changed to commercial, but no multi-family would be allowed there. That was what led to the application for the dedication of commercial land which was approved by Ordinance 4633. More recently, Ordinance 5021 was approved in 2017 which approved the amendment to the south side of Baker Creek Road which allowed Baker Creek West and Baker Creek East to be developed. That ordinance repealed Ordinance 4626. Ordinance 5076 reduced the size of the Planned Development Overlay District subject to Ordinance 4633 that allowed for the substation expansion. The size of the Overlay District was the 11.3 commercial acres that remained in the applicant's property. He explained other planned developments that did not move forward when Ordinance 4633 was adopted. Staff was recommending approval of all six applications. Staff had provided a memo to the Planning Commission on potential revisions to the conditions for the Planning Commission to consider. He reviewed those revisions which included providing for flexibility in alternative design features, Public Open Space S to be paved, access for McMinnville Water and Light, driveway width, revisions to architectural design standards for front porch sizes, vertical projections in building facades, and variations to ridgelines and eaves, garage width and design standards, Landscape Plan reviewed by the Planning Director instead of the Landscape Review Committee, and lot sale policy.

7:40 Commission Questions: Commissioner Schanche thought mid-block crossings were unsafe, and was surprised that they were being proposed. She asked how they were going to make these crossings visible to drivers to keep pedestrians safe such as warning signs and crosswalks. Senior Planner Darnell explained an enhanced crossing would be provided for the BPA trail crossing. The plans showed curb cuts and ADA access points at the mid-block crossings. Outside of that there were no other improvements proposed.

Community Development Director Bisset said they had mid-block crossings all over the City. Larger mid-block crossings were discouraged from the aspect of being marked. There was evidence that stripes on the road did not affect driver behavior. In those locations where there was a BPA crossing, they did do enhanced crossings, but at regular intersections they preferred not to mark them because they wanted pedestrians to be cautious. He would have to think about the need for more stripes on the road as it was not recommended.

Commissioner Schanche thought there should be at least warning signs. Community Development Director Bisset said the road signage was not part of the applications and it was possible that they would ask for warning signs at crossing locations where it was warranted. That would happen in the subdivision construction phase.

There was discussion and clarification on the proposed conditions. It was clarified the Great Neighborhood Principles did not apply to these applications since they were submitted before the Great Neighborhood Principles became effective.

7:48 The Commission took a short break.

7:54 Applicant's Testimony: Gordon Root, Stafford Development Company, was the applicant. He introduced himself and his development team. He was a local developer who worked in rural communities and brought attainable housing to those communities. He had to be attuned to the market and what people in the community wanted to buy. He focused on building high performance homes and made many lots available for purchase. As a company they delivered 450-500 lots to the market per year and last year they sold 94.6% of their lots. They had an objective of keeping 80% of their lots overall and he thought they would keep about 75% of the Baker Creek North lots to build themselves as they had found McMinnville to be a good market place. Staff had done a good job explaining the modifications he was requesting including the setbacks. Most of the yards met the R-4 standards and 66% of the lots had a five foot side yard setback instead of a six foot side yard setback and only 6% had a four foot side yard setback. The small alley-loaded lots had a three foot side yard setback. They needed some exceptions to the curbs in order to reach the driveways for the larger lots on the corners or irregular shapes. Regarding the driveways, they needed to provide ample off street parking. They strove to provide a double car garages and a driveway, so every home had at least four off street parking spaces. The proposed driveway widths varied from 18 feet to 30 feet. For the homes with alleys, the alleys were wider than most people were familiar with as there was 60 feet between garage doors. The mid-block paths would break up the blocks for pedestrian access. The street trees were provided at regular intervals, but were off-set at times due to water meters or driveways. They provided extra barrier and root protection for the street trees. He was requesting two monument signs at Meadows and Shadden. He thought the proposed Landscape Plan would create a sense of place along with the diversity of housing types. The housing types would allow people to stay in the same neighborhood and move to the different types as their lifestyles changed. There were 18 open space tracts and there would be a park as well as trail connections. They had agreed that the HOA would maintain the park until 2032 and then the City would maintain it. He showed pictures of what the green spaces would look like and the amenities they would provide. He then discussed the lot types, single family detached and detached alley. There were 102 larger lots, 100 medium lots, and 78 smaller lots. In McMinnville people were more attracted to the larger lots, and their best-selling product was a single story three car garage plan. He compared the standard lot in the R-4 zone which was 50 x 100 to his proposed single family detached lots. The large and medium lots were 7,000, 6,000, and 5,000 square feet and there were some that were below the minimum at 4,600 and 4,100 square feet. The lots around the perimeter were deeper to be able to protect the trees on the site. The lot size averaging allowed them to go smaller on some of the lots and to have big lots as well. He then compared the smallest lot size to common wall lot size. The common wall lot size was 2,500 square feet and his smallest lot size alternated between 2,600 and 3,000 square feet to get a variation in the housing types and facades. He then reviewed each product that would be built in the development. There were standards for each lot size as well as parking. The reduced side yard setbacks would push people out into the common areas and would create a social environment and allowed people to walk to the commercial area. Some of the lots allowed the facades to protrude into the setbacks to create extra depth. The alley-loaded lots would have four off street parking spaces and no common walls.

Mr. Root explained the streets would be extended with this project and there would also be internal streets and alleys. He thought the circulation plan was good and would make it easy for people to get in, out, and around. They had gone through property line adjustments to match the phases. Regarding the conditions of approval, one had been worked out with McMinnville Water and Light for access on Meadows Drive and a turn around area. Others were the driveway modification request and architectural design book which had been taken care of. There were some concerns with the new modified conditions, especially regarding the elevations. The trees that would be planted would help screen the lots and hide elevations. If homeowners put in additional landscaping there would be a lot more greenery and screening as well. There would

be different housing styles and widths and it would not be a stark mass. He thought as the landscape matured, it would be a lot less offensive looking. He was also concerned about the front porch requirement as it would eliminate some of his house plans from being able to be built. He thought the intent of the condition was making sure they had a good looking smaller home product, but it might affect building some of the larger projects as well. He wanted to make sure the ridgelines and eavelines worked for the project and could be applied to the lots that did not meet the standard instead of all the lots. These would all need continued discussion and more clearly defined facades. He agreed with the façade requirements for the public facing side of the buildings, but did not agree with having to put the façade features on the backs of the buildings. These features would not be seen and would make the homes more expensive. He discussed the features that he questioned putting on the back sides of the homes and proposed that they be on street facing elevations only. He also had some concern about the paint schemes and not requiring a third color for all the architectural styles.

8:40 Commission Questions: Commissioner Schanche asked if they would be putting in the infrastructure first before selling the lots. Mr. Root said yes, they sold finished lots. They did not put in the street trees associated with each house; that would be the builder's responsibility. They did put in street trees in front of and inside the open spaces. The trees that weren't planted in front of the homes were bonded and when they were planted by the builder the bond was released.

Commissioner Schanche said the houses in the area now all had dead street trees due to being buried too deep. She wanted to make sure that did not happen here.

Commissioner Butler asked about the phasing and completing Shadden Drive especially for the Oak Ridge Meadows development. Mr. Root said the phasing was driven by the ability to service each phase and the market. He explained Shadden was likely not going to be done in the first two years. He explained why the phases were in the order that was proposed, especially to be able to extend the services to the site.

Commissioner Dirks was in favor of the alley design that focused on the neighborhoods instead of the cars and driveways. She asked if they had considered a similar design for the larger lots or a cottage cluster design. Mr. Root said they had considered every design, but decided not to go with those designs due to the lot depths and fitting with the topography.

Commissioner Dirks did not think they could count the pump station property as an open space. Mr. Root said it was not counted in the open space.

Commissioner Dirks was concerned about the fines they received from DEQ for Baker Creek South. She wanted to be assured that would not happen again. Mr. Root said the DEQ fines were in regard to the multi-family parcel. There was a rock construction entrance that in a heavy downpour did not allow for proper drainage and the runoff ran down the gutter. Their site development manager had died, and they were in transition on who was maintaining the site at that time. They had already sold all of the lots to LGI and the paperwork was submitted to DEQ for the transfer, but it took longer than expected to process. They thought LGI was taking care of it and their site development manager was not there to confirm that they were. They found out LGI was not taking care of it and they were on the hook because their name was still on the paperwork. They would make sure to have concrete washouts, to clean out the catch basins, and to have a manager to watch it. They planned to be more careful in the future.

Commissioner Lizut discussed electronic magnetic flux in the space between the commercial and housing. He questioned the effect of that to the human body and thought measurements

should be taken and an analysis done to find the value of the flux for this development. If there was an issue, it needed to be addressed. Mr. Root said they were aware of that issue.

8:58 Public Testimony:

Proponents: None

Opponents: Doug Johnson, McMinnville resident, had concerns that came from the current development on Baker Creek South. He understood the Great Neighborhood Principles were not directly applicable, but there were certain architectural design criteria that he wanted to address. He did not want a monoculture design, and he did not think the argument that within a number of years that would be alleviated by future plantings was compelling. Another issue was tree preservation and he described how trees were removed in Baker Creek East that should not have been. He did not know whose responsibility it would be to preserve the trees. The developer had different housing types, however they were not integrated with each other in the same block but there was a block of one housing type and then another block of a different housing type and so on.

Rick Weidner, McMinnville resident, was concerned that not all of these lots would be built by Stafford. He discussed his dismay at the three story apartment building that was being built up against beautiful Hill Road. It took away from the sense of place to the neighborhood. Watching the construction crew, trade methods, and building materials, he did not know how they could build anything less expensive. He hoped that Stafford would take the ball and run with it and establish a better bar for this development. He also hoped it did not become a lease to own situation where people would lose their homes and move out. He asked if there would be any on street parking for visitors.

Senior Planner Darnell confirmed there would be on street parking.

Mr. Weidner said many people in McMinnville had big pickup trucks and he questioned if they would fit in the driveways and it might make the roads narrower if they had to park on the sides. He also asked if they would be putting in a bathroom at the park.

Planning Director Richards said no, as the property was in the floodplain.

Mr. Weidner thought a bathroom was needed. He thought there should be more design considerations for the monument at the entries that had an agricultural reference and not a New England rock art look that was seen everywhere.

Kathy Loving, McMinnville resident, was opposed to the mass and scale of the development. She was concerned about the homes LGI had built previously in the City on Hill Road and this could be the same type of development. She understood that they needed to have affordable housing, but it needed to be done in moderation. This was too much density and Baker Creek Road could not support this much traffic. She wanted to keep McMinnville as it was, and not turn it into another Beaverton.

9:18 Rebuttal: Mr. Root said the trees in Baker Creek East had been taken down because they were dying and he had been directed to take them down. For this project, there would be some trees removed but there were others that would be preserved and protected. The traffic study addressed the traffic issues. Stafford had the ability to complete the project in a timely manner. Home spacing and fire risk had been addressed and they had met the architectural standards. Regarding integration of housing types, this was consistent with good planning with higher density housing on smaller lots by the arterial and future transit and larger lots by the

preservation areas and existing neighborhoods. There were different standards for Hill Road that was at the Urban Growth Boundary. He thought the façade in the rear would mitigate over time. The landscape plan would mitigate for the apartments. A third party would be constructing the apartments.

Commissioner Schanche asked when the commercial would be developed. Mr. Root was not sure as it would depend on a commercial developer purchasing the property and developing it. It would probably be around 3-5 years after the residential went in.

Commissioner Butler clarified no multi-family would be built until there was a developer for the commercial. Mr. Root said it might come earlier if the market demanded it. Staff was requiring a mixed use approach for the multi-family and commercial for five acres, but there was a little more than an acre that could be developed as only multi-family. They were planning for 120 units on that parcel, and he explained how that was less density than was allowed. There were site constraints with parking and landscaping that limited the number of units as well as height restrictions.

Chair Hall asked for direction from staff about the conditions that were still in question. Planning Director Richards said the Planning Commission could direct staff to evaluate the request to look at the architectural design standard conditions for the Planned Development. That would require continuing the hearing and the 120 day deadline.

Mr. Root thought there would be more time for discussion between this decision and the application going to the City Council to discuss the conditions with staff. The Commission could make a decision with an added condition that the applicant work with staff on these conditions before the City Council hearing. He did not think it was necessary for the Commission to delay the decision.

9:34 The Commission took a short break.

9:41 Chair Hall asked if the Commission wished to continue or close the hearing.

There was consensus to close the hearing. Chair Hall closed the public hearing.

9:42 Commission Deliberation: Commissioner Butler was dismayed to see that the applicant did not take the opportunity to use different housing types in the development. This area did not have a lot of commercial land, and she was not in favor of reducing the amount of commercial because it also reduced the amount of multi-family housing.

Commissioner Dirks thought the problem was they could not ensure that the development of the commercial property would be the mixed use of commercial and multi-family. Planning Director Richards clarified what approval would mean for this area, and how though design and development standards would be in place it would not guarantee development of 120 multi-family units. A developer would be allowed to do so if these applications were approved. The current ordinance prohibited multi-family on this site.

Commissioner Dirks thought they were doing as well as they could here because they were getting the opportunity to have multi-family housing. It would probably not be developed right away but they did not have control over that.

Planning Director Richards clarified the applicant requested a minimum of 2 acres of commercial with the ability to do 120 multi-family units, and staff had recommended a minimum of 5 acres of

commercial mixed with multi-family. Staff also recommended reducing the height to 45 feet because it was nestled into a residential area.

Chair Hall was in favor of staff's recommendation because he did not want too much commercial on this site as it needed to fit with the neighborhood.

Commissioner Butler said they needed more affordable housing and the only place to build multi-family affordable housing options was in the portion that was being suggested to be reduced. They would not approve a big box commercial here and it seemed like they were stealing from Peter to pay Paul.

Planning Director Richards explained the applicant made the request, and the Commission could approve it with conditions or deny it. If denied, it would remain as it was today that would prohibit multi-family on all 11.3 commercial acres. They had not come in with a request to rezone the 11.3 acres to C-3 with the removal of the multi-family prohibition, but had come in with a request to rezone the 6.62 acres to C-3.

Commissioner Dirks suggested adding a condition that would not allow the use of temporary flag signs. Senior Planner Darnell said the Commission could determine if it was more in line with the location of the site to limit the number of temporary signs or something that was measurable. A blanket prohibition on temporary signs would be a heavy lift.

Planning Director Richards said if the concern was the flag signs and that they were not appropriate in a neighborhood serving commercial situation, then they could discuss that. If it was a complete prohibition on temporary signs it would be difficult to write a finding for that.

There was not consensus to create a condition on temporary signs.

Commissioner Schanche thought they should discuss the porch façade situation.

Commissioner Dirks said the way staff wrote the revised Condition #20 looked good to her. She thought they should support staff's revised wording. Commissioner Schanche agreed.

Commissioner Butler said the developer had a point about the lots in the back. Chair Hall said those lots would be the most expensive and probably most able to afford it.

Commissioner Schanche thought the issue was those on the trail looking up to a lot of windowless walls if the facades were not changed.

Commissioner Dirks asked about timing and holding two public hearings on these applications. Senior Planner Darnell clarified that an extra Planning Commission meeting was schedule in December, in case two hearings needed to be scheduled this month on these applications. But they had only sent out property owner notice for the first meeting as the public hearing date. They did not send out notices for a second hearing because it was not yet known whether the Planning Commission would continue the public hearing. They had received less public comment on this hearing than they typically did for these types of applications.

Commissioner Dirks did not think people knew about the applications. Planning Director Richards said there was an article in the paper about this development as well.

Commissioner Butler was disappointed that there was nothing more that could be done to expedite the Shadden Drive extension.

10:07 Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to RECOMMEND APPROVAL to the City Council of CPA 1-19 per the revised conditions in the memo dated December 5, 2019. SECONDED by Commissioner Chroust-Masin. The motion PASSED 7-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to RECOMMEND APPROVAL to the City Council of ZC 1-19 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Lizut. The motion PASSED 7-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to RECOMMEND APPROVAL to the City Council of PDA 2-19 subject to the conditions of approval provided in the decision document and the revised conditions in the memo dated December 5, 2019. SECONDED by Commissioner Chroust-Masin. The motion PASSED 7-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to RECOMMEND APPROVAL to the City Council of PD 1-19 subject to the conditions of approval provided in the decision document and the revised conditions in the memo dated December 5, 2019. SECONDED by Commissioner Butler.

Commissioner Dirks asked if they wanted to add a condition regarding the bathrooms in Tract F near the shelter. Planning Director Richards said the Parks and Recreation Director had been involved in the discussions regarding the park land amenities. She did not encourage them to move forward with that condition at this time without having the opportunity to discuss it with the Director.

The motion PASSED 7-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to RECOMMEND APPROVAL to the City Council of S 1-19 subject to the conditions of approval provided in the decision document and the revised conditions in the memo dated December 5, 2019. SECONDED by Commissioner Butler. The motion PASSED 7-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Perron MOVED to RECOMMEND APPROVAL to the City Council of L 12-19 subject to the conditions of approval provided in the decision document and the revised conditions in the memo dated December 5, 2019. SECONDED by Commissioner Chroust-Masin. The motion PASSED 7-0.

4. Commissioner Comments

10:18 Commissioner Chroust-Masin announced this was his last meeting.

5. Staff Comments

10:19 Planning Director Richards said there was a public hearing scheduled for December 19.

6. Adjournment

Chair Hall adjourned the meeting at 10:21 p.m.

Heather Richards
Secretary

Attachment K

Cascadia
Planning + Development Services
PO Box 1920, Silverton, OR 97381
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CITY OF MCMINNVILLE

BAKER CREEK NORTH DEVELOPMENT

Location: 1755 NW Baker Creek Road
McMinnville, Oregon
Yamhill County

Parcel A: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904865 (a.k.a. Commercial property)
Parcel B: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904867 (a.k.a. Phase 2)
Parcel C: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904874 (a.k.a. Phase 1)
Parcel D: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904870 (a.k.a. Park Donation property)
Parcel E: Known in Yamhill County Official Records as the property described in: Exhibit D of Instrument # 201904874 (a.k.a. Phase 3)

Prepared by: Steve Kay, AICP

Prepared for: Stafford Development Company, LLC
8840 SW Holly Lane
Wilsonville, OR 97070

[Revised Nov. 8, Sept. 11 & 23, 2019] April 29, 2019

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APPLICANT'S STATEMENT

PROJECT NAME: Baker Creek North Development

REQUEST: Concurrent Approval of:

	Affected Parcels:
• Land Donation to the City for a "Special Use Park"	Parcel D
• Comprehensive Plan Map Amendment	Parcels A & B
• Zoning Map Amendment to C-3	Parcel A
Zoning Map Amendment to R-4	Parcels B, C, & E
• Planned Development Amendment to Ordinance No. 4633	Parcels A & B
• Phased Subdivision (more than 10 lots)	Parcels B, C, & E
• (New) Planned Development	Parcels B, C, & E
• Tree Removal & Street Tree Planting Plan	Parcels B, C, & E

APPLICANT:
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Contact: Morgan Will, 503-305-7647
morgan@staffordlandcompany.com

PROPERTY OWNER:
Baker Creek Development, LLC
8840 SW Holly Lane, Wilsonville, OR 97070
Manager: Gordon Root, 503-305-7647

APPLICANT'S REPRESENTATIVES:
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Ben Cook, RG/James Imbrie GE, CEG, GeoPacific Engineering
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503-598-8445; bcook@geopacificeng.com

PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT AREA: 4.672 Acres

PROPOSED ZONING MAP AMENDMENTS AREA: 55.328 Acres

PROPOSED SUBDIVISION AND NEW PLANNED DEVELOPMENT AREA: 48.7 Acres

PROPOSED PARK LAND DONATION AREA: 14.9 Acres

LIST OF EXHIBITS

1: Copies of Signed Application Forms
2: Property Deeds
3: Preliminary Development Plan Set
- EXH-1 through EXH-8 Various General Exhibits including Map Key
- PL-1 through PL-5 Preliminary Plat
- SP-1 through PL-5 Site Plan (Typical Street Sections Drawing SP-5)
- GR-1 through GR-5 Grading Plan
- UT-1 through UT-5 Utility Plan
- ST-1 through ST-26 Street Plan & Profile
- L1.0 through L.10.0 Street Tree and Landscape Plan
- IR1.0 through IR2.0 Irrigation Plan

4: Geotechnical Report
5: Neighborhood Meeting Documentation
6: Traffic Analysis Report

CONTENTS

Page 1	Cover
Page 3	Applicant's Statement
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Page 7	Section II: Summary
Page 13	Section III: Findings (Applicant's Comments)
Page 145	Section IV: Summary and Conclusions

I. REGULATIONS ADDRESSED

A. McMinnville Comprehensive Plan

Volume I: Goals and Policies

Page 13	**Residential Development – Design Considerations**

Volume II: Goals and Policies

Page 23	**Chapter IV:**	**Economy of McMinnville**
Page 29	**Chapter V:**	**Housing and Residential Development**
Page 45	**Chapter VI:**	**Transportation System**
Page 65	**Chapter VII:**	**Community Facilities**

B. McMinnville Municipal Code

Title 17: McMinnville Zoning Ordinance

Page 75	**Chapter 17.09:**	**Zone Classification, Boundaries and Maps**
Page 75	**Chapter 17.21:**	**R-4 Multiple-Family Residential Zone**
Page 81	**Chapter 17.33:**	**C-3 General Commercial Zone**
Page 83	**Chapter 17.48:**	**F-P Flood Plain Zone**
Page 84	**Chapter 17.51:**	**Planned Development Overlay**
Page 95	**Chapter 17.53:**	**Land Division Standards**
Page 120	**Chapter 17.57:**	**Landscaping**
Page 121	**Chapter 17.58:**	**Trees**
Page 127	**Chapter 17.60:**	**Off-Street Parking and Loading**
Page 129	**Chapter 17.61:**	**Solid Waste and Enclosure Plan**
Page 129	**Chapter 17.62:**	**Signs**
Page 131	**Chapter 17.72:**	**Applications and Review Process**
Page 139	**Chapter 17.74:**	**Review Criteria**

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II. SUMMARY:

The applicant, Stafford Development Company, LLC, is requesting concurrent review and approval of multiple applications:

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Planned Development Amendment to Ordinance No. 4633
- Phased Subdivision
- (New) Planned Development
- Tree Removal Permit
- Street Tree Plan & Landscape Plan Review

In addition to the above land use actions, the applicant requests acceptance of the donation of Parcel D, 14.9 acres of land, from the property owner to the City of McMinnville for use as a public "Special Use Park" called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999.

Park Land Donation

There is no application process in this code for acceptance of the proposed land donation as well as the suggested acceptance of the dedication of open space tracts as public parks. The June 1999 Parks Master Plan (page 22) states that park acquisition is to be coordinated by the Director of Parks and Recreation. So, the applicant requests that a decision on acceptance of the proposed 14.9 acre park land donation, and a decision on whether to accept transfer of tracts in the Baker Creek North Planned Development, be coordinated simultaneously with review of these applications, so the applicant can plan for the future ownership and maintenance of those parcels.

To permit public use of the donated park land, the applicant is proposing to install a rustic pedestrian path with a bark chip surface. The proposed path will be installed as off-site improvements during Phases 2A and/or Phase 3A of the Baker Creek North Planned Development. The pathway will have connectivity to proposed common open spaces within the planned development. The off-site park improvements will also be accessible to the general public from adjacent sidewalks and the BPA trail south of the site.

Comprehensive Plan Map Amendment

This requested comprehensive plan map amendment, in conjunction with the planned development amendment as discussed below, will remove the commercial designation from 4.76 acres of the site. The applicant is proposing to replace this with a residential designation and reconfigure the comprehensive plan map consistent with the boundary of the 6.62-acre parcel proposed for commercial zoning below.

Zoning Map Amendment

The requested amendment will rezone two areas of the site. The applicant is proposing to zone a total of 48.7 acres of the site to an R4 designation. Of the 48.7 acres, the southwest 9.41 acres is existing R1 zoned land that will convert to R4 with this request. The remaining 39.29 acres to be zoned R4 currently has no urban zoning, only remnant County zoning. In addition, the requested map amendment will zone another 6.62 acres to C3, which also is an area that currently has no urban zoning, only remnant County

zoning. The portion of the site to be zoned C3 conforms to the previously mentioned Comprehensive Plan Map amendment. The area zoned C3 will also conform to the revised planned development boundary for Ordinance 4633 as described below, thus this portion of the site will be designated with a C3-PD planned development overlay.

Planned Development Amendment - Ordinance No. 4633

Ordinance 4633 was approved in October of 1996 resulting in the commercial designation of 11.3 acres of the site and a commercial planned development overlay (C3-PD) which restricts development with two conditions of approval. Ordinance 4633 was the product of Ordinance No. 4626 condition #7, which was approved in July of 1996 and required 10 acres to be designated commercial with a restriction for residential uses. Planned Development Ordinance No. 4626 was repealed in its entirety as condition #7 of City Case File No. AP 1-17 with approval of Ordinance No. 5021 in April 2017, therefore it no longer applies and has no effect on Ordinance 4633 which the applicant requests to amend here. The City ordinance that was the impetus for the creation of Ordinance 4633 is no longer in effect and circumstances of twenty years ago that generated the planned development conditions are no longer present, thus the proposed planned development amendment is prudent and warranted.

The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:

1. No more than 120 multi-family units may be developed on the site.
2. At least 2-acres of neighborhood commercial uses shall be developed on the site.

The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone.

It is the applicant's understanding that this area was designated commercial at a time when expansion of the City's urban growth boundary (UGB) westward was being pursued and this commercial area was hoped to be a large commercial center for McMinnville's (north)westward expansion. This UGB expansion to the northwest did not materialize. This has left the site with a glut of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, being a developer who has owned the site for almost four years, and having purchased it from a bankruptcy trustee, attests to this lack of demand for so much commercial land based on the lack of interest from others in the property for such uses. The commercially designated area is too large for the current pattern of development in McMinnville. A large commercial development is not appropriate since it would drain economic activity from the downtown commercial core and other established commercial centers in McMinnville. The proposed planned development amendment as established by Ordinance No. 4633, and an amendment to the Comprehensive Plan Map to decrease the area designated commercial as proposed, will allow the remaining commercial area to be regulated under current C3 zone standards. This will allow the property to more freely meet the market needs for uses allowed by the C3 zone, supporting a mix of uses such as neighborhood commercial and needed multi-family housing. The proposed amended planned development conditions will ensure this outcome.

Phased Subdivision

The residential planned development described below is proposed as a ten phase subdivision, as shown on the exhibit drawing EXH-6 Phasing Plan. The phases are clustered into three groups: Phase 1A-D, Phase 2A-2C, & Phase 3A-3C. The phases are predicted to begin in 2020 following approval of these applications and continue over the next 5-10 years as approved by the City of McMinnville.

Phase 1A will be the first phase to begin site construction, as it can be served by gravity sanitary sewer. The sanitary sewer pump station will come in Phase 1B, which can be developed before or after Phase 1C. Phase 2A will come with development of Phase 1D and Phase 3A will come with development of Phase 1B. The other phases will come in their logical order.

As indicated by the attached Existing Conditions Plan and Preliminary Utility Plans, public utilities are in the vicinity of the subject site and the facilities can be extended to accommodate the proposed development in an orderly and timely fashion.

Planned Development

This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay.

Vicinity Description

The proposed planned development site is bounded on each side with land having characteristics as follows:

Northeast: A Planned Development Amendments and Subdivision, City of McMinnville Project No. PDA 3-18/PDA 4-18/S 3-18.

East: Existing Single-family residential dwellings on R2-PD (planned development) zoned lots (Oak Ridge subdivision), and a local church property.

South: Adjacent commercial land, and NW Baker Creek Road, across from which are the phases of Shadden Claim and Baker Creek West planned developments.

Southwest: Hill Road street improvement and new traffic circle (roundabout).

West: Land in the County outside the Urban Growth Boundary (UGB) zoned EF-80.

North: Land in the Baker Creek floodplain corridor, including some upland areas outside the floodplain area designated residential on the Comprehensive Plan Map and within the Urban Growth Boundary.

Site Description

All of the subject parcels are currently vacant from an urban perspective, but have been actively farmed, primarily with grass seed. The site generally slopes down from the south to north, although a small area drains surface water to the southeast. The entire site is on top of a long bluff and out of the 100-year floodplain and away from any local drainage. The site is located north of Baker Creek Road, generally west of Shadden Drive, and east of the intersection of Baker Creek Road and Hill Road where there is a new roundabout. The project will extend proposed NW Hill Lane from the roundabout, and extend NW Meadows Drive, NW Shadden Drive, and NW Blake Street into the site from their current termini at intersections and street stubs. The applicant's road profiles and details indicate a half street improvement will be installed along the NW Baker Creek Road frontage from Meadows Dr. to Shadden Dr, and new streets within the development will be fully improved to meet City standards.

Housing

Consistent with Housing Element goals and policies of the Comprehensive Plan, the proposed Planned

Development will include a mix of housing types to meet the diverse needs of McMinnville residents. The applicant's Typical Lots sheet demonstrates that the requested R-4 zoning will allow the construction of various small, medium, and large lot single-family detached dwelling units.

Open Spaces

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include a multiple play structures, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process:

1) Lots: The number in the proposed seven lot types (i.e. SFD-70) reflects the typical width of the lot (i.e. 70 feet typical width). "SFD" stands for "Single-Family Detached" dwelling, and the "a" in "SFDa" stands for a lot with a garage loaded from the alley.
   - Area - The proposed seven lot types provide an overall average lot area that exceeds 4,500 square feet per lot.
     - Overall average lot area for large and medium lot types SFD-70, SFD-60, SFD-50, SFD-45, & SFD-40, where the garage faces the street, will be at least 5,000 square feet per lot. This average mimics the minimum lot size of a detached single-family dwelling in a standard subdivision.
     - Overall average lot area for small lot types SFD-30a & SFD-26a, where the garage faces an alley, will be at least 2,500 square feet per lot. This mimics the minimum lot size of a common wall construction single-family dwelling in a standard subdivision, even though this planned development approach requests these dwellings types detach from the common wall approach.
   - Orientation – Side property lines are oriented as much as practicable at 90 degrees to the roadway where the dwelling takes access. Approval will require lot orientation at the final plat to substantially conform to preliminary plat drawings PL-1 through PL-5.

2) Setbacks: Minimum setbacks in the planned development are illustrated on the Typical Lots exhibit for each of the seven lot types per the Lot Type Plan. Below are setbacks that **differ** from a standard subdivision. Setbacks that meet the code standard, like 20-foot setback to the face of the garage, are not listed below:
   - Internal side yard setbacks shall be 5 feet on SFD-70, SFD-60, SFD-50 and SFD-40 lots, one foot less than the standard.

- Internal side yard setbacks shall be 4 feet on SFD-45 lots, two foot less than the standard.
- Internal side yard setbacks shall be 3 feet on each side of the dwelling on SFD-30a and SFD-26a lots, instead of 0 feet and 6 feet as would be required if these lots were built with dwellings in a standard subdivision with common wall construction. This means, the proposed lot types will have the same amount of total side yard as 2-unit town house lots in a standard subdivision would have, only no burdensome common wall.
- Rear building setback from an alley shall be 15 feet.

3) Frontage: Most lots have the minimum 25 feet of frontage on a public street required by code. The lots listed below do not and the request is for approval of the access as proposed.
   - Lot 131 has a flag pole with 20 feet of frontage on a public street.
   - Lot 270 has a flag pole with 20 feet of frontage on a public street with an easement over it for a private drive, which serves as a common access to serve both Lot 270 and adjacent Lot 269. As preferred by MZO Section 17.53.100C.3, Lot 269 does not have a proposed flag pole.
   - Lots 206-209 have no frontage or flag poles (as preferred by the code section stated above), rather they are served by a private drive that is in a 25-feet wide easement from a public street over the fronts of Lots 207-210.
   - Lots 21-32, 44-49, & 69-80 have more than 25 feet of frontage on a proposed public alley at the rear of the lot. In addition, the lots maintain over 25 feet of frontage on a proposed private open space tract with a pedestrian way (some end lots also have side yard frontage on a public street).

4) Private Drives: The following lots are served by a common drive in an easement shown on the preliminary plat, rather than a driveway with frontage on a public street.
   - Lots 270 and 269, through an easement over Lot 270, see drawing PL-5.
   - Lots 206-210, through an easement over Lot 207-210, see drawing PL-3.

5) Driveways: Modified driveway widths at the public street as shown on the proposed Site Plan drawings SP-1 through SP-5. Driveways are paired, where possible, to facilitate on-street parking between driveways and a street tree planted between them in the parking strip between the curb and sidewalk, where possible.
   - SFD-70 & SFD-60 lots have 30 feet wide driveways.
   - SFD-40 lots have 20 feet wide driveways.
   - SFD-45 lots have 18 feet wide driveways.
   - SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

6) Alleys: Both through alleys and dead end alleys (of less than 150 feet) are proposed, all with a right-of-way width of 22 feet.

7) Blocks: Some blocks exceed the perimeter dimension standards, but are provided with mid-block pedestrian ways to ensure adequate circulation and access.

8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
   - The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into

the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.

- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
- Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
- The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
- Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

9) Monument Signs: Two monument signs along Baker Creek Road are proposed with the dimensions described on drawing L9.0 Landscape Plan.
   - One will be located in Phase 1A on the NW corner of Shadden Drive oriented to the east, and the other in Phase 1C on the NE corner of Meadows Drive oriented to the west as shown on the Landscaping Plan drawing L2.0.

Tree Removal Permit, Street Tree Plan and Landscape Plan Review

Tree removal is allowed by code as part of an approved development project, and street tree planting is required in a new residential subdivision. Trees needed to be removed to facilitate the development project are shown on landscape drawing L1.0 Street Tree Plan, as are the proposed street tree plantings in the public right of way. Modifications are requested under the planned development to allow variation to the spacing standards of street trees due to conflict with improvements. Trees that will be preserved in tracts and the rear of lots are shown with protective fencing on this drawing. Additional trees are shown to be planted in common area open space tracts within the planned development on the other landscaping plan sheets L2.0-L10.0.

Sign Permit

A subdivision monument sign is allowed by code. Two are proposed above under #9 in the list of modifications proposed with the planned development to allow them with the dimensions shown on Landscape Plan L9.0 and at the locations shown and Landscape Plan drawing L2.0.

Concurrent Review and Approval Requested

This Applicant's Statement addresses applicable provisions of the McMinnville Comprehensive Plan and the McMinnville Zoning Ordinance. Copies of the signed Application Forms, Property Deeds and Easements, Preliminary Development Plans, Geotechnical Report, Neighborhood Meeting Documentation, and Traffic Analysis Report have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. MCMINNVILLE COMPREHENSIVE PLAN

VOLUME I: GOALS AND POLICIES

RESIDENTIAL DEVELOPMENT – DESIGN CONSIDERATIONS

The final segment in this section examines the requirements which currently must be met in all new residential developments. Those requirements include the provision of a minimum level of public facilities and services and the retention of creation of parklands and open space. In addition to these requirements, the Citizens' Advisory Committee's subcommittees examined several other design considerations not currently required—including energy-efficient subdivision designs and the provision of bike and pedestrian paths—for their possible application to future residential developments. Each of these design considerations is explored below:

Public Facilities and Services Requirements

The land division ordinance, as well as other codes, set the minimum requirements for the provision of public facilities and services for new residential developments. Those requirements include the provision of sanitary sewerage collection lines, storm drainage systems, street improvements, and water service. Not only are the minimum requirements set in these ordinances, but the responsibilities of both the city and the developer for providing these facilities and services are established.

It is important that the design standards for these public improvements be adequate to handle the expected levels of development without adding unnecessary costs to the price of housing. It is noted in the transportation element of this plan that street improvement standards, especially for local discontinuous streets, should be reevaluated to allow some flexibility in improvement requirements. Still, the provision of at least a minimum level of these services must remain a priority consideration.

COMMENT:

The plans demonstrate that the provision of public facilities and services will occur concurrent with the phased development. As required, the facilities have been designed to handle the needs of the proposed development and meet requirements set forth by the McMinnville Zoning Ordinance and Public Works standards. The Applicant has received concurrence from City staff that system capacity exists for the extension of utilities service. Traffic capacity is demonstrated in the Traffic Analysis Report included with this application.

Open Space and Parklands

Open space is established in residential developments in several ways. First, the setbacks which apply in all residential zones are designed, in part, to leave a portion of each lot in open area for landscaping. In a single-family residential zone, these setbacks can reserve over 50 percent of the lot area for open space. Second, these requirements in the landscape ordinance, which apply to multiple-family developments, currently require up to 25 percent of the area to be landscaped and/or to be left in large recreational open spaces. Planned developments, finally, can combine open spaces into more efficient and usable land areas by clustering development.

Parklands are provided for through the requirements of the land division ordinance, which requires a dedication of land, or money in lieu of land, to the public. As currently written, the ordinance sets a fee per unit for those developments which have not dedicated land. The ordinance does not apply to new lots created through partitioning procedures or to mobile home park developments. The city should review the ordinance to determine the advisability of requiring these future residential units to contribute to the park funds.

COMMENT:

With approval of the proposed Comprehensive Plan Amendment, and Zoning Map Amendment applications, the applicant requests concurrent approval of the Baker Creek North Planned Development. The planned development includes the creation of 19 common open space tracts. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, and paths. Some of the tracts within the planned development are proposed for dedication to the City for future park land. The proposed tracts efficiently provide open space and recreation amenities, permitting the proposed reductions in lot sizes and in required setbacks, and the clustering of residential uses within the planned development.

In addition to the common open space tracts, the applicant is proposing to donate an additional 14.9 acres of park land adjacent to Baker Creek for a Special Use park.

Residential Development – Land Use Controls

The traditional tools for land use development—zoning and subdivision ordinances—have been employed almost exclusively in McMinnville. The zoning ordinance controls the land uses permitted within a designated area and such other concerns as minimum lot sizes, setbacks of structures from property lines, and density. The subdivision ordinance controls the actual division of land into lots, and the provision of public facilities and

amenities (e.g., parklands)—the actual design of a development.

On the whole, these land development techniques have been successful, accepted by both public and private interests. However, with changes in development technology and changing social and economic patterns, traditional zoning is being viewed as an antiquated method of land use control. Some of the problems associated with zoning include:

1. **It is arbitrary, with lines on a map bestowing great economic windfalls to a few landowners.**

2. **The uses allowed in certain zones (primarily commercial and industrial) often bear little relationship to the effect a land use would leave on surrounding property. For instance, certain commercial uses may be entirely compatible with residential neighborhoods, but only allowed in commercial zones.**

COMMENT:

The applicant is requesting approval of several map amendment applications to address current economic trends in McMinnville that are related to the above-mentioned residential development goals and policies. This includes the use of the planned development process to deal with "traditional zoning…being…an antiquated method of land use control." This process allows residential development that more closely meets the needs of the community and housing market.

When the existing C3-PD designation was applied to 11.3 acres of the subject site in 1996, there was an expectation that a large UGB expansion would occur in the northwest quadrant of the City and a large regional commercial complex should be developed on the property. It was thought that residential use of the land should be prohibited to reserve it for commercial use. However, this UGB expansion effort was abandoned by the City 2011. In 2013, the City completed its Economic Opportunity Analysis (EOA), which recommends that the City re-designate some of its 235.9 acres of surplus Industrial land for regional commercial uses near the City's downtown core. Consistent with current economic needs of the community, the proposed Planned Development Amendment, Comprehensive Plan Map Amendment, and Zoning Map Amendment will reduce the amount of Commercial designated land to 6.62 acres, which is more appropriately sized for commercial uses. The proposed planned development amendment removing conditions created by Ordinance 4633 will ensure that no less than 2 acres is used for neighborhood commercial and that no more than 120 multi-family dwelling units are created on the remainder of the commercial land area.

The proposed Comprehensive Plan Map and Zoning map amendments also address current housing needs in the community. In 2001, the McMinnville Housing Needs Analysis determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs for the 2000-2020 planning period. However, as indicated above, the City's last UGB expansion effort was unsuccessful. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently

completing its Housing Needs Analysis. The updated analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. The attached Preliminary Development Plans indicate that the applicant is proposing to rezone a portion of the site to R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs, and the proposed C3 zone with a planned development overlay will allow for multi-family dwellings to further address this urgent housing need (see Exhibit 3).

3. As methods of housing construction and subdivision design change to meet market demand, zoning restrictions often inhibit the new trend.

In reaction to these problems, planners have devised alternate methods of land use controls which try to circumvent the shortcomings of zoning and provide a more equitable method of dispersing land development rights. Some of these techniques include:

<u>Performance Standards</u>

A method whereby certain standards concerning traffic generation, noise levels, open space requirements, etc., are set, and as long as any development meets those standards, the use is allowed.

COMMENT:

Concurrent with the map amendments, the applicant is requesting approval of a Planned Development application. The applicant has addressed the planned development approval criteria with this narrative to demonstrate how the proposal meets applicable performance standards as well or better than residential developments that are approved under typical subdivision standards.

<u>Transferable Development Rights (TDRs)</u>

Involves the transfer of the right of land development from one parcel of land to the next, with both owners benefiting financially.

COMMENT:

The applicant is not proposing transferable development rights with the submitted applications.

<u>Purchasing of Development Rights</u>

A technique whereby the government purchases the development rights to property but the landowner retains title to the land and continues to use it for farming, forestry, or some other use deemed desirable for the community.

COMMENT:

The applicant is not proposing to sell development rights with the submitted applications.

Density Bonus Incentive Zoning

A variation of traditional zoning that permits the modification of standards to allow developers greater leeway in land use utilization provided that some other public good is offered as a tradeoff. For instance, a developer may be allowed to build additional units on the land as long as a certain amount of open space is provided or a bikeway system is developed.

In McMinnville, the alternative to traditional zoning has been the use of the planned development concept.

COMMENT:

As mentioned above, the applicant is requesting approval of a Planned Development application with the proposed map amendments. As demonstrated by the attached preliminary development plans, the applicant is not proposing to exceed the maximum density of the R-4 zoning district. The applicant also intends to apply the base zone density to the commercial area of the site, whose amended planned development condition would allow no more than 120 multi-family dwelling units.

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. Unlike conventional zoning, planned developments allow for varying of lot sizes, flexibility in design, and integration of different building types such as townhouses, multi-family units, and single-family homes. In addition, amenities such as common open areas, playgrounds, and recreation centers may be provided to the development's residents. Typically, structures in a planned development are clustered in such a manner as to achieve the same overall density that would have been achieved if the developer had laid out the project in a conventional grid lotting pattern.

Since the PD concept encompasses planning on the level of a "community" or "neighborhood" area rather than on the basis of "single" or "individual" lots, the elements of the development can have a

close relationship to each other. Numerous studies have shown that construction cost of roads can be less for the developer (many PDs require less roads than conventional developments), and municipal services can also be provided at less cost.

McMinnville's zoning ordinance allows planned developments in two ways—as an overlay over an area in which conditions for approval for development are specified and as an overlay which accompanies a specific development plan submitted by a developer. 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.) while allowing developments to achieve the overall density of the underlying zone. The flexibility of these provisions is attractive to developers. It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required. It is also imperative that the conditions attached to these planned developments, especially as they concern the technical aspects of the development (including those requirements of the underlying zone) are carefully considered and then specified.

Based on the information presented on land use controls, the City finds that:

1. **The traditional tools for land use development—the zoning and subdivision ordinances—have been used almost exclusively in McMinnville until recently.**

2. **A number of alternative development tools are available for land use control; these tools merit future consideration by the City. They include: performance standards, transferable development rights, the purchase of development rights, and density bonus incentive zoning.**

COMMENT:

As stated above, the proposed map amendments will allow approval of Baker Creek North, a residential planned development that maintains the density of the underlying R-4 zone. The attached preliminary development plans demonstrate that housing will be clustered for efficient provision of transportation and utilities facilities. The proposed open space tracts will function as community gathering spaces and

will address both active and passive recreational needs of the neighborhood. Proposed recreational facilities also include the development of an off-site trail within 14.9 acres of donated park land north of the development. As such, the proposed amenities on-site and off-site improvements on the donated land are being provided in excess of what is normally required under traditional subdivision and zoning ordinances. These benefits associated with the proposed planned development will be provided without a request for transferable development rights, the purchase of development rights, or density bonus incentive zoning.

3. The planned development provisions of the zoning ordinance have been used extensively in McMinnville. Advantages of planned developments include:

- **Less expense in development and maintenance than the conventional grid design if properly designed. More efficient use of streets and sewers can allow savings to accrue not only to the housing consumer, but also to the local government body which must ultimately service the new population's needs.**

- **Opportunities for the development to design with flexibility, incorporating street patterns and residential arrangements which effectively utilize the land and can protect unique natural areas.**

COMMENT:

The applicant is proposing use of the City's planned development provisions to create attainable housing opportunities for a variety of income levels. The proposed mix of small, medium, and large lot single-family dwellings will address the diverse housing needs of the community. As demonstrated by the attached preliminary development plans, efficient provision of transportation and utility services will be achieved by the proposed street layout and the use of alleys. Smaller yards and increased density along the south side of the site is consistent with the goals of the transit corridor along Baker Creek Road, while larger lots in the northern portion of the site provide a buffer for the natural area associated with the donated special use park land.

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.

COMMENT:

The Baker Creek North Planned Development provides several public benefits in addition to varied

housing options. The mix of housing types will promote social inclusion and a more diverse street scape, adding to homes and property values, as opposed to a monotonous cookie cutter pattern of a standard subdivision approach. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for more reduction of resource consumption in terms of yard maintenance costs and use of alternative transportation modes such as walking or biking, and eventually transit use, once added as planned by local authorities.

The attached Landscape Plans demonstrate that 19 open space tracts are proposed to be developed with pedestrian pathways and recreation amenities. The recreational spaces will be attractively landscaped as shown on the landscaping plans included in the application materials. Proposed amenities including multiple play structures, picnic shelter, picnic tables, and park benches. The community spaces will support active and passive recreation interests and promote social interaction among the residents.

5. When planned developments are utilized, it is important that those requirements which are varied in the zoning ordinance are carefully considered and that new requirements are clearly specified.

COMMENT:

As required, the applicant has addressed how the proposed Code standard modifications are offset by the proposed amenities. The requested modifications are detailed in this narrative and include variations from the minimum lot size, setback, and frontage requirements. The applicant is also proposing to include common drives, paired driveways, alleys, pedestrian accessways, and modified street tree spacing within the planned development.

<u>Additional Design Considerations</u>

Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

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. Close attention to maintenance costs to the public will, however, have to be monitored.
Based on the information presented on residential development design considerations, the City finds that:

1. **A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.**

COMMENT:

The submitted plans demonstrate that the proposed development meets City standards for sanitary sewer, storm, and water services. The proposed street improvements will support all modes of transportation. Pedestrian accessways are proposed, helping to encourage alternative modes of travel to parks, schools, and other activity centers.

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. The requirements of landscaping ordinance also insure that multiple-family developments provide both open recreational space and landscaped open areas.**

COMMENT:

The attached Preliminary Site Plan indicates that the applicant is proposing to reduce setbacks for some of the housing types in order to cluster the residential development and preserve more of the site for common open space. As a result, larger open space areas are provided with the proposed planned development than what is normally provided if the site were subdivided under traditional zoning. Besides the preservation of open space in tracts to off-set smaller lots and smaller yard setbacks on some lots, some lots have larger yards and larger setbacks, thus open space is also preserved in larger yards (i.e. on the east edge of the site adjacent to Oak Ridge subdivision).

3. **Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of moneys in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all**

future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

COMMENT:

The submitted plans indicate donation to the City of several open space tracts with recreation amenities within the Baker Creek Planned Development. The other tracts not desired as park land for the City will be owned and maintained by a homeowners association. In addition, the applicant is proposing to donate a separate 14.9 acre parcel to the City as park land. To facilitate public use of the park land, the applicant is proposing to install off-site pedestrian trail improvements within the donated land during Phase 2A and/or Phase 3A of the Baker Creek North Planned Development project to connect the BPA corridor to the east, such that it may extend east to Tice Park with improvements off-site by others as envisioned in the City's parks plan of 1999.

4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.

COMMENT:

The attached plans illustrate that the proposed streets are laid out in an east-west direction to the maximum extent possible given limitations of the existing topography, significant natural features along the north boundary of the site, and the existing street pattern.

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

COMMENT:

The applicant's Preliminary Landscape Plans illustrate how proposed pedestrian paths within the common open space tracts and the proposed pedestrian accessways connect to recreation facilities within the site and to those which abut the site. Specifically, the plans indicate that a proposed pedestrian pathway directly connects to the powerline (BPA easement) trail south of the site. In addition, the plans demonstrate that several pedestrian paths will provide connections to a proposed off-site trail within the donated park land adjacent to Baker Creek.

VOLUME II: **GOALS AND POLICIES**

CHAPTER IV: **ECONOMY OF MCMINNVILLE**

Commercial Development

Goal IV 2: **To encourage the continued growth of McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the city and county residents.**

COMMENT:

This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City's last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

Policy 21.04: **The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.**

COMMENT:

The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City's Sanitary Sewer system's capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy's workforce and appropriately scaled commercial area.

Policy 21.05: **Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.**

COMMENT:

The proposed C3 zoned area of the site is in an area already designated for commercial on the City's comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according the City's comprehensive plan goals and policies.

Goal IV 3: **To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future commercial lands, and discouraging strip development.**

COMMENT:

The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

General Policies:

Policy 22.00: **The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.**

COMMENT:

As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City's 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused

industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

Policy 24.00: **The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.**

COMMENT:

The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

Locational Policies:

Policy 24.50: **The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis.**

COMMENT:

The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City's ability to meet its commercial land needs.

The EOA provides specific recommendations to fulfill the City's economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant's proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

Policy 25.00: **Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.**

COMMENT:

There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately

located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

Policy 26.00: **The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.**

COMMENT:

No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates "heavy traffic". That type of commercial should be located on arterials and in the central business district per this policy. The applicant's attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

Policy 27.00: **Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.**

COMMENT:

This commercial designated area is across the street from residential areas. No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the proposed C3 zoned area will be appropriately scaled as allowed by the C3 zone. There are residential areas around the commercial parcel and neighborhood oriented commercial uses of no less than 2 acres are proposed with the amendment to the planned development overlay, which will make future commercial uses less intensive than envisioned by the current Ordinance 4633.

<u>Design Policies:</u>

Policy 29.00: **New direct access to arterials by large-scale**

commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

COMMENT:

No specific commercial use is proposed at this time. Consideration to land uses and traffic patterns will be given for any commercial uses proposed in the future on the proposed C3 zoned area, if access to arterials is sought. The proposed residential development plans internal circulation roads and access to the minor arterial Baker Creek Road at three points: 1) An extension of the north leg of Hill Road and Baker Creek Road roundabout in the form of a street proposed as Hill Lane, 2) An extension of Meadows Drive north from its current intersection with Baker Creek Road where new striping will be added for bike lanes, and 3) An extension of Shadden Drive north from its current intersection with Baker Creek Road where new striping will also be added for bike lanes. Both Meadows and Shadden drive will have additional pavement width on the west side of their sections to allow for a right turn lane.

Policy 30.00: **Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.**

COMMENT:

The C3 zoned area is located adjacent to NW Baker Creek Road, a minor arterial street. Future access to the commercial uses will not focus traffic through residential neighborhoods or reduce the carrying capacity of the adjacent streets. The traffic analysis provided with this application showed that, in the worst case scenario, the capacity of adjacent streets is sufficient.

Policy 31.00: **Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.**

COMMENT:

No specific commercial use is proposed at this time. A design to minimize bike and pedestrian conflicts and provide connections can be considered at the time of a future commercial development application. These travel modes are facilitated by the proposed semi-grid like street pattern of the adjacent residential developments and other pathways.

<u>Proposals:</u>

Policy 6.00: **A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.**

COMMENT:

The submitted plans indicate that the applicant is not currently proposing to develop the C3 zoned portion of the site. Prior to development of the site, a commercial use development application will be submitted for review of the proposed site design, circulation, parking facilities, and landscaping features. The traffic study provided with this application demonstrates that in the worst case scenario, there is sufficient off-site capacity in the surrounding street network for future uses of the commercial site.

CHAPTER V: HOUSING AND RESIDENTIAL DEVELOPMENT

Goal V 1: To promote development of affordable, quality housing for all city residents.

General Housing Policies:

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

COMMENT:

In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

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.**

COMMENT:

In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

Policies:

Policy 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.**

COMMENT:

The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

Policy 69.00: **The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.**

COMMENT:

This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

Westside Density Policy:

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

COMMENT:

The Baker Creek North site is located within a ¼ mile of the north side of a planned transit corridor. The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the area of Baker Creek North as adjacent to a planned transit corridor in Figure 2-11 (page 2-18), Figure 6-18 and 6-19 (pages 6-26 and 6-27 respectively).

The area is labeled as 1b. Baker Creek Road and Hill Road on the TDP's Figure 2-11 Potential Future Transit Service Areas. Route "5" is labeled as a future route serving Baker Creek Road on the TDP's Figure 6-18 System Map and Figure 6-19 McMinnville map, both subtitled Near-Term, Short-Term and Mid-Term Changes. Finally, the TDP's page 6-31 shows this planned new transit corridor as Project ID number SL9.

The significance of the proximity of the Baker Creek North site being within ¼ mile of this transit corridor is that that area is not limited by the 6 units per acre density applied to areas outside of ¼ mile of a planned transit corridor by Policy 71.01. The proposed planned development amendment condition to allow no more than 120 dwelling units would allow multi-family to be dispersed into this area. This area is also within a ¼ mile of the transit corridor, so it is not limited by the 6 units per acre policy.

The submitted Preliminary Development Plans indicate that 280 single-family dwellings will be constructed within the site's 48.7 acre planned development. Virtually the entire planned development site is inside the transit corridor, less than ¼ miles away from Baker Creek Road. The planned development area has a gross density of 5.75 units per acre, and a net density of 8.16 dwelling units per net acre. Therefore, the planned densities meet this policy.

1. **It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain, and parklands will not be included in the density calculations.**

COMMENT:

Over the past year, the City's Planning Director and City Engineer have evaluated and provided feedback regarding the preliminary plans for the proposed residential development during multiple meetings with the applicant.

As mentioned above, the proposed planned development provides a gross density of 5.75 units per acre and is inside the transit corridor. This is less than the 6 units per acre established by these policies. The planned development density within the transit corridor is an appropriate density along a transit corridor per Policy 71.01 (above) and to provide a compact urban form along those areas where existing services already exist per Policy 68.00 (above).

The entire site is privately owned, so no portion is school property or parklands. No area of floodplain exists on the proposed development site. Therefore, none of these three area types is included in the density calculations. Analysis has been done in conjunction with City staff to confirm that public facilities and services have the capacity to support the proposed commercial area under the planned development amendment application, in addition to the proposed density of the new residential planned development described above. The Applicant seeks the City Planning Director and the City Engineer's positive determination through a decision of approval for these planned densities on both the new residential planned development area and the commercial parcels amended planned development area.

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

COMMENT:

Allowing the development proposed and future development of the commercial lot will not cause other properties to develop at less than 6 dwelling units per acre. The proposed development is at the end of the sewer line, so there are no uphill properties within this sewer service area with pending development dependent on surplus sewer service capacity. There have also been recent improvements made by the City to the sewer system capacity. Thus, the proposed project will not generate a lack of sewer capacity.

5. Applications for multiple-family zone changes will be considered in relation to the above factors, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set for in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the zoning ordinance

COMMENT:

The applicant is requesting approval of a Zoning Map Amendment application to designate 48.7 acres of the site as R-4 (Multi-Family Residential). The proposed planned development addresses the above factors in this narrative. As required, the applicant has addressed in this narrative below how the proposed zone change meets those factors set forth by Section 17.74.020 of the zoning ordinance. There is sewer capacity, per analysis completed with the City. The submitted applications illustrate a common sense dispersal of dwelling unit types with higher residential density closer to parks, transit, commercial uses, and arterial streets and lower density farther away.

Policy 71.05: The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.

COMMENT:

As required, the applicant has addressed applicable policies of the Comprehensive Plan to demonstrate consistency with the proposed Zoning Map amendments. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

While the 2001 Residential Land Needs Analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply. As indicated by the attached Preliminary Development Plans, the applicant is proposing to rezone a portion of the site R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs (see Exhibit 3).

Policy 71.09: **Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:**

COMMENT:

Much of the proposed planned development area north of Augustine, Charles and Wessex, respectively, will be developed with blocks in a medium-density range (4-8 dwelling units per net acre) like most of McMinnville. These lots south of Augustine, Charles, and Wessex, respectively, have density ranges by block from about 10 to 15 units a net acre. Bringing the overall site to just over 8 dwelling units per net acre.

1. Areas that are not committed to low density development;

COMMENT:

The applicant is requesting approval of a Zoning Map Amendment to change 9.41 acres of existing R1 zoned land to an R4 classification. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that 63.9 acres of additional R4 zoned land should be added the UGB. As mentioned above, the City is currently conducting a Housing Needs Analysis and has found that McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB for the 2018-2041 planning period.

When the City's UGB last expansion effort was undertaken in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since a future UGB expansion effort could have similar challenges, some existing low-density residential land should be changed to medium and high-density designations. The proposed R4 zoning of the 9.41 acres of existing R1 zoned land will permit an increase in residential density, helping to address the City's critical need for additional housing units without expanding the City's UGB.

2. Areas that have direct access from collector or arterial streets;

COMMENT:

The attached Preliminary Development Plans indicate that the proposed R4 zoned portion of the site, and the C-3 zone area, are located directly adjacent to NW Baker Creek Road, a minor arterial street (see Exhibit 3). The proposed planned development is provided consolidated access onto NW Baker Creek Road from the proposed extensions of NW Hill Lane, NW Meadows Drive, and NW Shadden Drive.

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

COMMENT:

The submitted Preliminary Development Plans indicate that the proposed R4 zoned area of the site is not constrained by environmental factors such as topography, flooding, or poor drainage. The proposed planned development is located outside of the riparian corridor along Baker Creek north of the site, where a 100-year floodplain limits development.

4. Areas where the existing facilities have the capacity for additional development;

COMMENT:

The Existing Conditions Plan demonstrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant worked with City staff to confirm sewer and other utility capacity exits. The submitted plan also indicates that NW Hill Road's transportation facilities have recently been upgraded and a roundabout has been installed at the intersection with NW Baker Creek Road adjacent to the site. The City is adding center turn lane striping to Baker Creek Road. These transportation facilities can accommodate future development of the subject site as well as other developable properties in McMinnville's northwest quadrant. This is further demonstrated by the transportation study provided with this application.

5. Areas within one-quarter mile of existing or planned public transportation; and

COMMENT:

The proposed R4 zoned area and C3 zoned area are currently located within ¼ mile of planned public transportation as described in the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I (see also response to Policy 70.01 above).

6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.

COMMENT:

There are no low density residential areas adjacent to the Baker Creek North site that are planned for high density residential uses.

There is a church and a residential development known as Oak Ridge east of the site that was developed with an R2-PD overlay zone. There is also a proposed development northeast of the site, which is a new residential development and a modification of an old approved development. These areas are not low density even though underlying zoning may be R-2 because net density is over 4 units per acre, classifying them as medium density developments per Policy 71.09 above. The proposed lots in this area

of Baker Creek North Planned Development are larger, therefore they will not be development at a higher density. The attached Preliminary Development Plans demonstrate that the proposed lots adjacent to the Oak Ridge development are extra deep to retain the mature trees along this boundary. The trees and extra deep rear yards will help buffer this existing development, regardless of how density is measured for the adjacent development.

Policy 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;

COMMENT:

In 2001, the City adopted the McMinnville Housing Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meeting higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application in 2011. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

As mentioned above in response to Policy 71.09 1., the City is currently conducting a Housing Needs Analysis and has found that an additional 449 acres should be added to the UGB to meet housing needs over the next 20 year planning period. When the City's last attempt to expand the UGB occurred in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since only a portion of the current housing need can currently be accommodated by Residential designated land within the UBG, some low-density residential land will need to be changed to medium and high-density designations. The proposed R4 zoned portion of the site, most of which has not yet received urban zoning, is not currently committed to low or medium density housing. This area and the 9.41 acres zoned R1 that will change to R-4 classification will allow a needed increase in residential density, helping to address the City's critical need for additional housing units. These factors make this area appropriate for high density residential 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;

COMMENT:

As mentioned above in response to Policy 71.09 2., there are no established low-density residential areas adjacent to the site. To the south of the site, the proposed planned development is buffered from existing residential areas with an R1-PD zone overlay by NW Baker Creek Road, a minor arterial street. To the east of the site is the Oak Ridge Subdivision, which has been developed with medium-sized lots in the R2-PD zone overlay. The proposed development has extra deep lots adjacent to the Oak Ridge lots to allow existing trees to remain in the rear yards as a buffer. Mitigation measures to buffer the proposed development are not required since there are no low-density residential areas adjacent to the

site.

3. Areas which have direct access from a major collector or arterial street;

COMMENT:

As mentioned above in response to Policy 71.09 4., the proposed R4 zoned portion of the site is located directly adjacent to NW Baker Creek Road, an arterial street. The proposed planned development is provided with consolidated access to NW Baker Creek Road, a minor arterial street, from the proposed extensions of NW Hill Lane, NW Meadows Drive, NW Shadden Drive. Therefore, the proposed access is appropriate for the high-density development.

4. Areas which are not subject to development limitations;

COMMENT:

The development site is appropriate for high-density development since it is not constrained by development limitations.

5. Areas where the existing facilities have the capacity for additional development;

COMMENT:

The submitted Existing Conditions Plan illustrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant completed analysis in conjunction with the City which concluded sewer capacity exists to serve the site. The submitted plan also indicates that NW Hill Road's transportation facilities were recently upgraded with the addition of a roundabout at the intersection with NW Baker Creek Road. Center turn lanes on Baker Creek Road were also added by the City. The transportation improvements were designed to accommodate future development of the subject site and other developable properties in the northwest area of McMinnville. Sufficient existing capacity of facilities adjacent to the site make it appropriate for high density residential development. This is further evidenced by the traffic analysis provided by the applicant with this application.

6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;

COMMENT:

As discussed above in response to Policy 71.09 5., all of the proposed R-4 zoned and C-3 zoned areas are located within one-half mile of planned public transit routes. This proximity to planned public transit routes makes this area appropriate for high density residential development.

7. Areas within one-quarter mile from neighborhood and general commercial

shopping centers; and

COMMENT:

The applicant is proposing a Zoning Map amendment to designate 6.62 acres within the C3 zone in the southwest corner of the site, conforming to the Commercial Comprehensive Plan designation for that parcel. This proximity to a commercial designated land qualifies this site for high density residential development, and the proposed R4 zoning classification requested.

8. Areas adjacent to either private or public permanent open space.

COMMENT:

Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

<u>Planned Development Policies:</u>

Policy 72.00: Planned 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.

COMMENT:

As this narrative and responses to these Policies have demonstrated, the proposed zoning of R4 for the residential designated portions of the site is appropriate due to the site characteristics. The applicant could develop the site with a standard subdivision approach to meet the R4 standards with basic 2,500 square feet common wall dwelling lots (townhouses) and 5,000 square feet cookie cutter detached single-family dwellings. However, because it is written in Policy 72.00 that it is the City's policy that planned developments shall be encouraged and be the favored form of residential development in the City, and in order to allow the developer to use unique and innovative development techniques as is the City's goal (see Goal V 2 above), the applicant has prepared a planned development application for the R4 zoned portion of the site to help meet the City's goals and policies. Likewise, the applicant is proposing to amend the planned development overlay created under Ordinance 4633 to strike the existing conditions and allow no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units on the C3 zoned portion of the site.

The Baker Creek North Planned Development will accrue the benefits sought by this policy in many

ways, some of which are highlighted here. The development provides a bounty of open space, common walkways and recreational amenities to support the social fabric of the community and creating habitat space to benefit the environment. The proposed lot sizes and building setbacks create attainable housing choices for a variety of income levels. The mix of housing will promote social inclusion and an aesthetically diverse streetscape adding to the value of homes and property. The volume of new dwellings will help support the community's need for housing, providing economic and social benefits for the City. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for a reduction of resource consumption in terms of yard maintenance costs as well as an incremental reduction in transportation costs since more residents will live closer to the arterial and have convenient access to transit options in the future. Therefore, environmental benefits will be provided by a reduction in pollution that comes from less yard maintenance and fewer vehicle trips for residents. Higher density housing in the planned development will support the demand for future planned transit, which will deliver a social, economic and environmental benefit to all residents in that corridor.

Policy 73.00: Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

COMMENT:

The attached Typical Lots Plan indicates that the applicant is proposing 7 different single-family lot sizes with specifications to provide a variety of housing types within the development. Lots that would normally contain a common wall structure (a.k.a. townhouse) are proposed with side yards, so the lots are wider than the standard to accommodate the yards. These planned development lots allow a product that is similar to a townhouse, but better for the occupant in many ways, including livability, independence and privacy. These two types (SFD-26 & SFD-30) are the "small" lots. The two types (SFD-45 & SFD-40) slightly smaller than standard R-4 lots are "medium" lots. Lots larger than standard R-4 lots (SFD-50, SFD-60, & SFD-70) are "large" lots. The Preliminary Site Plans illustrate that some of the lots will be accessed by alleys and others directly from the street. Some will even have front yards facing a common walkway and green space. Also, lot sizes vary from street to street or block to block, and sometimes even alternate from lot to lot. This unique approach to the lot layout adds to the variety of housing available on a given street. Depending on the lot size, single-family homes will be developed as either one or two-story structures. With different single-family dwelling choices on small, medium and large sized lots, the planned development will offer attainable housing for a wide range of income levels within the community.

Policy 74.00: Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

COMMENT:

The applicant has sited the proposed planned development to capitalize on its location along the bluff overlooking the Baker Creek riparian corridor. The general natural topography of the site will be retained with the proposed development. Proposed Tract F is an open space that will have a public path, benches and picnic amenities for the community, with excellent views of this natural feature. Tract L is also an area that will contain a trail with public access to view this significant adjacent natural area. Tract N is being preserved as a common open space with significant trees, and the trees on the rear of the lots along the east boundary adjacent to Oak Ridge development are also preserved, along with various

single trees on the rear of lots along the site's boundary. (see Landscape Plans)

Policy 75.00: **Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.**

COMMENT:

The Baker Creek Planned Development includes 19 proposed common open space tracts that are designed to directly benefit future residents of the development. After the proposed open space tracts are developed with active and passive recreation amenities as shown on the applicant's Landscape Plan sheets and the final plat records for the respective phase of development, the applicant is proposing to dedicate those tracts and facilities to the City of McMinnville that the City desires to own. Any tracts not dedicated or accepted by the City will be transferred to an incorporated homeowners association with an assessment and reserve fund to maintain the common areas for the community.

Policy 76.00: **Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.**

COMMENT:

The submitted Preliminary Site Plans identify the location of 19 common open space tracts that are dispersed throughout the Baker Creek Planned Development and readily accessible to future occupants of the development. They are all adjacent to a public street with a sidewalk.

Policy 77.00: **The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.**

COMMENT:

The submitted Preliminary Site Plans and Preliminary Landscape Plan demonstrate how the proposed sidewalk and street system promote safe and efficient travel throughout the development. Roadways are fully looped with no cul-de-sacs. The plans illustrate how pedestrian and bicycle travel will be enhanced with the development of accessways which shorten the distance between residential blocks and provide access to open space areas. The proposed improvements include widening and striping the north side of Baker Creek Road to add a bike lane and extra wide sidewalk, as well as a center turn lane. Both Meadows Drive and Shadden Drive include a three-lane section at their southern ends with a right turn lane from these streets onto Baker Creek Road.

Policy 78.00: **Traffic systems within planned developments**

shall be designed to be compatible with the circulation patterns of adjoining properties.

COMMENT:

The submitted Preliminary Site Plan demonstrates that the proposed planned development connects to all streets which are stubbed to the subject site (see Exhibit 3). To provide connectivity and compatible circulation with adjoining properties, the applicant is proposing to extend NW Blake Street, NW Shadden Drive, NW Meadows Drive, and proposed NW Hill Lane with the proposed development. The internal streets are also stubbed out to facilitate future development of adjacent underdeveloped parcels.

Residential Design Policies:

Policy 79.00: **The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted 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.**

COMMENT:

The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site's development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract "G" in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

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.**

COMMENT:

The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

Policy 81.00: **Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.**

COMMENT:

Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

Multiple-family Development Policies:

Policy 90.00: **Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.**

COMMENT:

The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

Policy 92.00: **High-density housing developments shall be encouraged to locate along existing or potential public transit routes.**

COMMENT:

As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

Policy 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.**

COMMENT:

No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

Policy 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.**

COMMENT:

To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

<u>Urban Policies</u>

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

1. **Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.**

2. **Storm sewer and drainage facilities (as required).**

3. **Streets within the development and providing access to the development, improved to city standards (as required).**

4. **Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).**

COMMENT:

As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to

the site from adjacent main lines.

CHAPTER VI: TRANSPORTATION SYSTEM

Goal VI: To encourage development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

COMMENT:

The development of the sites outlined in these applications will result in the improvement of the north side of the minor arterial called Baker Creek Road which to allow for the coordinated movement as envisioned by the City's Transportation System Plan. The proposed on-site streets, pedestrian accessways, and trail improvements will also promote this goal.

Streets Policies

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

COMMENT:

This policy is met by the proposed roadways and lot frontages along those right-of-ways in the application's plans.

Policy 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).**

5. **Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist**

COMMENT:

The attached preliminary development plans indicate that the proposed road sections meet the City design standards. Where proposed Charles Street does not extend straight east from proposed Alfred Drive to proposed Gregory Drive, a pedestrian path is provided to ensure minimal adverse effects on adjacent natural features as encouraged by factor 1 above. Where large blocks are proposed with mid-block pedestrian paths instead of streets under the flexibility proposed by the planned development application, policy design factor 2 above is being supported. The extra right turn lanes for southbound traffic at Meadows Drive and Shadden Drive are supporting design factor 3 above. The development will support all modes of transportation as encouraged by design factor 4. Connectivity to adjacent developments and extension of existing streets is proposed, while no cul-de-sacs are planned to provide conformance with design factor 5. Therefore, all design factors of this policy are met by the proposal.

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

COMMENT:

The existing Baker Creek Road transportation corridor will be more efficiently utilized with this proposal, meeting the intent of this policy.

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

COMMENT:

The applications propose access at existing street intersections with Baker Creek Road. The traffic analysis provided shows this can be done safely even in the worst case scenario. No development or other access to Baker Creek Road from the commercial property is proposed at this time, although it may be proposed at a future time upon application for site development of that parcel.

Policy 121.00: **The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.**

COMMENT:

No direct access is proposed from the residential development to Baker Creek Road. Street intersections from this large scale residential development are proposed to match up with opposite existing intersections.

Policy 122.00: **The City of McMinnville shall encourage the following provisions for each of the three**

functional road classifications:

1. Major, minor arterials.

–Access should be controlled, especially on heavy traffic-generating developments.

–Designs should minimize impacts on existing neighborhoods.

–Sufficient street rights-of-way should be obtained prior to development of adjacent lands.

–On-street parking should be limited wherever necessary

–Landscaping should be required along public rights-of-way.

COMMENT:

Proposed improvements in all phases developed along Baker Creek Road will control and limit access to the existing intersections. The designs include an extra right turn lane at Meadows Drive and Shadden Drive to minimize delay. Approval of the development will also create additional connectivity to the minor arterial for other developments via streets stubbed to adjacent properties. The proposed extension of exiting streets stubs will also disburse traffic volumes in adjacent residential communities. The attached plans indicate that required right-of-way widths are provided to facilitate the street improvements. No on-street parking is proposed on Baker Creek Road, an arterial street. Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

2. Major, minor collectors.

–Designs should minimize impacts on existing neighborhoods.

–Sufficient street rights-of-way should be obtained prior to development of adjacent lands.

–On-street parking should be limited wherever necessary.

–Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)

–As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.

COMMENT:

No collector streets are proposed with these development applications.

3. Local Streets

–Designs should minimize through-traffic and serve local areas only.

–Street widths should be appropriate for the existing and future needs of the area.

–Off-street parking should be encouraged wherever possible.

–Landscaping should be encouraged along public rights-of-way.

COMMENT:

Anticipated through-traffic on local streets will serve this neighborhood only, not the larger regional area. The proposed street widths are standard for local streets. The width increases in the southern segments at the approach to Baker Creek Road to allow right turn only lanes. Off-street parking is encouraged with standard 20-feet driveway depths for two off-street parking spaces in front of the garage at a minimum on all single-family lots. Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

Policy 123.00: The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.

COMMENT:

All of the proposed street improvements are within the urban grown boundary and rights-of-way will be dedicated to the City after improvements to City standards are installed in compliance with this policy.

Policy 125.00: The City of McMinnville shall adopt measures to control access onto U.S. Highway 99W from heavy traffic-generating developments. Planned development overlays on new large

commercially or industrially designated areas adjacent to the highway would give the City needed access controls.

COMMENT:

No access to Hwy 99W is proposed as this site is not the vicinity of the highway. Therefore, this Policy is not applicable.

Parking Policies

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

COMMENT:

The proposed developments will achieve sufficient off street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum.

Policy 127.00: **The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.**

COMMENT:

The proposed developments will encourage off-street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum. The commercial parcel will also be provided with off-street parking. No parking will be allowed on Baker Creek Road, an arterial street.

Policy 128.00: **The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.**

COMMENT:

The site is not downtown. This Policy is not applicable to this application.

Bike Path Policies

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

COMMENT:

These development applications will result in the phased improvement of the north side of Baker Creek

Road with a bicycle land in the shoulder. The improvements also include an extension of the power line trail into the site with a connection to on-site walkways. As such, the improvements will connect people with elements called for in this policy.

Policy 130.05: **In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.**

COMMENT:

The applicant is proposing to install a bike lane on the north side of Baker Creek Road as phases of the planned development are constructed, meeting this policy.

Policy 131.00: **The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.**

COMMENT:

The residential planned development will dedicate several tracts to the City for public park land in phases as part of the amenities offered with the planned development application. The applicant is also providing several private common area tracts which will be retained by the development's homeowners association. The open spaces will include paths and scenic areas for both active and passive enjoyment. In addition, the applicant is offering to donate an adjacent parcel to the City for use as a special use park with high natural recreational value to help the City meet its Park Master Plan goals.

Policy 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.**

COMMENT:

The proposed bike lane on Baker Creek Road will connect the surrounding neighborhoods. The connection of proposed sidewalks and open space tracts to the power line trail at Meadows drive will provide a route to other parks and other activity areas to the south of the site. Therefore, this policy is met by the proposed development.

Complete Streets Policies

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).

COMMENT:

The site is relatively flat, and the streets, walkways, and ramps are planned to comply with ADA standards.

2. Incorporate features that create a pedestrian friendly environment, such as:

a. Narrower traffic lanes;

b. Median refuges and raised medians;

c. Curb extensions ("bulb-outs");

d. Count-down and audible pedestrian signals;

e. Wider sidewalks;

f. Bicycle lanes; and

g. Street furniture, street trees, and landscaping

COMMENT:

The internal local streets will have traffic lanes that conform to City local street standards. Wider sidewalks are proposed along the north side of Baker Creek Road, on the west side of Meadows Drive to the roadway's first intersection, and for internal mid-block paths. The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

3. Improve pedestrian accommodation and safety at signalized intersections by:

a. Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.

b. Timing signals to minimize pedestrian delay and conflicts.

c. Balancing competing needs of vehicular level of service and pedestrian safety.

COMMENT:

There are no signalized intersections near or internal to the site. This section is not applicable.

<u>Connectivity and Circulation Policies</u>

Policy 132.26.00: The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.

COMMENT:

The proposed improvements to transportation infrastructure support this policy.

Policy 132.26.05: New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.

COMMENT:

The proposed new street connections have the elements to create the connectivity envisioned by this policy.

<u>Livability Policies</u>

Policy 132.35.00: Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public

transit, bikeways, sidewalks, and walkways.

COMMENT:

The street layout and the mid-block paths proposed are designed to encourage residents to walk and bike, and with density oriented closer to the future transit corridor, the transportation improvements will facilitate use of public transit in the future as stops will be close and walking distances reasonable. Homes are oriented away from arterial streets and landscaped open space tracts will buffer noise. Therefore, the proposed development supports this policy.

Health and Welfare Policies

Policy 132.36.00: Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

COMMENT:

The development has been designed to encourage walking to local amenities which will support this policy.

Aesthetics and Streetscaping Policies

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

COMMENT:

The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

Circulation Policies

Policy 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.**

COMMENT:

All proposed street improvements include sidewalks to provide adequate circulation. Emergency vehicle access is ensured through the provision of streets built to City standards and the avoidance of cul-de-sacs through the planned looping of the internal street network. Temporary fire turn-arounds and fire lanes can be provided as necessary with the phasing of the project.

Policy 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)

COMMENT:

No cul-de-sac streets are proposed, providing conformance with this policy.

Policy 132.41.10: Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network. (Ord. 4922, February 23, 2010)

COMMENT:

No physical barriers are proposed. This policy is met.

Policy 132.41.15: Establish Truck Routes – To support the efficient and safe movement of goods and freight, the City should establish and identify truck routes to the city's major destinations. Such routes should be located along arterial roadways and should avoid potential impacts on neighborhood streets.

COMMENT:

This policy is not applicable to these applications.

Policy 132.41.20: Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.

COMMENT:

The roadway improvements proposed do not impair pedestrian nor bicycle movement. They enhance it through better connectivity and more facilities.

Policy 132.41.25: Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.

COMMENT:

Access is consolidated for single family residential properties to new street legs at existing intersections to conform to this policy.

Policy 132.41.30: Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

COMMENT:

The street connections proposed between adjacent property and rights of way conform to this policy.

Street Width – Human Scale Policies

Policy 132.42.00: Generally, a major arterial street should not be widened beyond two through lanes in each direction with auxiliary turn lanes as appropriate. Minor arterials and collector streets should not be widened beyond one through lane in each direction with auxiliary left-turn lanes as appropriate. Major arterial streets with more than five lanes and minor arterial and collector streets with more than three lanes are perceived as beyond the scale that is appropriate for McMinnville.

COMMENT:

Baker Creek Road along the site frontage is a minor arterial and is not proposed to be widened beyond one through lane in each direction. The project conforms to this policy.

Neighborhood Traffic Management Policies

Policy 132.43.00: Implementation – The City should adopt and implement its Neighborhood Traffic Calming Program (see Appendix I). (Ord. 4922, February 23, 2010)

COMMENT:

This is a recommendation to the City not applicants. This policy is not applicable to this application.

Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

1. **Traffic circles;**
2. **Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);**
3. **Landscaping barriers between roadway and non-motorized uses;**
4. **Landscaping that promotes a residential atmosphere;**
5. **Sidewalks and trails; and**
6. **Dedicated bicycle lanes.**

COMMENT:

There is an existing traffic circle at Hill Road and Baker Creek Road at the SW corner of this project, whose north leg will be connected with a phase of the residential planned development. Crosswalks at Meadows Drive and Shadden Drive across Baker Creek Road are proposed to be striped. Street trees are proposed in planter strips along all streets promoting a residential character. There are sidewalks and trails throughout the project, and dedicated bike lanes will be striped along the site frontage. Therefore, this plan conforms to this policy.

Policy 132.43.10: Limited Neighborhood Cut–Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

COMMENT:

There is no risk of use of these streets as shortcuts for through traffic as there are no street connections, from the north residential neighborhoods, to other parts of the City or County. These local streets will only be used for local access. The plan conforms to this policy.

Access Management Policies

Policy 132.44.00: The City should continue to coordinate with ODOT in the administration of jointly adopted plans to manage access and highway improvements as noted in Chapter 2 of the Transportation System Plan.

COMMENT:

This policy is not applicable. There is not ODOT highway frontage for this project.

Environmental Preservation Policies

Policy 132.46.00: Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods. (Ord. 4922, February 23, 2010)

COMMENT:

Streets are designed and will be constructed to City standards to meet this policy. Maintenance will be completed by the City. Street trees are proposed to improve air quality, noise buffering, and support water quality, as trees absorb rainfall. The right turn lane added to Meadows Drive and Shadden Drive will also decrease delay at the intersections. This will minimize negative impacts in terms of pollution and noise from cars during idling while queueing. This policy is supported by the project.

Policy 132.46.05: Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.

COMMENT:

Streets are designed and will be constructed to City standards to meet this policy. In some cases, large blocks are proposed with mid-block paths to facilitate pedestrian and bicycle connections. This approach supports this policy as the proposed streets with mid-block paths achieve the transportation objective.

Policies 132.46.10: Clean Burning Fuels – The City should support the use of clean burning and/or renewable fuels through regional organizations (see U.S. Environmental Protection Agency guides).

COMMENT:

This is a recommendation for the City about fuels and not applicable to this application.

Aesthetics Policies

Policy 132.47.00: The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.

COMMENT:

This is a recommendation for the City about fuels and not applicable to this application. This is not approval criterion. These applications support a street aesthetic discussed in this policy through the proposed street trees and landscaped open space tracts along streets shown on the landscape plans.
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Systems Development Policies

Policy 132.51.05: Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.

COMMENT:

The proposed project will provide sidewalks in support of this policy in phases. It will result in sidewalk travel being continuous along the north side of Baker Creek Road, where it currently ends abruptly in the SE corner of the site in front of a church.

Policy 132.51.10: Complete Connections with Crosswalks – All signalized intersections must have marked crosswalks. School crosswalks will be marked where crossing guards are provided. Subject to available funding, and where appropriate, marked crosswalks, along with safety enhancements (medians and curb extensions), shall be provided at unsignalized intersections and uncontrolled traffic locations in order to provide greater mobility in areas frequently traveled by persons with limited mobility. Marked crosswalks may also be installed at other high volume pedestrian locations without

medians or curb extensions if a traffic study shows there would be a benefit to those pedestrians.

COMMENT:

The project will construct the north corners of the intersections of Baker Creek Road with Meadows Drive and Shadden Drive, such that all corners are improved, and provide crosswalks across Baker Creek Road in support of this policy.

Policy 132.51.15: Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way.

COMMENT:

The shared use path under the BPA power lines will be extended north into the project as illustrated on the attached landscape plans in support of this policy.

Americans with Disabilities Act Compliance Policies

Policy 132.52.00: Compliance with ADA Standards – The City shall comply with the requirements set forth in the Americans with Disabilities Act regarding the location and design of sidewalks and pedestrian facilities within the City's right-of-way.

COMMENT:

This is a directive to the City. Through construction plan review by the City of sidewalks and pedestrian facilities, the Applicant will meet this policy objective.

Pedestrian Programs Policies

Policy 132.54.00: Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

COMMENT:

With the network of proposed sidewalks and paths, this project will promote this policy. Walking to future transit will be more feasible due to the clustering of housing density on the south side of the site

closer to Baker Creek Road. The proposed neighborhood commercial area of no less than 2 acres is within reasonable walking distance of most of the proposed residential units, as well as other existing higher density housing to the south of Baker Creek Road. Thus, walking to shops, restaurants, and other services will be feasible. Walking for recreation will also be promoted with the connection/extension of the BPA powerline trail. In addition, a nature trail on the adjacent property proposed to be donated to the City as a Special Use Park will also connect to the BPA trail.

Policy 132.55.00: Safe Routes to School – The City shall work, where possible, with the McMinnville School District and neighborhood associations to maintain and improve its programs to evaluate the existing pedestrian access to local schools, estimate the current and potential use of walking as a travel mode, evaluate safety needs, and propose changes to increase the percentage of children and young adults safely using this mode.

COMMENT:

This is a directive to the City. With the network of pedestrian facilities proposed, this project helps the City meet this policy.

<u>Bicycle System Plan Policies</u>

Policy 132.56.00: Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

COMMENT:

Baker Creek Road is a minor arterial and will have a bike lane striped on its north side as proposed in this application in support of this policy.

Policy 132.56.05: Mitigation of On-street Parking Loss From Bicycle Projects – New bicycle facilities require the removal of on-street parking spaces on existing streets, parking facilities should be provided that mitigate this loss, to the extent practicable. (Ord. 4922, February 23, 2010)

COMMENT:

No on-street parking will be lost from the proposed bike facilities as no on-street parking exists on the north side of Baker Creek Road along the project frontage. This policy is not applicable.

Policy 132.56.10: Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel.

COMMENT:

This is a directive to the City. With the proposed bike land striping on the north side of Baker Creek Road, this project helps the City meet this policy by removing a barrier to bicycling on Baker Creek Road.

Policy 132.56.15: Bicycle Routes and Signage – As resources are available, the City will periodically consult with local bicyclists to review existing and proposed bicycle lanes, and identify improvements needed to make these routes function better for bicyclists. These routes shall be identified by signage on the routes and shown on updates of the bicycle route map.

COMMENT:

This is a directive to the City. This is not applicable to this application.

Policy 132.56.20: Complete the Major Bicycle System – A completed system of major bicycle facilities is one of the most important factors in encouraging bicycle travel. The City will work toward annually completing a minimum five percent addition to the bicycle system, as designated on the Bicycle System Plan Map, with priority given to projects that fill critical missing links in the bicycle system or address an identified safety hazard. (Ord. 4922, February 23, 2010)

COMMENT:

This is a directive to the City. Approval of this project, and the associated bicycle system improvements planned in phases with this project, will help the City meet this policy to complete a minimum of 5% addition to the bicycle system annually.

Policy 132.56.25: Establish Minimum Standards for Bicycle Facility Maintenance – The City shall develop minimum standards that will keep bicycle facilities clean of debris, properly striped, and clearly marked and signed. (Ord. 4922, February 23, 2010)

COMMENT:

This is a directive to the City. This is not applicable to this application.

Policy 132.56.30: Zoning Ordinance Requirements for Bicycle Parking – The McMinnville Zoning Ordinance (Section 17.60.140) contains bicycle parking supply requirements and standards that require new developments to provide a minimum amount of bicycle parking, based on the needs of the specific zone or land use type.

COMMENT:

The applicant recognizes this policy and responds to the MZO elsewhere in this application.

Policy 132.56.35: Bicycle Parking at Transit Facilities – The City will work with the Yamhill County Transit Authority (YCTA) to encourage the installation of public bicycle parking facilities at transit stations and other inter-modal facilities, and encourage the provision of bicycle racks on all public transit vehicles.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Policy 132.56.40: Target and Eliminate Key Behaviors that Lead to Bicycle Accidents – The City will encourage schools, safety organizations, and law enforcement agencies to provide information and instruction on bicycle safety issues that focus on the most important accident problems.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Policy 132.56.45: Safe Routes to School – The City will work with the McMinnville School District to: evaluate existing bicycle access to local schools and supporting infrastructure (bicycle racks, lockers, etc.); estimate the current and potential use of

bicycling as a travel mode; evaluate safety needs; and propose changes to increase the percentage of children and young adults safely using this mode.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Transit System Plan Policies

Policy 132.57.00: Transit-supportive Street System Design – The City will include the consideration of transit operations in the design and operation of street infrastructure.

COMMENT:

This is a directive to the City. This policy is not applicable to this application. The proposed street improvements meet 4City standards.

Policy 132.57.05: Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety.

COMMENT:

The proposed residential planned development is a subdivision with site design that directly supports this policy. The clustering of density with smaller lots on the south side of the project with multiple pathways to support access to Baker Creek Road, a planned transit route, supports convenient and safe connections to transit. The proposed planned development amendment to allow no less than 2-acres of commercial and no more than 120 multi-family dwelling units on the commercial designated property will likewise promote and support transit service and use in the area by creating a node of activity and density of use needed to support transit use volumes.

Policy 132.57.10: Transit Facilities – The City will continue to work with YCTA to identify and help develop supportive capital facilities for utilization by transit services, including pedestrian and bicycle access to bus stop and bus shelter facilities where need is determined and right-of-way is available.

COMMENT:

This is a directive to the City. This policy is not applicable to this application. The Applicant is dedicating

the required right-of-way along Baker Creek Road to meet the City's standard design for a minor arterial, so the City will have the area and improved facilities at full build out to meet this policy.

Policy 132.57.15: Pedestrian Facilities – The City will ensure that arterial and collector streets' sidewalk standards are able to accommodate transit amenities as necessary along arterial and collector street bus routes. The City will coordinate with YCTA on appropriate locations.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Policy 132.57.20: Intermodal Connectivity – The City of McMinnville will encourage connectivity between different travel modes. Transit transfer facilities should be pedestrian and cyclist accessible.

COMMENT:

This is a suggestion to the City. This policy is not applicable to this application.

CHAPTER VII: COMMUNITY FACILITIES

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.

COMMENT:

This goal is met for this project. Public and private utilities have been and will be planned and provided for in advance of or concurrent with development. This includes parks, streets and ways, water service, storm and sanitary sewer service, power, and other franchise utilities.

Sanitary Sewer Policies

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

COMMENT:

This is a directive to the City. This policy will be met when construction plans are reviewed, field work is inspected, and work accepted.

Policy 137.00: The City of McMinnville shall undertake necessary long-range planning efforts for the sewage system to implement the McMinnville Comprehensive Plan.

COMMENT:

This is a directive to the City. This policy has been met as sanitary sewer capacity exists to serve the proposed development, as ensured through coordination and assurances with the City staff and the applicant prior to application completion.

Policy 138.00: The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.

COMMENT:

This is a directive to the City. The applicant will improve on-site sanitary sewer to meet City standards

and connect that to the existing facilities already built with capacity for the proposed development.

Policy 139.00: **The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:**

1. **Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.**

2. **Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.**

3. **Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.**

4. **Extensions will implement applicable goals and policies of the comprehensive plan.**

COMMENT:

This is a directive to the City. The City can allow extension of sanitary sewage because the proposed project meets the framework outlined in this policy.

Policy 140.00: **The City of McMinnville shall continue to limit sewer service extensions to the areas within the urban growth boundary, except where service is granted to comply with state or federal laws. Areas outside the city limits, but within the urban growth boundary, shall be granted sewer service hook-ups only under policies adopted by the City.**

COMMENT:

The site is within the urban grown boundary and within city limits, so extension to this site shall not be limited under this policy.

Policy 141.00: **The City of McMinnville shall continue to separate storm and sanitary sewers where they are connected to reduce the inflow of storm sewer waters to the sewage treatment plant. Ongoing maintenance and improvements of the existing system shall also be undertaken to reduce infiltration of rain water into the system.**

COMMENT:

The proposed sanitary sewer and storm sewer systems are separate, conforming to this policy.

Storm Drainage Policies

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

COMMENT:

This is a directive to the City. The City will ensure it is met during review of construction plans for conformance with City standards. The preliminary utility plans show compliance is feasible.

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

COMMENT:

The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

Water System Policies

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

COMMENT:

This is a directive to the City and McMinnville Water and Light. The applicant has been assured by these agencies that water service at urban densities is available to the site for development.

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

1. **Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.**

2. **Extensions promote the development**

patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.

4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

COMMENT:

This is a directive to the City. The water services will be extended on-site with development to serve the new lots.

Policy 146.00: The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to provide water system facilities and services commensurate with the projected population in the Comprehensive Plan.

COMMENT:

This is a directive to the City and not applicable to this application.

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

COMMENT:

This is a directive to the City and not applicable to this application.

Policy 148.00: The City of McMinnville shall encourage McMinnville Water and Light to continue management practices in the municipal watershed which insure highest quality water.

COMMENT:

This is a directive to the City and not applicable to this application

Policy 149.00: **The City of McMinnville shall carefully consider the environmental impact of the location and design of water system facilities to minimize adverse effects on residential, farm, and natural areas.**

COMMENT:

This is a directive to the City. No water system extension on-site will impact natural areas. It will all be completed within proposed dedicated street rights-of-way outside of natural areas.

Policy 150.00: **The City of McMinnville and McMinnville Water and Light shall cooperate with Yamhill County, the Bureau of Land Management, and private parties owning or regulating lands around the municipal water supply impoundments to restrict land uses around these sites to those which would be compatible with and protect water quality and quantity.**

COMMENT:

This is a directive to the City and not applicable to this application.

Water and Sewer – Land Development Criteria

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

1. **Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.**

COMMENT:

The applicant recognizes these applications will be reviewed in coordination to McMinnville Water and Light for the City to obtain concurrence that sufficient water supply is available to meet demands of the development. This review will ensure that the proposed uses are commensurate with the planned comprehensive plan map designation for the area.

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.

COMMENT:

The applicant has coordinate with the City Public Works Department and received assurance that sufficient sewer capacity exists with the proposed on-site improvements and connections to the existing system.

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.

COMMENT:

This is a directive to the City and McMinnville Water and Light.

4. Federal, state, and local water and waste water quality standards can be adhered to.

COMMENT:

This is a directive to the City to review construction plans and field practices to ensure standards are adhered to.

5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

COMMENT:

This is a directive to the City to ensure policies are adhered to through the plan review and construction process.

<u>Parks and Recreation</u>

Goal VII 3: To provide parks and recreation facilities, open spaces, and scenic areas for the use and enjoyment of all citizens of the community.

COMMENT:

This goal is not an approval criterion. The proposed donation of land for the Special Use Park site is called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999. The donation will help the City meet this goal of providing open spaces and scenic areas for the use and

enjoyment of all citizens of the community. The applicant is also proposing to dedicate to the City with the recording of the plat (in phases) several tracts of land with open spaces and recreational facilities for the enjoyment of all citizens and to facilitate better access and enjoyment of the Special Use Park. Acceptance by the City of the proposed donation of land for the Special Use Park and acceptance of the dedication of the tracts will help the City meet the above goal. If the City does not accept the dedication of the tracts, then they will remain in private ownership of the development's homeowners association.

Policies:

Policy 163.05: **The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands.**

COMMENT:

The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states that Map 1 shows underserved neighborhoods. This Planning Areas map shows the subject site is located in Underserved Area 3. Underserved means not within a half mile of a neighborhood/community park or separated from it by a major street. To serve this area, the plan identifies actions in the Table 10 Recreation Facility Action Plan – Northwest on (page 43). The City is currently constructing a neighborhood park along Yohn Ranch Drive, located within a half mile of the subject site.

The proposed donation of land, dedication of tracts within the planned development, and other improvements proposed will help the City serve this area as intended by this policy and as envisioned by the parks plan through bringing to fruition many of the items in the action plan, including:

- City acquisition of a special use park adjacent to the BPA Easement (proposed land donation)
- City acquisition of a greenway to help connect Tice Park with the BPA Easement (dedication of proposed Tracts)
- Develop a trail in the greenway acquired

The proposed donation of the special use park is land that is partially within the 100-year floodplain. The portion outside the 100-year floodplain includes an old farm access haul road well suited for use as a greenway trail. The proposed off-site improvement of this trail with a bark chip surface will ensure minimum impact on environmentally sensitive lands while achieving the intent of this policy.

The tracts in the planned development are proposed to be improved with trails and dedicated to the City after the improvements are constructed. All of the proposed trails are located outside of the 100-year floodplain and do not contain environmentally sensitive lands.

Policy 164.00: **The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the**

zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

COMMENT:

There are no floodplain lands within the boundary of the planned development proposed for land division, so this policy does not apply to the planned development. The proposed donation of land for a special use park, which does include floodplain lands, is not part of the planned development. The park land is simply being offered to the City, and acceptance of the donation is sought concurrent with the development review. This will allow for efficient processing of the offer by City staff and permit the City to evaluate how the donation fits into the City's park system. The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states, "The Director of Parks and Recreation oversees park acquisition..." It is hoped the proposed donation will be accepted by the Director and the City as it meets these policies.

Policy 166.00: **The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.**

COMMENT:

The proposed Planned Development meets these policies with the open spaces and natural areas proposed to be preserved in tracts, in addition to the mini-parks proposed to be developed in tracts.

Policy 168.00: **Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.**

COMMENT:

Where possible within the planned development boundary, which is an urban development, distinctive natural features are retained in tract areas. Tract N includes a grove of protected trees. The landscape plans indicate that many significant trees are preserved in the rear yards of lots, particularly on the north and east boundaries of the site. Large trees along Baker Creek Road could not be preserved as they were within the area of required frontage improvements.

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

COMMENT:

Drainage ways north of the site are not proposed to be developed.

Policy 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.**

COMMENT:

The applicant has reviewed the adopted City of McMinnville Parks, Recreation, and Open Space Master Plan prepared for the City by MIG, Inc. on June 1999. The applicant owns a parcel with an area of 14.9 acres adjacent to and north of the proposed Baker Creek North Planned Development. Concurrent with this application, the applicant requests acceptance of the donation of this land to the City.

The donated parcel would become a Special Use Park, and allow for Trails and a Linear Park, as defined on page 10 of the City's Master Plan (see also Appendix A Facility Inventory's Map 2, the Master Plan map, where a Special Use Park symbol is located in the area). Acceptance of this donation by the City would allow it to fulfill the recommendations listed in Chapter 6 of the Master Plan related to benefiting the residents of McMinnville. Acquisition of this property is listed in the Master Plan in Table 10 - Recreation Facility Action Plan – Northwest (page 43) under "Special Use Parks" as a top priority. City ownership of this land would also allow the City to achieve another action item in this table, which is acquiring a "Greenway" to connect Tice Park to the BPA easement, as this property has an old farm haul road along the bluff from the BPA easement east to the adjacent property boundary that is well suited for development of a trail. This land donation will also allow the City to make a connection to the adjacent Baker Creek Greenway segment being proposed by an adjacent development (PDA 3-18/PDA 4-18/S 3-18), which is also an action item in Table 10 ("Develop a trail in the Baker Creek Greenway").

The purpose of the park land donation is to facilitate public open space enjoyment, protection of the floodplain from development encroachment, and conservation of riparian habitat along the waterway.

The proposed land donation is adjacent to the proposed planned development. The Proposed Planned development will create Tracts "F", "I", "J", "K", "L", "N" & "S", which the applicant recommends the City accept ownership of following installation of recreational amenities as proposed in their respective phases. These tracts include paths and trail improvements to support linear parks and greenspaces. These tracts and their improvements will facilitate public access to and enjoyment of the donated land.

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B. MCMINNVILLE MUNICIPAL CODE

TITLE 17: MCMINNVILLE ZONING ORDINANCE

Chapter 17.09: Zone Classification, Boundaries and Maps

Section 17.09.020: Zone boundaries—Map adopted by reference.

The boundaries for the zones listed in this title are indicated on the McMinnville Zoning Map of 1980, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

COMMENT:

A review of the McMinnville Zoning Map indicates that 9.41 acres of the proposed planned development is currently zoned R-1. The remaining acres of the subject site currently have no urban zoning. The boundaries are proposed to be modified per the applicant's exhibit so there are 6.62 acres of land zoned C-3 and 48.70 acres of land zoned R-4. All of the currently R-1 zoned land becomes R-4. Under the planned development code sections addressed below, a planned development overlay is proposed over all of the R-4 zoned land to facilitate the planned development.

Chapter 17.21: R-4 Multiple-Family Residential Zone

COMMENT:

This narrative and the comments to this code are made under the assumption that the City will approve the requested zone boundary amendment designating 48.70 acres within the R-4 zone.

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

A. Single-family dwelling;

COMMENT:

The proposed planned development will have single-family dwellings and their accessory uses, which are uses allowed in the R-4 zone.

G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:

1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.

2. The dwelling shall have a common wall at the "zero" lot line.

3. **Each lot shall comprise not less than twenty-five hundred square feet in area.**

4. **Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.**

5. **Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.**

6. **The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.**

7. **Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.**

8. **Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.**

COMMENT:

Through the planned development process, the applicant is requesting approval to develop lots (designated on the plans as SFD-30a and SFD-26a) at a scale that would normally be single-family units having a common wall with one more single-family dwellings, thereby meeting the standards of subsection G. above. Through the planned development process, the applicant is requesting flexibility to allow the dwellings to not be connected with a common wall. Instead, a unique approach is applied where the required side yards are split between the units so each side of the dwelling will have a side yard. The lots will meet the standards of the eight subsections listed above, or will be modified through the planned development as follows:

1. The dwelling units will be situated on an individually, legally subdivided lots meeting this code.
2. The dwelling units will not have a common wall, rather they will be modified through the planned development approval process to have two 3-feet wide side yards, one on each side of the dwelling, resulting in six (6) feet between structures.
3. All SFD-30a and SFD-26a lots in the proposed development combined will average more than twenty-five hundred (2500) square feet in area, and no lot will be less than twenty-three hundred (2300) square feet in area.

4. Lot area minimum and building setback requirements from property lines as modified by this application will apply to the dwelling units individually (except the average per #3 above).
5. Each dwelling unit will have independent services.
6. There will be no common wall as described in #2 above. The wall will meet the Uniform Building Code as adopted by the State for dwellings with 3-feet side yard setbacks to the property line.
7. There will be no common wall as described in #2 above, therefore there is no need for a sound barrier.
8. The dwelling units will not include existing duplexes, so this item is not applicable.

O. Public park and recreation area;

P. Sewage pump station;

COMMENT:

The proposed residential development will include other uses permitted in the R-4 zone, such as open space tracts proposed to be dedicated to the City as public parks and a tract with a sewage pump station.

Section 17.21.030: Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family.

COMMENT:

The policies of the Comprehensive Plan and this code encourage planned developments with unique approaches to development that meet the purposes of those policies and this code. The proposed planned development achieves these goals as outlined in this narrative. One method to meet these goals is to create new lots of varying sizes. The applicant has proposed seven (7) different lot types. To meet these goals, some lots are larger than five thousand square feet and some are smaller.

The average size of the single-family detached (SFD) lots, designated on the proposed plans as SFD-70, SFD-60, SFD-50, SFD-40, & SFD-45, is 5,745 square feet. So, on average these planned development lots exceed the standard lot area minimum in this code. Likewise, the planned development's alley loaded lots SFD-30a & SFD-26a, that would have common walls in a standard subdivision, but are proposed in this planned development with a unique design to be detached with two 3-feet side yards (see comments under Section 17.21.010G. above), have an average size of 2,760 square feet. These lots exceed the lot area minimum of 2,500 in this code for this type of lot. Overall the average lot size is 4,925 square feet, only 75 square feet less than the minimum. For a planned development of this size, with the myriad of common open spaces proposed, the lot sizes meet the intent and purpose of these standards and policies.

Section 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.

COMMENT:

The applicant's Typical Lots plan illustrates proposed planned development yard setbacks for each typical single-family detached lot. The plan indicates the standards of this section will be met or modified by the proposed planned development in the following ways:

A. This section will be met, as lots are proposed with a front yard setback of not less than fifteen feet.

B. This section will be met in terms of exterior side yards, as lots are proposed with an exterior side yard setback of not less than fifteen feet.

The proposed planned development [internal] side yard setbacks vary for the seven (7) proposed lot types as shown on the Typical Lots plan summarized here:

- SFD-30a and SFD-26a: Instead of common wall or zero lot line construction on one side of the unit and the required six feet side yard on the other, these planned development lots will split this yard area to have three (3) feet of yard area on each side of the dwelling. Thus, there will still be six feet total of side yard per dwelling, just like with common wall construction of a two-unit town house structure.
- SFD-45: These planned development lots will have four (4) feet internal side yards. These lots are similar in scale (26' wide building envelope) as the recently approved planned development lots in a nearby project (AP 1-17) that have only 3-feet side setbacks. So, this planned development will have one foot more internal side yard per lot of this type, than the other did, with 15-feet street side yard standard.
- SFD-40, SFD-50, SFD-60, and SFD-70: These planned development lots will all have five (5) feet side yards. The flexibility requested in this planned development is to allow these lots to have just one foot less than the six feet standard. In exchange this planned development will provide more variety of housing and common open space areas.

C. This section will be met, as all lots are proposed with a rear setback of not less than twenty (20) feet, except lots that have garages served from the alley. For lots loading the

garage from the alley, the 20-feet setback applies to the garage door. The planned development proposes a rear building setback from the alley of fifteen (15) feet. This will allow for, if desired, a bump out for an entry, second story overhang or other structural feature to add texture to the rear of the dwelling along the alley.

D. This section will be met. All garage setbacks are shown as 20-feet, which meets this code.

E. This section will be met for dwellings higher than thirty-five feet.

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

COMMENT:

The applicant intends to develop single-family detached dwellings in the R-4 zone that conform to Section 17.21.040 E. above. Thus, proposed structures will not in any way exceed this 60-ft. height standard.

Section 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.

COMMENT:

The provisions of Section 17.21.020(M) do not apply to this application.

This code section is met by the proposed development. The code would require a minimum of 2,200 square feet for a four-bedroom dwelling unit. The smallest lot in the proposed planned development is over 2,200 square feet. Thus, all lots in the development can have up to four bedrooms, and any lot over 2,700 square feet can have five bedrooms, etc.

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Chapter 17.33: C-3 General Commercial Zone

COMMENT:

This narrative and the comments to this code are made under the assumption that the City will approve the requested amendments to the planned development established by Ordinance 4633, the proposed comprehensive plan map amendment reducing the Commercial designated portion of the site, and the requested zoning map amendment to designate 6.62 acres within the C-3 zone.

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

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020;

COMMENT:

Although no development proposal has been submitted for the C-3 zoned portion of the site, the applicant intends to develop neighborhood commercial uses on a portion of this parcel in the future. As required, only uses which are permitted will be developed on the parcel.

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

COMMENT:

Again, no development proposal has been submitted for the C-3 zoned portion of the site. The submitted Lot Type Plan illustrates that only the R-4 zoned portion of the site is included within the boundary of the Baker Creek North Planned Development (see Exhibit 3). The applicant intends in the future to develop some apartment units on a portion of the C-3 zoned area of the site, however this will occur with the submittal of a future land use application. Approval of the request to amend the planned development established by Ordinance No. 4633 will facilitate this future uses which are consistent with the requirements of this code.

Section 17.33.030: Yard requirements. Except as provided in Section 17.54.050, and "A" and "B" below, there shall be no required yards in a C-3 zone:

A. Side yard shall not be less than twenty feet when adjacent to a residential zone;

B. Rear yard shall not be less than twenty feet when adjacent to a residential zone.

COMMENT:

Although no specific development plans are currently submitted for the parcel proposed to be zoned C-3, the parcel is appropriately sized to meet the yard requirements of this zone.

Section 17.33.040: **Building height. In a C-3 zone, buildings shall not exceed a height of eighty feet.**

COMMENT:

No development plans have been submitted for the parcel to be zoned C-3. Future land development applications will be subject to the above standards.

Section 17.33.050: **Use limitations. In a C-3 zone, outside storage abutting or facing a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed ten feet in height.**

COMMENT:

As discussed above, no specific development plans have been submitted for the C-3 zoned parcel. Future land development applications will be subject to the the above standards.

Chapter 17.48: F-P Flood Area Zone

Section17.48.005 **Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places.**

Section 17.48.010 **Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter.**

Section 17.48.025 **Definitions. For the purpose of this section refer to Section 17.06.030 for Flood Area related definitions.**

Section 17.48.030 **Permitted uses. In an F-P zone, the following uses and their accessory uses are permitted (subject to the provisions of Section 17.48.060):**
A. Farming;
B. Public park and recreation facility, not requiring the use of any structure;
C. Sewage pump station.

COMMENT:

No portion of the proposed planned development is located in the F-P Flood Area Zone.

Portions of the parcel proposed to be donated to the City for its special use park are within an area designated on the City zoning map as F-P. Acceptance of ownership of this parcel by the City will facilitate meeting the purpose of this code by, among other things, providing open spaces, natural habitats, and recreational places in the City available to the public. Within the F-P zone there are no proposed uses of the donated land that are not permitted uses.

Chapter 17.51: Planned Development Overlay

Section 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.

COMMENT:

The proposed planned development meets the Purpose of this Section. The design uses the flexibility allowed to offer a development pattern that provides a variety of lot sizes and uses of the land. The applicant uses a creative approach to site design including:

- Providing extra lot depth to respond to existing trees and topography.
- Alternating lot sizes on various block faces to create a diverse mix of housing types and appealing streetscape throughout the development.
- Preservation of open space under the power line easement and in a tree grove.
- Orienting the fronts of some lots to common open space.
- Aligning pathways with destination open spaces, both private and public.
- Clustering density near future transit corridors.
- Preserving view corridors and access to adjacent parks and natural features both north and south of the site.

This planned development is not a guise to circumvent the intent of the zoning ordinance. The density of the development in both the average lot sizes and scale of the housing is comparable those uses allowed outright in the code. Therefore, the proposed planned development meets the intent of the code while providing a residential community that is better than would be allowed by a strict enforcement of the code.

[Purpose continued]

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

COMMENT:

The proposed planned development also meets the purpose of Section 17.03.029 for appropriate and orderly physical development of the City as evidenced by this narrative and the supporting exhibits. The applicant recognizes that approval of the request will create a planned development overlay over the R-4 zoned portion of the site and it will be developed according to the zone requirements except those approved modification as requested here. The method for implementing this planned development will be addressed under code subsection A. below:

[Purpose continued]

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

COMMENT:

This narrative discusses how the planned development substantially meets the same general Comprehensive Plan and Zoning Ordinance objectives for the R-4 zone.

Section 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;

COMMENT:

The planned development is being proposed concurrent with a Comprehensive Plan Map amendment and a Zoning Map amendment to designate all of the planned development area within the R-4 zone, so the principal use of land in the planned development, single-family residential, will reflect the type of use indicated on those maps.

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

COMMENT:

The underlying proposed zone designation is R-4. As required, residential density is addressed in applicant's response to Section 17.21.060. The proposed development conforms to the underlying zone requirements.

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

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

1. Proposed land uses, building locations and housing unit densities.

COMMENT:

This application's drawings EXH-2 Proposed Zoning Plan & EXH-3 Lot Type Plan illustrate the proposed residential land uses. Drawings SP-1 through SP-5, and EXH-5 Typical Lots, show proposed building locations. Housing unit densities are summarized on the submitted EXH-4 Density Plan.

2. Proposed circulation pattern indicating the status of street ownership.

COMMENT:

This application's drawings EXH-3 Lot Type Plan and SP-1 through SP-5 Preliminary Site Plan illustrate the proposed vehicle and pedestrian circulation pattern. The plans identify the location of proposed public streets and public alleys, public sidewalks and mid-block pedestrian accessways within the development.

3. Proposed open space uses.

COMMENT:

The application's drawings PL-1 through PL-5 Preliminary Plat identify 19 common open space tracts within the proposed planned development. Proposed improvements to these tracts are illustrated in the Landscape Plan drawings L1.0-L10.0 and Irrigation Plans IR1.0-IR2.0.

4. Proposed grading and drainage pattern.

COMMENT:

The application's drawings GR-1 through GR-5 Grading Plan and UT-1 through UT-5 Utility Plan illustrate the grading and drainage pattern of the proposed planned development.

5. Proposed method of water supply and sewage disposal.

COMMENT:

The application's drawings UT-1 through UT-5 Utility Plan show water and sanitary sewer pipe layouts for the proposed planned development.

6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.

COMMENT:

The application's drawings, EXH-1 Existing Conditions Plan and L1.0 Street Tree Plan, identify the size, location, and type of all trees within the planned development in accordance with the above standards.

7. Relation of the proposed development to the surrounding area and the comprehensive plan;

COMMENT:

The application's drawings EXH-1 Existing Conditions Plan shows the relationship of the proposed development site to the surrounding area, and the EXH-8 shows its relationship to the comprehensive plan map as do the responses in this narrative.

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

COMMENT:

As required, City staff will review the submitted applications and prepare a report prior to scheduling a public hearing before the Planning Commission.

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

1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

COMMENT:

As mentioned previously, the applicant is requesting to modify several Conditions of Approval associated with Ordinance 4633, which is an existing Planned Development Overlay that applies to 12.34 acres of the subject site. The proposed planned development amendment requests the removal of Condition 1, which is carried over from Ordinance 4605, Section 2(a-g) when Ordinance 4633 was

enacted. When Ordinance 4633 was adopted, the City had envisioned a UGB expansion in the NW quadrant. Since the boundary amendment wasn't realized, a large regional commercial area was no longer needed on this area of town. However, certain assumptions were made about the scale and intensity of a future commercial use on the site when Condition 1 was approved in 1996. It was also unanticipated at the time that similar development review provisions and design standards would later be incorporated into the McMinnville Zoning Ordinance (MZO). The following section of the Applicant's Statement address why the provisions of Condition 1 are no longer necessary, duplicative with current C-3 standards, and inconsistent with intended neighborhood uses on the site:

<u>Condition 1 of Ordinance 4633, Referencing Ordinance 4506 – Section 2(a-g)</u>

Section 2(a) - Under 17.58.100 of the MZO, the existing development code already requires landscape plans to be reviewed by the Landscape Review Committee for commercial, industrial, parking lots, and multi-family developments. Also, with the proposed street plan, the entire lot would be surrounded by public streets and a power substation, so the hedge screening is not applicable. As such, this section is not needed.

Section 2(b) - Under Section 17.72.090, detailed elevations, layouts, landscaping, parking, lighting plans are required to be submitted to the Planning Director for review. Therefore, this portion of the condition is inconsistent with current City code standards.

Section 2(c) - The applicant is considering neighborhood commercial uses for the C-3 zoned portion of the site. Since a convenience market could be established with the commercial development, prohibiting retail commercial activity from 12:30 a.m. to 6 a.m. would create an issue for neighborhood residents.

Section 2(d) - The C-3 zone permits the development of structures up to 80-ft. high, while the condition only allows 35 feet high buildings. The applicant envisions the development of buildings up to 50-ft. high, with neighborhood commercial uses on the ground floor and multi-family units on the upper floors. Therefore, this section is inconsistent with current code standards and will prevents the parcel from being efficiently developed.

Section 2(e) - Per Section 17.56.050, exterior lighting plans are currently required for commercial uses and must be directed away from property lines. Therefore, this element of the condition is not required.

Section 2(f) - The City adopted its current sign regulations in 2008, with subsequent revisions during the past 10 years. The current sign code fully addresses this portion of Condition 1; therefore, it is no longer needed.

Section 2(g) - Under Section 17.33.040 outside storage must be enclosed by a sight-obscuring fence. Any additional outdoor use restrictions could be determined and applied as conditions of approval when a future design review application is submitted for the neighborhood commercial development.

In addition to Condition 1, the applicant is also requesting to eliminate Condition 2 from the Planned Development Overlay that was enacted by Ordinance 4633. Condition 2 prohibits residential uses within the area of the site that is currently designated as Commercial on the Comprehensive Plan Map. As discussed above, there is currently a 700 acre shortage of residential zoned land when addressing housing needs in McMinnville during the 2021-2041 planning period. With the proposed Comprehensive Plan Map and Zoning Map Amendments, 6.62 acres of 12.34 acres currently regulated by Ordinance 4633 will be zoned C-3, while the remaining 5.72 acres will be zoned R-4. The applicant is intending to submit a future land use application for the C-3 zoned parcel to permit the development of a mixed-use development with neighborhood commercial and multi-family units. The apartments will

help address the need for 1,537 additional multi-family units in the community and will provide economic support for the planned neighborhood commercial use.

Regarding the Baker Creek North Planned Development, the applicant intends to develop a residential community that provides home attainability, balance, and choice. The applicant seeks to address the following physical conditions and achieve a number of special objectives as part of the overall development concept, warranting a departure from standard regulation requirements:

(1) Preserve trees in rear yards and tracts.
(2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.
(3) Developing around the BPA Easement that traverses the site.
(4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City's Comprehensive Plan and this code to serve today's market needs of home consumers in McMinnville.
(5) Focus on the detached Single-Family Residential housing type.
(6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park.
(7) Provide access to City park facilities.
(8) Create a sense of place.
(9) Ensure adequate off-street parking.
(10) Avoid "cookie cutter" approach to housing on any block face.
(11) Promote future transit service.

The proposed development addresses each of these special physical conditions and objectives through its design and the requested flexibility offered by a planned development as shown on the plans and discussed in detail in this narrative and below.

(1) Preserve trees in rear yards and tracts

Along the north and northeast boundary of the site there are stands of oak trees as well as rows of oak trees. These oak trees are preserved in the rear yards of proposed lots along the perimeter of the project with extra deep rear yards to accommodate space for these trees outside of the building envelop. Tree protection for these trees during site construction is shown on the landscaping plan drawing L1.0. A grove of these trees is preserved in proposed Tract "N" in Phase 2A of the project. Proposed Lots 129-133 in Phase 2A and Lots 269-280 will have a thirty-foot rear building setback where a large oak tree exists to protect this feature and provide a natural buffer between the site and adjacent land. Preservation of this area is in part meant to off-set the planned development request to decrease side yard setbacks by one foot from six feet to five feet setbacks for most lots, and to four feet for other lots, as well as to allow for a mix of lot sizes throughout the planned development.

(2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.

The site is adjacent to a bluff, at the bottom of which is a parcel that is planned for a City special use park. Lots along the bluff have been designed with extra depth to allow for horizontal separation between the dwellings, which will sit on top of the bluff, and the adjacent natural area at the rear property line. Use of this portion of the site to create larger deeper lots is in part meant to off-set the planned development request to allow for a mix of lot sizes throughout the planned development, some of which are smaller.

(3) Developing around the BPA Easement that traverses the site.

The site is encumbered by a 60-feet wide BPA Easement and transmission lines. The area under the transmission lines is preserved as community open space and proposed to be improved with picnic tables and a grassy area near the street, and a gravel walking trail (and utility access way) with excellent views of the future City special use park. This area is proposed to be dedicated to the City as a park. Improvement of this active open space is in part intended to support the planned development request to allow for a mix of lot sizes throughout the planned development, some of which have less lot area.

(4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City's Comprehensive Plan and this code and to serve today's market needs of home consumers in McMinnville

The Comprehensive Plan Policy 72.00 states, "Planned developments shall be encouraged as a favored form of residential development." Policy 73.00 states, "Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged." This code states under Section 17.51.010, "…the purpose of a planned development is to encourage a variety in the development pattern of the community..." The proposed planned development provides the variety called for by the City in the above referenced documents with its seven different lot sizes described in this narrative and in the exhibits to the application: SFD-70, SFD-60, SFD-50, SFD-40, SFD-30a, & SFD-26a. This approach will better meet the various needs of home buyers than development built to the standard, as it would only create two lot types: common wall single family dwellings on lots of 2500 square feet in area and detached single-family dwellings on lots of 5000 square feet in area.

(5) Focus on the detached Single-Family Residential housing type

A 2014 residential preference study done by DHM Research for Metro[1] shows that about 80% of people view detached single-family dwellings as their preferred housing choice. In recognition of this finding, the Applicant has specifically designed the planned development with detached single-family housing in mind. This in part addresses the applicants request through the planned development process to develop the alley loaded lots referred to as SFD-30a and SFD-26a as detached dwellings instead of using common wall construction as allowed outright in the code for lots in this size range.

This unique approach to site design creates a housing product type commonly referred to as the missing middle, or single-family detached homes at the scale of an attached dwelling without the attachment. This is a product type that meets consumer needs for lower cost attainable housing that would normally only be found with a townhouse/row house structure, only these proposed lot types are without the burden of a common wall. So, by meeting this objective the development is also helping meet objective (4) discussed above.

(6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park

There is a neighborhood park under construction within a ½ mile of the site which is anticipated to be complete prior to development of this site, however it is located across a minor arterial. Therefore, private mini-parks are proposed on tracts with active recreational amenities for residents of the Baker

[1] (http://www.oregonmetro.gov/residential-preference-study)

Creek North development. For details, see the landscaping plan drawings L1.0-L10.0. Sidewalks and mid-block pathways provide convenient access to the proposed facilities. The site design also includes pathways and marked crosswalks to connect residents of the site to City park facilities to the south beginning at Baker Creek Road and Meadows Drive. On-site open space areas and proposed recreation amenities in part off-set the request for varied lots sizes as part of the planned development.

(7) Provide access to City park facilities

In addition to pathways and sidewalks leading south to the City park facilities as described in objective (6) above, the proposed planned development provides multiple tracts that can provide public access to the adjacent special use park land to the north of the site. The applicant is proposing to dedicate ownership of several open space tracts to the City, upon recording of the respective phases of development, for use to access the future special use park land being donated.

(8) Create a sense of place

The site is adjacent to minor arterial called Baker Creek Road and Baker Creek lies to the north of the site. The plan includes a landscaped open space tract with a white rail fence the entire length of the site's frontage with Baker Creek Road accented with two entrance monuments located in the tract at Meadows Drive and Shadden Drive. Opposite this strip at Shadden Drive is a landscaped storm pond tract. Opposite this strip at Meadows Drive is a tract with a pathway to extend the BPA trail into the site and terminate it at the proposed intersection of Kent Street and Meadows Drive. This location will include a proposed mini-park that will include picnic space at the trailhead and a natural path overlooking the City's future special use park. These features along with the other common open spaces and curvilinear tree lined streets will create a unique new community in the City of McMinnville with a vibrant housing mix and excellent access to recreation and other services.

(9) Ensure adequate off-street parking

Parking can present challenges in developments that propose compact urban form. Having witnessed mistakes by developers who did not provide sufficient parking in small lot projects, the applicant is committed to providing sufficient off-street parking so that on-street parking is available. Therefore, each single-family unit will have a minimum of four off-street parking spaces as shown on the exhibit drawing EXH-5 Typical Lots. This will typically include two garage spaces and two spaces on a standard driveway pad in front of the garage. As such, this design will exceed McMinnville city off-street parking standards by 100%. Driveways will be paired where feasible in order to maximize on street parking as well. The off-street and on-street parked vehicles are graphically represented in the exhibit drawings SP-1 through SP-5 Site Plans.

(10) Avoid "cookie cutter" approach to housing on any block face

A primary goal of this planned development is to avoid the appearance from the public street of monotonous tract housing (aka: "cookie cutter") pattern of development. This objective has been achieved in part through site design where lot sizes alternate along a block face and where lots types differ from one side of the street to the other. To further support this objective, the applicant is proposing a condition that no building elevation shall repeat itself on an adjacent lot nor the lot directly across the street.

(11) Promote future transit service

The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the site is located within a ¼ mile on the north side of a planned transit corridor along Baker Creek Road. The applicant has designed the site to cluster density along the south end of the site, which is close to this future transit corridor, in order to make the transit service conveniently within walking distance for the majority of the future residents. Since convenience and walking distance are major factors in a person's choice to use transit, the proposed site design will encourage transit use. The density of the housing and convenience of use will also encourage future transit service to be developed as planned.

2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

COMMENT:

The applicant is requesting concurrent approval of the proposed amendments to Ordinance No. 4633, an amendment to the Comprehensive Plan Map to change a portion of the Commercial designated land to Residential, and a zone change to designate portions of the area regulated by the ordinance as C-3 and R-4. The applicant is also requesting approval of a zone change to designate the remainder of the Baker Creek North Planned Development area R-4. As discussed in the above narrative, the proposed land use actions and resulting development are consistent with applicable Comprehensive Plan goals, policies, and 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;

COMMENT:

The attached exhibits include street and utility plans for the proposed Baker Creek North Planned Development. The plans also illustrate how adjoining parcels, including the C-3 zoned parcel regulated by Ordinance 4633, will be provided adequate access and provision of services. The proposed improvements with Baker Creek North include a connection to the existing Blake Street stub, a stubbed street connection of Shadden Drive north that aligns with the proposed adjacent development's street stub, and a stubbed street connection of proposed William Drive south to the adjacent parcel. Access is provided via tracts to the north. The adjacent property to the south, referred to as the substation property, has adequate access from Baker Creek Road and recorded easements. No access is provided to the west as that land is outside of the urban growth boundary.

4. The plan can be completed within a reasonable period of time;

COMMENT:

The applicant has submitted a Phasing Plan to illustrate how the site will be developed in the proposed 10 phases. If land use approval is granted in 2019, Phase 1A-1D will be completed in one or more phases between about 2019 and 2021, Phase 2A-2C will be completed following Phase 1D, likely from about 2021 to 2024, and Phase 3A-3C will be completed following Phase 1B between about 2020 and 2024. A phased development of 10 phases can take a long time to complete, however, some phases can be constructed concurrently depending on market conditions. For example, Phase 3A could begin

construction at the same time, or even before, Phase 2A, as Phase 3A is contingent only on completion of Phase 1B, not Phase 2A. This means development can even occur faster than predicted if conditions are right. Phased development could also extend beyond 2024 as suggested here, but would be completed within a reasonable time as allowed by this code.

5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;

COMMENT:

The new streets providing internal circulation are proposed with sections to meet local residential street standards, so they will support the anticipated local traffic. The street connections at Shadden Drive and Meadows Drive connecting to NW Baker Creek Road will be improved with extra pavement width to accommodate a 3-lane section on the side streets for a right-turn-out lane, center left-turn/through lane, and an in-bound lane. This will ensure extra capacity for turning movements at the intersection for outbound traffic. Baker Creek Road will be improved with a half-street improvement along the site's frontage to City standards, which will add a center left-turn lane to support circulation at the intersections, including north and south left-in turning movements that will not block through traffic on Baker Creek Road. The streets outside the planned area have already been developed to accommodate the anticipated development in the area.

6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

COMMENT:

The exhibits submitted with this application, including UT-1 through UT-5 Utility Plans, indicate that public utility and drainage facilities are adequate for the proposed population density and type of development.

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;

COMMENT:

The noise, air and water pollutants generated by the proposed development will not have adverse effects upon surrounding uses. Noise and air pollution of the proposed residential development will be similar to and compatible to the existing noise and air pollution created by the existing adjacent residential uses. Water pollutants will be similar to and compatible with adjacent uses and will be managed by the development of sanitary and storm sewer infrastructure by the developer as proposed with the street construction described in the Exhibits attached to this narrative. Therefore, this Criterion is met.

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Chapter 17.53: Land Division Standards

Section 17.53.010-030: [omitted for brevity]

Section 17.53.040: Planned Development. The subdivision of land in accordance with the planned development section of the City of McMinnville Zoning Ordinance (No. 3380, as revised) may result in the terms and requirements of this chapter being waived, altered, or otherwise changed as determined by action of the Planning Commission and approved by the City Council.

COMMENT:

The applicant is requesting approval of a Planned Development application to waive alter, or otherwise change the requirements of this chapter as described below. Where flexibility is not requested this application will meet these standards.

<u>Subdivision</u>

Section 17.53.070: Submission of Tentative Subdivision Plan. An application to subdivide land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure: A subdivider shall prepare a tentative plan together with improvement plans and other supplementary material required to indicate his general program and objectives, and shall submit 25 (twenty-five) copies of the tentative plan and supplementary data to the Planning Director's office. The tentative plan need not be a finished drawing, but shall show pertinent information to scale in order that the review body may properly review the proposed development. Additionally, condominiums shall be processed under the provisions of ORS 100. All subdivision developments shall comply with the requirements of the Oregon Fire Code.

COMMENT:

The Sections 17.72.020 through 17.72.070 have been met as described under those sections below. This application includes a tentative plan with improvement plans and supplementary material as required by this code that indicates the development's program and objectives. The applicant has provided the necessary copies to the City staff for review. The development complies with the requirements of the Oregon Fire Code. There are no proposed condominiums. This section's requirements are met.

A. Scale. The tentative plan shall be drawn on a sheet 18 (eighteen) by 24 (twenty-four) inches in size at a scale of one inch equals 50 (fifty) feet, or a reasonable engineer's scale for the sheet size. A smaller sheet size may be used

provided that all required information is legible and is approved for use by the Planning Department.

COMMENT:

The plans submitted with this application meet these specifications.

B. General Information. The following general information shall be shown on the tentative plan:

1. Proposed name of subdivision. No plan of a subdivision shall be approved which bears a name which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the contiguous subdivision plat of the same name last filed; Date, north arrow, and scale of drawing;

2. Appropriate identification clearly stating the plan is a tentative plan;

3. Location of the subdivision sufficient to define the location and boundaries of the proposed tract;

4. Names and addresses of the owner(s), subdivider, engineer, and surveyor;

5. In the event the subdivider plans to utilize the provisions of ORS 92.060 as pertains to "Delayed Monumentation," he shall notify the County Surveyor and Planning Commission and report said fact on the tentative plan;

COMMENT:

The submitted plans provide all of the required information listed above.

6. A subdivision guarantee report issued by a title insurance company in the name of the owner(s) of the land, showing all parties whose consent is necessary and their interest in the premises and all encumbrances, covenants, and other restrictions

pertaining to the subject property.

COMMENT:

As required, the applicant has attached a Subdivision Guarantee Report with this application (see Exhibit 2).

C. Existing Conditions. The following existing conditions shall be shown on the tentative plan:

1. The location, widths, and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, city boundary lines, and monuments;

2. The direction of slope by means of arrows or other suitable symbol;

3. The location of at least one temporary bench mark, on established City datum, within 200 feet of the plat boundaries;

4. The location and direction of water courses, and the location of areas subject to flooding on a probability frequency one (1) percent or greater;

5. Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees. Areas noted in the Comprehensive Plan, Volume I Background Element, Chapter VII, The Parks and Recreation and Open Space Master Plan (1999), as potential open space lands should be identified;

6. Existing uses of the property, including location of existing structures to remain on the property after platting.

COMMENT:

The attached Existing Conditions Plan provides all of the required information listed above (see Exhibit 3).

D. Proposed Plan of Subdivision. The following information shall be included on the tentative plan:

1. The location, width, names, approximate grades, and radii of curves of streets. The relationship of

streets to any existing streets and to any projected streets as shown on the McMinnville Comprehensive Plan Map 1980, as amended, or as identified in the McMinnville Comprehensive Plan text and Transportation System Plan, or as may be suggested by the Planning Commission in order to assure adequate traffic circulation;

2. The location, width, and purpose of easements;

3. The location and approximate dimensions of lots and the proposed lot and block numbers;

4. Sites, if any, allocated for purposes other than single-family dwellings, such as multiple-family dwellings, parkland, open space common areas, etc.

5. Access. As required by the Oregon Fire Code, a minimum of two access points is required when more than 30 (thirty) one-family or two-family dwellings or one-hundred multi-family units are being served.

COMMENT:

The attached Preliminary Plat, Preliminary Grading Plan, Preliminary Site Plan, and Street Profiles and Details provide all of the required information identified in this section.

E. Partial Development. If the tentative subdivision plan pertains to only part of the tract owned or controlled by the subdivider, the requirements of Section 17.53.090 (future development plan) shall apply.

COMMENT:

The tentative subdivision plan pertains to all of the tracts owned by the subdivider, so Section 17.53.090 does not apply.

F. Explanatory Information with Tentative Subdivision Plan. The following information shall be required by the Planning Commission or staff and if it cannot be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:

1. A vicinity plan, showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets and utilities may be extended to connect to existing streets and utilities;

2. **Proposed deed restrictions, if any, in outline form;**

COMMENT:

The attached plans show the information described in Item 1. and 2. above as applicable.

3. **The location of existing sewers, water mains, culverts, drain pipes, and electric lines and elevations of sewers at points of probable connections within the subdivision and in the adjoining streets and property;**

COMMENT:

The attached plans provide the information described above.

4. **Special studies of areas which appear to be hazardous due to local conditions such as inundation or slippage;**

COMMENT:

The applicant's Geotechnical Report has analyzed soil conditions on the subject site. The report provides specific construction recommendations.

5. **Contour lines related to an established bench mark on city datum and having minimum intervals as follows:**

    a. **For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed;**

    b. **For slopes of five (5) percent to 15 (fifteen) percent: two (2) feet;**

    c. **For slopes of 15 (fifteen) percent to 20 (twenty) percent: five (5) feet;**

    d. **For slopes of over 20 (twenty) percent: 20 (twenty) feet.**

COMMENT:

The attached Existing Conditions Plan and proposed Grading Plans include 1-ft. contour lines in accordance with this section.

G. Supplemental Plans with Tentative Subdivision Plans. Any of the following plans may be required by the Planning Commission or staff to supplement the plan of subdivision:

1. Approximate center line and right-of-way profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of the streets and the nature and extent of street construction. Where any cut or fill will exceed three (3) feet in depth, a cross section of the road shall also be submitted.

COMMENT:

The plans attached with this application include the above information for streets.

2. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.

COMMENT:

The Utility Plans show the proposed storm sewer improvements.

3. If lot areas are to be graded, a plan showing the nature of cuts and fills exceeding five (5) feet, and information on the character of the soil.

COMMENT:

The attached Preliminary Grading Plan illustrates all cuts and fills associated with the proposed development. The applicant has also attached a Geotechnical Report which analyzes existing soil conditions and provides recommendations to ensure soil stability.

<u>Future Development Plan</u>

Section 17.53.080: Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

COMMENT:

The applicant has submitted Preliminary Development Plans for the Baker Creek Planned Development project. The plans indicate that the planned development will be fully developed with 280 single-family detached lots, common open space areas, and public right-of-way improvements. Therefore, submittal

of a future development plan is not required for this application.

Approval of Streets and Ways

Section 17.53.100: Creation of Streets.

A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:

COMMENT:

The streets will be created in conformance with the requirements for a subdivision. City Council has not initiated the establishment of a street on the subject site, therefore these conditions do not apply and have been omitted for brevity.

B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.

COMMENT:

The applicant will establish the proposed streets through the recording of a final plat. Therefore, these standards do not apply.

C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:

1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that

may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;

2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.

3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.

COMMENT:

No partitioning is proposed, rather a subdivision is proposed as part of a planned development. The planned development proposes that the access easement preferred in subsection C.3. above over the creation of flag poles, be applied to the private drives proposed in subsection D. below.

D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:

1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.

COMMENT:

The northwest corner of the planned development extends along a narrow bluff. Due to the existing parcels unusual topography, the most logical way to develop the parcel is to extend a private drive north from proposed Mercia Street. Therefore, access to Lots 204-208 in Phase 2C is proposed through a shared private drive in a common easement over Lots 206-208 as depicted on drawing PL-3 Preliminary Plat. Also, due to lot sizes and shapes that are deeper to protect trees in rear yards of nearby lots, the street is particularly far from Lot 269 in the corner of the site in Phase 3C. Therefore, the most feasible way to develop the parcel is to provide a shared private drive in common easement over Lot 270, as depicted on drawing PL-5 Preliminary Plat, to serve both Lots 269 and 270. This approach to lot access is proposed as part of the planned development as opposed to flag poles for each lot as it is the preferred

method of access as described in subsection C.3. above. With approval of by the Planning Commission, access to these lots will meet the requirements of this code.

2. **The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.**

3. **Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.**

COMMENT:

The attached Preliminary Plat drawings indicate that the private drive serving Lots 204-208 is located within an access easement on Lot 206-208, and the private drive serving Lots 269 and 270 is located within an access easement on Lot 270. The private drive improvements will be designed in accordance with the standards of Section 17.53.101(P). Necessary public utility easements are shown within the access easements on the lots adjacent to and served by the easements. The private drives will be identified as a common improvement in the CC&Rs and maintenance provisions will be included so new purchasers are aware of the maintenance costs. These documents will be recorded with final plats for each phase of the development.

4. **Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.**

5. **Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions**

COMMENT:

The shared private drives proposed with this development are located in easements, and are not private

streets, so it is the applicant's understanding a private street sign will not be required. No gates are proposed within or across public streets or private driveways.

Section 17.53.101: Streets.

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

COMMENT:

The attached plans illustrating the location, width, and grade of the proposed streets have been considered in relation to existing and planned streets, topography, public safety, and the proposed uses. As required by subsection 1. above, the arrangement of streets in the proposed subdivision provides for the extension of existing principal streets in surrounding areas. Namely, NW Blake Street is extended into the site from the east. Shadden Drive and Meadows Drive are extended north into the site opposite existing intersections of those streets with Baker Creek Road. A street north of Hill Road's new traffic circle which is also planned to extend north into the site will be named Hill Lane. Shadden Drive is also proposed to continue north in Phase 3B and align with a planned street in the adjacent development to the north of the site.

B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this

chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

COMMENT:

The applicant is proposing dedication of street rights-of-way and design of road improvements to conform to City standards.

C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

COMMENT:

Reserve strips or street plugs are not proposed with this application.

D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

COMMENT:

Proposed streets which align with the continuation of existing street center lines are Hill Road, Meadows Drive, Shadden Drive, and Blake Street. Blake Street and proposed Augustine Place intersections are spaced approximately 200 feet apart, as are the intersections of Kent Street and Emma Streets.

E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit

2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

COMMENT:

Shadden Drive in Phase 3B, and Williams Drive in Phase 3C, are proposed to be extended to the north and south boundaries of the site to provide access to adjoining land. No reserve strips or street plugs are proposed.

F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

COMMENT:

The proposed intersection angles of this development meet the above standards as shown on the plans.

G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

COMMENT:

NW Baker Creek Road is the only existing street adjacent to the tract of land proposed for development. The applicant is proposing to dedicate 18-feet of right-of-way and install a ½ street improvement and striping along the north side of the road to conform to the design standard for a minor arterial. Lane widths will be sufficient along the site's frontage. The south side of the right-of-way was already improved with earlier development and sufficient pavement exists on that half of the right-of-way to achieve the required road section.

H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

COMMENT:

The site is the "adjoining property" in this case and the proposed Baker Creek Road improvements are completing the other half of a street developed with an earlier project.

I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

COMMENT:

There are no cul-de-sacs proposed with this planned development, therefore these standards do not apply.

J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication.

COMMENT:

The applicant is not proposing to install eyebrows with the proposed development, therefore these standards do not apply.

K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be

confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.

COMMENT:

As required, all extended streets maintain the same street names with the proposed development. Streets names for new streets have been proposed with the Preliminary Plat for review and approval of the Planned Director. The proposed streets reflect an English history theme.

L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.

2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

COMMENT:

Preliminary grading plans and street profiles have been submitted and the applicant intends to construct these requirements. Street design will comply with City requirements during the permitting of public

improvement construction plans.

M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

COMMENT:

The subject site is not located within the vicinity of a railroad right-of-way. Therefore, these standards do not apply.

N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

COMMENT:

The site design includes a 10-feet wide landscaped common open space tract between the proposed residential lots and NW Baker Creek Road right-of-way, so no lots directly abut an arterial street. This section is not applicable.

O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

COMMENT:

The proposed planned development is not located in a commercial or industrial district. The site's design includes proposed public alleys with 22-foot right-of-ways. See the Site Plan Exhibit SP-5 for the alley section. A standard alley may only be 20-feet wide, but the Applicant is proposing the extra two feet of width to allow a six-inch gap on both sides from edge of right-of-way to back of the six-inch flush curb creating the unobstructed area for placement of the property pins and to provide a full twenty feet wide paved surface. This alley configuration will allow for extra maneuvering space for vehicles entering and exiting driveway on lots served by the alleys. This in combination with the proposed full 20-feet setback from the right-of-way to the face of a garage will make for a safe and functional public alley. The applicant seeks the City's approval of these alleys as part of this planned development.

P. Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

COMMENT:

The applicant has addressed how the proposed private drive meets the standards of Section 17.53.100(D) in this narrative. The private drive has an adequate width for the proposed use and will be constructed to the same structural standards as a public street as required by this code. The submitted Preliminary Utility Plan indicates that storm drainage facilities have also been provided within the private drive to manage storm drainage.

Q. Bikeways. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development.

COMMENT:

The applicant is proposing to widen NW Baker Creek Road along the planned development's site frontage as required by this code and will stripe bike lanes and restripe travel lanes accordingly. The proposed planned development improvements are shown on exhibits SP-1 and SP-2 Site Plans.

R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area.

COMMENT:

The applicant is not proposing to develop a new residential collector nor arterial street within the Baker Creek North Planned Development. Therefore, these standards do not apply.

S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.

COMMENT:

The proposed planned development has frontage on Baker Creek Road, a minor collector in a residential area. Therefore, this section does not apply. The applicant is proposing to install a meandering 10-feet wide sidewalk along the planned development's frontage on NW Baker Creek Road as shown on the exhibit SP-1 Site Plan. The applicant is also proposing to install a 12-feet wide sidewalk along the west side of Meadows Drive, south of Kent Street to its intersection with Baker Creek Road, with half the sidewalk in the ROW and half in the adjacent open space tract. This sidewalk will effectively extend the BPA trail to the common area amenities at Kent Street, where the applicant is proposing to dedicate open space tracts to the City with the proposed improvements. The applicant seeks approval of these wider sidewalks in these locations as designed.

T. Park strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

COMMENT:

Park strips are provided between the curb and sidewalk of all streets in accordance with the above standards. Street trees proposed in park strips are shown on drawing L1.0 Street Tree Plan. The applicant is requesting landscape plan review concurrent with this planned development application. Chapter 17.58 is addressed below.

U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public

events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager.

COMMENT:

The applicant is not proposing to install gates within or across public rights-of-way. Therefore, these standards have been met.

Section 17.53.103: Blocks.

A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

COMMENT:

The proposed block layout has been proposed taking into account adequate lot sizes, street width and the site's topography, as well as adjacent street network.

Land outside of the urban growth boundary is located to the west of the subject site, and sloping topography and the 100-year floodplain and urban growth boundary are to the north. The adjacent constrained lands make it infeasible to extend public streets in those directions to create smaller block perimeters. Where a street can be extended in the northeast boundary of the site for future development, it is proposed. The adjoining street network represented by Blake Street justifies an exception to this standard along the east side of the project.

The block bound by proposed Emma Street, Meadows Drive and Shadden Drive is adjacent to an arterial street, Baker Creek Road. Its perimeter is controlled by the existing spacing between Meadows Drive and Shadden Drive. This spacing meets the above standards. The spacing between along Hill Lane at the north leg of the existing traffic circle also meets this code.

The site's block pattern is also constricted by the BPA easement, adjacent substation property, the large C-3 zoned parcel, Baker Creek Road's arterial intersection spacing standards, and existing development to the east. Where large blocks are proposed, mid-block paths and open space tracts are proposed to facilitate pedestrian connectivity and access to the greatest extent practicable (as shown on Exhibit 3's sheet EXH-4).

The applicant seeks approval of the proposed planned development block pattern.

C. Easements.

1. **Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.**

COMMENT:

The attached Preliminary Plat indicates that the applicant is proposing to dedicate 10-ft. wide public utility easements along all street right-of-ways within the proposed planned development. Other easements through proposed lots or tracts are also shown, as necessary, at the required widths.

2. **Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.**

COMMENT:

The subdivision is not traversed by a water course. This section is not applicable.

3. **Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways.**

COMMENT:

Pedestrian ways that are in tracts greater than ten (10) feet in width are proposed at several locations in the form of mid-block paths throughout the development.

Section 17.53.105: Lots.

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

COMMENT:

The applicant has submitted a Planned Development application to create 280 single-family detached lots within the R-4 zoned portion of the site. Through the planned development process, the applicant is proposing to modify lot sizes so that all lots will be buildable and conform to the planned development's zoning overlay. The planned development includes appropriate sized and orientated lots for each unique site condition. Smaller lots are located closer to Baker Creek Road and will facilitate future planned transit along the roadway. Larger deeper lots are arranged adjacent to natural features. Medium lots are located in the middle area as a transition to density. Narrow lots are oriented to the street or common open space tracts with garage loading from an alley in the rear, while medium and large lots have access oriented to adjacent streets. Lots adjacent to the BPA easement are predominately oriented with the rear yard toward the easement, and this easement has been placed in an open space tract.

The width and depth of the proposed lots are also appropriate for the location of the lot. There are seven different lot types, organized by typical lot width, as shown on Exhibit 3's Lot Type Plan sheet EXH-3. Where a lot depth exceeds two times the average width, as requested with approval of this Planned Development, the dimensions are prudent as described below:

- SFD-70 lots would normally have a lot depth of no more than 140-feet. Of the 21 lots of this type, the proposed depths are typically less than 150-feet, with only a few approaching 160-feet. Therefore, this variance from the standards is a marginal amount. These lots are all on the perimeter of the project with the rear of the lots adjacent to sloping land that is proposed to be donated as a future special use park. The proposed depths as shown on Exhibit 3's Preliminary Plat sheets PL-1 through PL-5, allow for these lots to act as a buffer between the future open space and the developed portion of the site, so this added depth to the lots is appropriate for the location.

- SFD-60 lots would normally not have a lot depth of no more than 120-feet. Of the 36 lots of this type, the proposed depths are all less than 120-feet meeting this code standard, except for lots 206 & 207 which have a 25-feet wide driveway easement encumbering the front of the lots. Therefore, the functional depth of these lots is less than 120-feet, meeting the intent of this code section.

- SFD-50 lots would normally not have a lot depth of no more than 100-feet. Of the 48 lots of this type, many conform to this code. Where they do not, they are adjacent to the exterior of the project like the SFD-70 lots. The added depth also helps preserve trees on Lots 269-280, provide a buffer from the adjacent use on Lots 122-129 or 126-203, and rear yards of Lots 137 and 212 which are adjacent to the side yard of another lot to provide added lot depth and buffer the adjacent use. As such, the intent of this code section is met by the added depth of these planned development lots.

- SFD-40 and SFD-45 lots would normally not have a lot depth of no more than 80-feet or 90-feet respectively, if conforming to this code subsection exactly. Of the respective lots of these types, all of lot depths are greater than that which the code would prescribe. An 80-feet deep lot could have a 20-foot garage setback in the front and a 20-foot rear yard setback, leaving 40-feet of depth for the dwelling unit. However, that would mean the ground floor depth of the livable part of the dwelling would be only 20-feet deep after providing 20-feet for the typical depth of a garage. The planned development request for flexibility of this standard to allow for lot depths ranging from 90-feet to just over 100-feet means these dwellings will be 10-feet to 20-feet deeper than if conforming to the code. The proposed lots will have more functional internal ground floor space within the dwelling, as well as an increased area on the second floor. Lot depths of 100-feet, plus or minus, are ordinary depths for single-family dwelling lots so this request is within reason. These dimensions are also appropriate for the higher density portions of this site these lots occupy, providing conformance with the intent of this code.

- SFD-30a and SFD-26a lots would normally not have a lot depth of no more than 60-feet or 52 feet respectively. Of the respective 24 and 54 lots of these types, all of lot depths are greater than that which the code would prescribe. This code section also states that "all lots in a subdivision shall be buildable," The lots are proposed to be 90-feet deep, which is a necessary depth to make them buildable. With the exception of Lots 17-20 and 81-84, all of which have front yards facing Shadden Drive or Meadows Drive, respectively, and are therefore deeper.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

COMMENT:

All proposed lots about upon a street for a width of 25-feet as required by this section, except those listed here. Through this planned development process, the applicant seeks approval for the alternative proposed access:

- Lots 21-32 in Phase 1A, Lots 44-49 in Phase 1B, and Lots 69-77 in Phase 1C have over 25-feet of frontage on the proposed public alley at the rear of the lot, and 25-feet of frontage on the proposed common area tract with a pedestrian way at the front of the lot.

- Lot 269 is served by a shared drive in an easement over the flag pole portion of adjacent Lot 270. Per drawing PL-5 Preliminary Plat, the flag portion of Lot 270 has 20.08' of public street frontage.

- Lots 204-208 on drawing PL-3 Preliminary Plat are served by a shared drive in an easement over the front of lots 205-208 that is 25-feet wide, providing more than the required frontage on a public street.

- Lot 129 is shown on drawing PL-3 Preliminary Plat to have 20.34-ft. of frontage for the flag pole portion of the lot.

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

COMMENT:

No through lots are proposed within the planned development. They have been avoided, so this section has been met.

D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

COMMENT:

As far as practicable, each lot's side property line runs at or near right angles to the adjacent streets.

E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

COMMENT:

Flag lots were avoided with the design of the planned development as much as possible. Flag lots are proposed only in three locations: 1) Lot 129 in Phase 2A, 2) Lots 269 and 270 in Phase 3C, and 3) Lots 204-208 in Phase 2C. In both the 2nd and 3rd instance, a private access drive in an easement is proposed to serve multiple lots, as is the preferred manner to provide access as described in Section 17.53.100 C.3. above. After consideration of topography, adjacent lots, and utilities, it was determined that street layouts to increase individual lot frontage for each of the lots listed above is not feasible, an inefficient use of land, and/or contrary to the policies of the Comprehensive Plan and this code. Flag lots and

associated easements were determined to be the only way to reasonably access the rear portions of the lots to be subdivided.

Section 17.53.110: **Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:**

A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.

D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.

E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

COMMENT:

The exhibit drawings GR-1 through GR-5 Grading Plans demonstrate that the proposed cuts and fills conform to these standards. The proposed storm drainage system is shown on drawings UT-1 through UT-5 Utility Plans.

Section 17.53.120: **Building Lines. If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.**

COMMENT:

A special rear yard setback of 30-ft. is proposed for those lots where large oak trees are proposed to be preserved. The additional setback area will be identified on deed restrictions for the respective lots.

Section 17.53.130: **Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and**

opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

COMMENT:

The drawings show that full development of the planned development area is proposed with this application. Therefore, the above standards do not apply.

Section 17.53.140: Left-over Land. Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

COMMENT:

All land not developed as single-family lots or public right-of-ways has been identified as Tracts A-S on the applicant's Preliminary Plat drawings. Tracts A-F and H-S will be developed as common open space areas. Tract G will be developed as a sanitary sewer pump station. Therefore, there are no left-over strips of land within the proposed planned development.

Improvements

Section 17.53.150: Improvement Procedures.

COMMENT:

Improvements Procedures will be followed at the time of site construction and permitting.

Section 17.53.151: Specifications for Improvements.

COMMENT:

When detailed construction plans are prepared for the proposed planned development, design of the facilities will conform to the specification of this code section.

Section 17.53.153: Improvement Requirements.

COMMENT:

The applicant/developer will install water, electrical, sewer, drainage facilities, streets, pedestrian ways, private drives, alleys, and street trees with the proposed planned development project as required with each phase of development.

Exceptions, Variances, and Enforcement

Section 17.53.160: Exceptions in Case of Large Scale Development. The Planning Commission may modify the standards and requirements of this ordinance if the subdivision plat comprises a planned development unit, a large scale shopping center, or a planned industrial area. The Planning Commission shall determine that

such modifications are not detrimental to the public health, safety, and welfare, and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

COMMENT:

As mentioned in this narrative, the applicant is proposing and seeking the City's approval of modifications to this ordinance through the planned development process. As required, the applicant has addressed how the modifications meet the criteria for planned developments under Chapter 17.51. Adequate provisions have been made for traffic circulation with the proposed streets and ways, open space with the proposed tracts and amenities, and other features such as easements.

Chapter 17.57: Landscaping

Section 17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

A. R-4 (Multiple-Family Residential zone, except the construction of a Single Family or Two-Family Residential unit);
D. C-3 (General Commercial zone);

COMMENT:

The planned development is within the R-4 zone, however it is proposed with single-family residential units, so no landscaping is required per this section. No specific development or use is proposed within the proposed C-3 zone, so no landscaping is required for that area.

Section 17.57.040: Specific uses requiring landscaping.

D. Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development.

COMMENT:

The applicant is not proposing multi-family uses with this residential planned development. Therefore, these standards do not apply.

Chapter 17.58: Trees

Section 17.58.020: Applicability. The provisions of this ordinance shall apply to:

A. Individual significant or historic trees as defined in this ordinance.

B. All trees with trunks located completely or partially within any public area or right-of-way;

C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;

D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

COMMENT:

The applicant is requesting development review of its application for a planned development and subdivision to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas as illustrated on the plans. Therefore, per subsection D. above, the provisions of Chapter 17.58 apply to trees on the planned development site.

Section 17.58.040: Tree Removal/Replacement

A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning

Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

COMMENT:

The exhibit landscaping plan drawing L1.0 Street Tree Plan indicates that the applicant is proposing to remove trees to facilitate site development of the planned development. The applicant requests concurrent review and approval of this request with the proposed planned development and subdivision applications.

Section 17.58.050: **Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:**

A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.

B. The tree is in conflict with public improvements.

C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

COMMENT:

With concurrent review and approval of this tree removal request with the proposed planned development and subdivision applications, the trees proposed for removal are part of an approved development project which meets criteria C. above.

Section 17.58.080: **Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or**

planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

COMMENT:

The proposal is for a new subdivision so street tree planting is required in the curb-side planting strip.

Section 17.58.090: Street Tree Standards.

A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

COMMENT:

Proposed street tree species were chosen from the McMinnville Street Tree List. The trees are identified on the attached landscape drawing L1.0 Street Tree Plan, which was prepared by a landscape architect.

B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

COMMENT:

Following site construction, the street trees will be planted according to the specifications of this code section, as noted on the attached landscaping plans included with this application.

C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting

replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.

COMMENT:

The proposed stature of the street trees, small, medium, and large, as well as the mature height and proposed spacing are referenced on the landscaping drawing L1.0 Street Tree Plan. This planned development is a residential neighborhood where street trees are evenly spaced where possible. The applicant is requesting concurrent approval by the City to permit variations to the spacing as shown on the plans. The proposed modifications are due to specific site limitations inherent in a planned development with a mix of housing types, a variety of lot widths, and range of driveway types, coupled with pedestrian curb ramps, alley access ramps, lamp posts, and other utility conflicts.

D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.

COMMENT:

The landscape strips of the proposed development are primarily located adjacent to local residential streets, with one strip also located along a minor arterial street. The proposed street trees and landscape strips meet the above standards (see Exhibit 3).

E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

COMMENT:

The landscape plan drawing L1.0 Street Tree Plan illustrates that the proposed street trees are properly spaced from utilities, street intersections, driveways, alleys, as required by this Section, except in some cases driveway wings and water meter boxes encroach into the 5-feet and 10-feet spacing requirements. However, the proposed root barrier detail provides a means to deal with this encroachment in a way that will allow a tree to still be planted. Utilities shown on this drawing account for some of the proposed gaps in standard street tree spacing. The applicant seeks concurrent approval

of this Street Tree Plan with the proposed planned development and subdivision.

F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

COMMENT:

There are no street trees on or adjacent to the subject site. Therefore, these standards do not apply.

G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

COMMENT:

The applicant is not proposing to locate street trees within sidewalk cuts, therefore these standards do not apply.

Section 17.58.100: Street Tree Plans

A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.

COMMENT:

The applicant is requesting approval of a Planned Development application to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas. The applicant is also proposing to plant street trees with the planned development project in phases. The applicant is requesting concurrent approval of the street tree plan (L1.0) with this application.

Section 17.58.110: Street Tree Planting

A. Residential subdivisions and partitions.

1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

COMMENT:

As required, the developer will provide a surety bond at the developer's expense to the City to assure the planting of the required street trees shown on the approved Street Tree Plan.

Chapter 17.60: Off-Street Parking and Loading

Section 17.60.050: Spaces—Location. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.

COMMENT:

Each single-family lot is provided with off-street parking spaces on the same lot as the dwelling as shown on the drawings SP-1 through SP-5 Site Plans.

Section 17.60.060: Spaces—Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

5. Single-family and two-family dwelling.

Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

COMMENT:

Although detailed building plans have not been completed, most of the proposed single-family lots will have homes with 3-4 bedrooms, therefore 2 parking spaces are required. The attached Site Plans indicates that each dwelling is provided with 2 off-street parking spaces in garages and another 2 spaces in proposed driveways. City staff will verify that the minimum required number of required off-street parking spaces are provided for each lot during building permit review when each dwelling's total number of bedrooms is apparent.

Section 17.60.080: Design requirements.

B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed by this ordinance, and such

parking space shall not be less than twenty feet in depth from the property line.

COMMENT:

The proposed off-street parking spaces and driveway depths are a minimum of 20-feet from the property line.

Section 17.60.140: Bicycle parking.

A. Bicycle parking facilities shall be required as follows:

2. The uses exempted from bicycle parking requirements include: residential uses, drive-in theaters, mortuaries, motels, hotels, and automobile service stations.

COMMENT:

Per the above standards, bicycle parking requirements are exempt for residential uses.

Chapter 17.61: Solid Waste and Recycling Enclosure Plan

Section 17.61.020: Applicability and Exemptions.

A. The requirements of this chapter shall apply to all new commercial, industrial and multi-family developments of three (3) or more dwelling units.

COMMENT:

The applicant is proposing single-family detached dwellings with the planned development, therefore the requirements of this chapter do not apply.

Chapter 17.62 Signs

Section 17.62.070 Permanent Sign Regulations. Permanent signs may be erected and maintained only in compliance with the following specific provisions:

A. Residential (R-1, R-2, R-3, and R-4) zones.

1. Each subdivision or multi-family complex is permitted one permanent monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be nonilluminated.

COMMENT:

The applicant requests approval of the proposed monument sign shown on the exhibit drawing L9.0 Landscape Plan at the two locations shown on L2.0 Landscape Plan. The proposed sign locations are in the common open space along Baker Creek Road.

Section 17.62.080 Sign Permits.

A. General Provisions.
1. No sign which is not specifically listed as exempt from the provisions of this ordinance shall be erected, constructed, attached, relocated, or structurally altered without obtaining City approval.
2. Such approvals are not required for temporary signs, mounted signs that protrude less than twelve (12) inches, signs listed as exempt, or for routine sign maintenance.
B. Sign Permit.
1. Permit Requirements. An applicant for a sign permit shall supply the following information on forms provided by City:
a. Size, height, location, description, and material of the sign;

b. Name of the manufacturer, contractor, owner, and business advertised;

c. Scaled drawing(s) and description of copy, structure, and lighting;

d. Photo(s) or drawing(s) of the proposed sign location(s); and

e. Signature of property owner or designee.

f. Other information required to demonstrate compliance with this Chapter.

2. Sign Permit Fee.

a. The fee for a sign permit shall be as set forth in a resolution adopted by the City Council.

b. The fee for a sign permit shall be waived if the permit application is to bring a nonconforming sign into compliance within the first eight (8) years following the adoption of this ordinance.

COMMENT:

No monument sign will be erected without City approval. Upon filing of an application on forms provided by the City. Specifications for the sign are provided in the attached L9.0 Landscaped Drawings exhibit. The required fee has been provided with this application, therefore this section is met.

Chapter 17.72: Applications and Review Process

Section 17.72.020: Application Submittal Requirements. Applications shall be filed on forms provided by the Planning Department and shall be accompanied by the following;

A. A scalable site plan of the property for which action is requested. The site plan shall show existing and proposed features, such as access, lot and street lines with dimensions in feet, distances from property lines, existing and proposed buildings and significant features (slope, vegetation, adjacent development, drainage etc.)

COMMENT:

The applicant has filed these applications on forms provided by the Planning Department and has submitted scalable site plans which show the elements required by this section.

B. An explanation of intent, nature and proposed use of the development, and any pertinent background information.

COMMENT:

As required, this Applicant's Statement discusses in narrative form the project background, the intent, nature and proposed use of the proposed development in detail. All applicable approval criteria have been met.

C. Property description and assessor map parcel numbers(s).

D. A legal description of the property when necessary.

E. Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.

COMMENT:

The attached Preliminary Development Plans and this narrative provide a property description and assessor map parcel numbers. Legal descriptions for the subject parcels have been submitted with this application (see Exhibit 2). In addition, the applicant has submitted land use application forms which indicate that the applicant is also the sole property owner of the subject site (see Exhibit 2).

F. Materials required by other sections of the McMinnville Zoning Ordinance specific to the land use application.

G. Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.

COMMENT:

In addition to the materials listed above, the applicant has submitted a Geotechnical Report and Neighborhood Meeting Documentation for the proposed development.

Section 17.72.030: Filing Fees. The City shall charge and collect a filing fee for each such application as established by resolution of the City Council.

A. The applicant(s) shall submit the required filing fee at the time of application submittal;

B. Whether the request is approved or denied, the petitioner shall not be entitled to a refund of the initial fee paid.

COMMENT:

As required, the applicant has submitted the required filing fee with the submitted applications.

Section 17.72.070: Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

COMMENT:

Several land use applications have been submitted for concurrent Planning Commission and City Council review. The applicant and property owner are requesting that the applications be processed simultaneously per this section.

There is no application process in this code for acceptance of the proposed land donation as well as the suggested acceptance of the dedication of open space tracts as public parks. The June 1999 Parks Master Plan (page 22) states that park acquisition is to be coordinated by the Director of Parks and Recreation. So, the applicant requests that the proposed land donation and dedication be coordinated simultaneously as well, so the applicant can plan for the future ownership and maintenance of those parcels.

<u>Application Review and Decision Process</u>

Section 17.72.080: Legislative or Quasi-Judicial Hearings. The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning

Commission or City Council.

B. An application that is site specific (such as a zone change or annexation request) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens' Advisory Committee or by application of the property owner.

COMMENT:

The applicant has submitted several land use applications that will be reviewed through a quasi-judicial hearing process. A public hearing will be held before the Planning Commission and City Council for the submitted Planned Development Amendment, Comprehensive Plan Map Amendment, Zoning Map Amendment, new residential Planned Development, Subdivision, Tree Removal, Street Tree Plan and Landscape Plan Review applications. In addition, the City Council will consider the offer for donated public park land to the City of McMinnville.

Section 17.72.090: Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter.

COMMENT:

This Applicant's Statement and the attached exhibits demonstrate that the applicant has addressed appropriate criteria for the submitted land use applications. City staff will ensure that required procedures are followed for public noticing and at the required quasi-judicial hearings.

Section 17.72.095: Neighborhood Meetings.

A. A neighborhood meeting shall be required for:

1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:

COMMENT:

The submitted Comprehensive Plan Map Amendment, Zoning Map Amendment, Subdivision (more than 10 lots), and Planned Development applications require public hearings, therefore a neighborhood meeting is also required. The applicant held a neighborhood meeting to discuss the land use applications with area residents on November 1, 2018.

B. Schedule of Meeting.

1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.

2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

COMMENT:

The applicant held a neighborhood meeting to discuss the land use applications with area residents on November 1, 2018. As required, the applicant submitted the attached land use applications by April 30, 2019, less than 180 days from the neighborhood meeting.

C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.

2. The meeting shall be held at a location that is open to the public and must be ADA accessible.

3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.

4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 pm and 8 pm or Saturdays between the hours of 10 am and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

COMMENT:

The applicant scheduled the neighborhood meeting at the Baker Creek Community Church at 325 NW Baker Creek Road within the City limits of the City of McMinnville. The meeting was held in a community room that is ADA accessible between 6:00 pm and 7:30 pm on Thursday, November 1, 2018. A copy of the 8 1/2" x 11" sign that was posted at the building entrance has been submitted with this application (see Exhibit 6).

D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110 and Section 17.72.120.

2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.

3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.

COMMENT:

As required, the applicant mailed a neighborhood meeting notice to all property owners within 300-feet of the subject site. The notice was mailed out on October 5, 2018 meeting the requirements of this code. A copy of the mailing list, invitation letter, and other materials mailed to the neighbors has been submitted with this application (see Exhibit 6).

4. The mailed notice shall:

a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.

b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request).

c. Include a copy of the tax map or a GIS map that clearly identifies the location of the

proposed development.

d. Include a conceptual site plan.

COMMENT:

The attached Neighborhood Meeting Documentation indicates that the applicant included all of the above information when inviting neighbors to the meeting.

5. The City of McMinnville Planning Department shall be included as a recipient of the mailed notice of the neighborhood meeting.

6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

COMMENT:

As required, the applicant mailed a copy of the neighborhood meeting notice to the City Planning Department.

E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.

2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.

3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.

4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

COMMENT:

As required, the applicant posted a sign at the subject site to advertise the neighbor meeting in accordance with the above standards. A copy of the site sign has been included with the attached Neighborhood Meeting Documentation.

F. Meeting Agenda.

1. **The overall format of the neighborhood meeting shall be at the discretion of the applicant.**

2. **At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:**

   a. **An opportunity for attendees to view the conceptual site plan;**

   b. **A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;**

   c. **An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.**

COMMENT:

A neighborhood meeting agenda that includes the above elements was distributed to meeting attendees. A copy of the agenda has been submitted with the attached Neighborhood Meeting Documentation.

G. **Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:**

   1. **A copy of the meeting notice mailed to surrounding property owners;**

   2. **A copy of the mailing list used to send the meeting notices;**

   3. **One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;**

   4. **One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and**

5. **Notes of the meeting, which shall include:**

   a. **Meeting date;**

   b. **Meeting time and location;**

   c. **The names and addresses of those attending;**

   d. **A summary of oral and written comments received; and**

   e. **A summary of any revisions made to the proposal based on comments received at the meeting.**

COMMENT:

As required, the applicant took minutes at the neighborhood meeting and a meeting summary has been submitted with this application. Copies of all materials listed above have been attached with the submitted Neighborhood Meeting Documentation. Based on positive comments received at the neighborhood meeting, the applicant did not make any subsequent major revisions to the proposal.

Section 17.72.120: **Applications – Public Hearings. The Planning Commission shall hold at least one public hearing on the following land use applications.**

- **Comprehensive Plan Map Amendment**
- **Planned Development**
- **Tentative Subdivision (more than 10 lots)**
- **Zone Change**

COMMENT:

As required, the submitted Comprehensive Plan Map Amendment, Zoning Map Amendment, Tentative Subdivision (more than 10 lots) and Planned Development applications will be reviewed concurrently at a public hearing before the Planning Commission.

Chapter 17.74: Review Criteria

Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - 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;

COMMENT:

This Applicant's Statement has demonstrated how the proposed Comprehensive Plan Map and Zoning Map Amendment applications are consistent with applicable goals and policies of the Comprehensive Plan in the responses above under III. Findings A. of the McMinnville 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;

COMMENT:

Several changes have occurred in the neighborhood or community to warrant the proposed amendments. First of all, the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I designated Baker Creek Road adjacent to the site as a planned transit corridor. This makes it an appropriate action for the R-1 zoned parcel to be rezoned to R-4, as well as applying the R-4 zone to the remainder of the planned development site's area that does not have urban zoning. This type of residential zone will promote the type of density proposed with the planned development overlay and the type of density needed to support future transit service along this corridor. All of the lots are within ¼ mile of this planned transit corridor, providing consistency with Comprehensive Plan policies for this zoning classification.

It is the applicant's understanding, that a portion of the subject site was designated commercial at a time when a northwest expansion of the City's urban growth boundary was being pursued and a future commercial center was desired for this area of McMinnville. However, this expansion to the northwest did not materialize. This has left the site with an excess of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, who is a developer who has owned the site for almost four years after purchasing it from a bankruptcy trustee, attests to the lack of demand for so much commercial land through the lack of interest from others in the property for such uses. The commercially designated area is too large given the current pattern of development in McMinnville. A large commercial development is not appropriate and would drain economic activity from the downtown core and established commercial centers in McMinnville. The proposed planned development amendment and the amendment to the Comprehensive Plan Map will decrease the area designated commercial and will allow the property to more freely meet the

market needs permitted under the C-3 zone. As discussed previously, development of the remaining commercial land will likely be a mix of neighborhood commercial and multi-family housing.

An additional change in the community is the successful development of the surrounding area with medium and high-density single-family housing. For example, the Baker Creek East and West development to the south, which was a modification of the original Shadden Claim planned development, improved the area with a gross housing density of 5.83 dwelling units per acre. The proposed Baker Creek North development is proposed to be 5.75 dwelling units per acre, so the proposed amendments allow the proposed development which is of a similar gross density to the adjacent developments.

The proposed amendments are also timely as the demand for housing increases. As the last large tracts of buildable land in the City are consumed, the proposed amendments will ensure that the subject site is efficiently developed with high density housing and provides housing diversity in an area that contains medium and low density neighborhoods (i.e. Oak Ridge, Michelbook Meadows, Adjacent new development to the northeast).

Approval of the amendments will allow for an orderly development of the area. The earlier phases of the planned development are along the south side of the site, where utilities exist and small and medium sized lots meet the current market needs. Later phases will allow for more housing diversity with small, medium, and large lots to serve the broad housing needs of the community. The new lots in the planned development, and the development of multi-family units on the commercial lot, will provide economic support for neighborhood commercial uses on the C-3 zoned parcel.

The City of McMinnville completed its last Economic Opportunity Analysis (EOA) in 2013. The report indicates that there is a 35.8 acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designate some of the 235.9 acres of surplus Industrial land for commercial use. Since this surplus of Industrial land can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial designated land from 11.3 acres to 6.62 acres will not diminish the City's ability to meet its commercial land needs.

In 2001, the City of McMinnville completed a Residential Land Needs Analysis for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R-4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

Over the last two decades, the City's deficient residential land supply has continued to be a lingering problem and housing costs have risen to a point where they are now unattainable for many residents. To address these issues, the City is currently updating its Housing Needs Analysis. This study indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will allow the development of 891 dwelling units which can't be accommodated by the current R-4 land supply.

The applicant's proposal to zone 48.7 acres of the site R-4 will increase the density of existing Residential designated land to permit the develop additional housing in the community. As demonstrated by the attached Typical Lots Plan and Site Plan, the proposed Comprehensive Plan Map and Zoning Map

Amendments will facilitate the development of 280 small, medium, and large sized single-family lots within the proposed planned development area. The proposed map amendments will also allow the future development of apartment units in addition to neighborhood commercial within the C-3 zoned portion of the site, further working to meet the housing needs of the community.

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

COMMENT:

This narrative and the attached plans show that utilities and services can be efficiently provided to serve the proposed and potential uses in the proposed residential and commercial zoning districts.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), 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.

COMMENT:

The applicant has addressed the McMinnville Comprehensive Plan policies, and nothing in this narrative is intended to exclude needed housing or unnecessarily decrease density. The applicant requests approval of the concurrently reviewed applications with conditions that do not add unreasonable cost or delay in the development of this needed housing in McMinnville.

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.

COMMENT:

This application's proposed amendments to the existing planned development in Ordinance 4633 are major changes because there would be an increase in density. Section 17.72.120 is addressed above. The current ordinance allows no housing and the amendment would allow no more than 120 multi-family dwelling units. The applicant requests this amendment be authorized because it satisfies all relevant requirements of this ordinance. The above items are addressed below.

A. This application does not propose to depart from standard regulation requirements of commercial and residential development within the commercial lot, thus this application demonstrates this item is addressed.
B. The Comprehensive Plan Map is proposed to be amended concurrently and consistent with the planned development area proposed in this Planned Development Amendment application. This narrative addresses how the Comprehensive Plan Map and Zoning Map amendments and the commercial and residential uses within the proposed planned development amendment area are consistent with the Comprehensive Plan objectives by providing neighborhood commercial and needed residential housing.
C. The area of the planned development amendment is surrounded by existing and proposed streets. Thus, access and services will be available to adjoining parcels from and through those

streets. Upon future development of the planned development amendment site with the commercial C3-PD overlay, public right-of-way along Baker Creek Road will be improved and dedicated to the City and a public utility easement along street frontages will be granted. Documents to affect the dedication and granting of right-of-way and easements will be recorded in the local County records.

D. The plan to amend the planned development can be completed in a reasonable amount of time. The amendment will be done as soon as the City passes ordinances to affect the change.

E. The site of the planned development amendment is adjacent to a minor arterial with capacity planned in the City's Transportation Plan adequate to serve the area with over ten acres of commercial use. The applicant's traffic analysis shows this. The proposed use is 6.62 acres with no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units. The intensity of the proposed uses in the application are less than the intensity of the commercial use planned for in the City's plans under the current planned development scenario. Therefore, development of the site as the amendment proposes will not overload the streets, rather the impact will be lighter than planned for by the City.

F. The area amended by the planned development has street frontage, sanitary sewer service and other utilities available as shown on the plans that are adequate for development of the site. No development of the site is proposed at this time.

G. No development of the site is proposed at this time. However, neighborhood commercial and multi-family impacts are those anticipated for typical urban development. Noise, air, and water pollutants from the site will no impact surrounding properties. Surrounding properties are buffered from the site by public streets.

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IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the McMinnville Comprehensive Plan and McMinnville Municipal Code. Therefore, the applicant requests that the submitted applications be concurrently approved.

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City Of McMinnville

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

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Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other

Applicant Name STAFFORD DEVELOPMENT COMPANY, LLC Phone

Contact Name ATTN: MORGAN WILL Phone 503-305-7647
(If different than above)

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97381

Contact Email morgan@stafforllandcompany.com

Property Owner Information

Property Owner Name BAKER CREEK DEVELOPMENT, LLC Phone
(If different than above)

Contact Name ATTN: MORGAN WILL Phone 503-305-7647

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97381

Contact Email morgan@stafforllandcompany.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1755 NW BAKER CREEK ROAD

Assessor Map No. R4 4 - 18 - 100 Total Site Area 11.3 ACRES

Subdivision Block Lot

Comprehensive Plan Designation COMMERCIAL Zoning Designation UNZONED

This request is for a:

☒ ***Comprehensive Plan Amendment*** ☐ ***Zone Change***

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. APPLICANT IS REQUESTING REPEAL OF ORDINANCE NO. 4633 WITH THIS COMPREHENSIVE PLAN MAP AMENDMENT TO CONFIGURE THE SITE WITH 6.62 ACRES OF COMMERCIAL AND 4.7 ACRES OF RESIDENTIAL DESIGNATED LAND. WHEN THE ORDINANCE WAS APPROVED IN 1996, THERE WAS INTEREST IN EXPANDING THE UGB TO THE NORTHWEST. SINCE THIS EXPANSION DID NOT MATERIALIZE, A LARGE COMMERCIAL DEVELOPMENT IN THIS LOCATION IS NOT APPROPRIATE FOR THE NEIGHBORHOOD AND WOULD DIMINISH ECONOMIC ACTIVITY WITHIN THE DOWNTOWN CORE. THE REMAINING COMMERCIAL LAND WILL LIKELY BE DEVELOPED WITH A NEIGHBORHOOD COMMERCIAL USE, WHILE THE PROPOSED RESIDENTIAL LAND WILL BE DEVELOPED WITH BAKER CREEK NORTH PLANNED DEVELOPMENT.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). THE REQUEST TO REDUCE THE AMOUNT OF COMMERCIAL LAND, TO FACILITATE A NEIGHBORHOOD COMMERCIAL USE, AND INCREASE THE AMOUNT OF RESIDENTIAL LAND TO ADDRESS DEFICIENT LAND SUPPLY AS IDENTIFIED IN HOUSING NEEDS ANALYSIS IS CONSISTENT WITH GOAL IV-2, POLICY 21.05, GOAL IV-3, POLICIES 24.00, 24.50, 25.00, 26.00, 27.00, 29.00, 30.00, 31.00, GOAL V-1, POLICY 59.00, GOAL V-2, POLICIES 68.00, 71.01, 71.05, 71.09, 71.13, 72.00, 73.00, 74.00, 75.00, 76.00, 77.00, 78.00, 79.00, 80.00, 81.00, 90.00, 92.00, 92.01, AND 92.01 OF THE MCMINNVILLE COMPREHENSIVE PLAN.

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. AS MENTIONED ABOVE, THE APPLICANT IS REQUESTING THE REPEAL OF ORDINANCE NO. 4633 TO REMOVE THE EXISTING PLANNED DEVELOPMENT OVERLAY ON THE SITE AND RECONFIGURE THE PROPERTY WITH 6.62 ACRES OF COMMERCIAL AND 4.7 ACRES OF RESIDENTIAL DESIGNATED LAND. THEREFORE, THIS REQUEST WILL NOT BE SUBJECT TO THE PROVISIONS OF AN EXISTING PLANNED DEVELOPMENT OVERLAY.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. THE APPLICANT IS ONLY REQUESTING A PLANNED DEVELOPMENT FOR THE 4.7 ACRES OF PROPOSED RESIDENTIAL DESIGNATED LAND. THE RESIDENTIAL LAND WILL BE INCLUDED IN THE BAKER CREEK NORTH PLANNED DEVELOPMENT. MODIFICATIONS TO THE SIDEYARD AND LOT SIZE STANDARDS WILL PERMIT EFFICIENT CLUSTERING OF RESIDENTIAL UNITS, INCREASED DIVERSITY OF HOUSING TYPES, AND DEVELOPMENT OF COMMON OPEN SPACE AREAS AND AMENITIES. WHERE PROPOSED BLOCK AND PERIMETER BLOCK LENGTHS EXCEED STANDARDS, MID-BLOCK PEDESTRIAN ACCESSWAYS ARE PROPOSED. A MODIFICATION TO THE LOT FRONTAGE STANDARDS IS PROPOSED DUE TO THE CONFIGURATION OF THE SITE AND INABILITY TO EXTEND A ROAD TO THOSE LOTS. (SEE ATTACHED NARRATIVE)

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. IF THE CURRENT AMOUNT OF COMMERCIAL DESIGNATED LAND WERE DEVELOPED INTO A LARGE COMMERCIAL USE ON THE SITE, IT WOULD CREATE SIGNIFICANT TRAFFIC, NOISE, AND VISUAL IMPACTS FOR THE SURROUNDING NEIGHBORHOOD. THIS WOULD ULTIMATELY LEAD TO A LOSS IN VALUE FOR PROPERTIES AND WOULD REDUCE THE QUALITY OF LIFE FOR AREA RESIDENTS. THE CITY'S HOUSING NEEDS ANALYSIS DETERMINED THAT 4,421 NEW DWELLINGS ARE NEEDED BY 2041. THE PROPOSED REPEAL OF ORDINANCE NO. 4633 AND DESIGNATION OF 4.7 ACRES OF ADDITIONAL RESIDENTIAL LAND WILL HELP ADDRESS THIS NEED. CONCURRENT WITH THESE REQUESTS, THE APPLICANT IS PROPOSING TO DEVELOP 280 SINGLE-FAMILY DETACHED DWELLINGS ON SMALL, MEDIUM AND LARGE SIZED LOTS WITH THE BAKER CREEK NORTH PROJECT.

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. WITH THE RECENT DEVELOPMENT OF RESIDENTIAL USES TO THE EAST AND SOUTH OF THE SITE, AND THE PLANNED BAKER CREEK NORTH PROJECT, THE DEVELOPMENT OF A NEIGHBORHOOD COMMERCIAL USE ON A SMALLER COMMERCIAL DESIGNATED PARCEL WILL PROVIDE APPROPRIATELY SCALED RETAIL USES AND SERVICES WITHIN WALKING DISTANCE OF THE SURROUNDING NEIGHBORHOODS. WITH THE DEMAND FOR HOUSING INCREASING OVER THE PAST DECADE, THE CITY IS IDENTIFYING NEW STRATEGIES TO ENCOURAGE THE DEVELOPMENT OF A GREATER VARIETY OF HOUSING TYPES. THE PROPOSED ORDINANCE REPEAL AND CREATION OF ADDITIONAL RESIDENTIAL LAND SUPPLY WILL ALLOW THE DEVELOPMENT OF NEEDED HOUSING, INCLUDING POTENTIAL MULTI-FAMILY DWELLINGS WITHIN A PORTION OF THE COMMERCIAL ZONED AREA OF THE SUBJECT SITE.

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use. THE APPLICANT'S PLANS INDICATE THAT PUBLIC FACILITIES ARE LOCATED IN THE VICINITY OF THE SITE AND CAN BE EXTENDED TO SERVE THE PROPOSED USE. PUBLIC WATER, SANITARY SEWER, ELECTRICITY, AND GAS WILL BE PROVIDED BY CONNECTING TO THE EXISTING MAIN LINES WITHIN NW BAKER CREEK ROAD. STORMWATER WILL BE MANAGED BY COLLECTING DRAINAGE, DETAINING IT ON-SITE, AND RELEASING IT AT THE PRE-DEVELOPMENT RATE INTO BAKER CREEK AND TO THE PUBLIC STORM SYSTEM WITHIN NW BAKER CREEK ROAD.

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? CITY STAFF DETERMINED THAT TRAFFIC ANALYSIS WOULD NOT BE REQUIRED FOR THE SUBMITTED APPLICATIONS. HOWEVER, THE REDUCTION OF COMMERCIAL DESIGNATED LAND WILL REDUCE THE NUMBER OF TRIPS THAT WILL BE GENERATED ONTO ROADWAYS IN THE VICINITY OF THE SITE.

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

- ☐ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to* ***an electronic copy*** *with the submittal.*
- ☐ *A legal description of the parcel(s), preferably taken from the deed.*
- ☐ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

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

Applicant's Signature — Date 04/29/2019

Property Owner's Signature — Date 04/29/2019

City Of McMinnville

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Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other

Applicant Name STAFFORD DEVELOPMENT COMPANY, LLC Phone

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Contact Email morgan@staffordlandcompany.com

Property Owner Information

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Contact Name ATTN: MORGAN WILL Phone 503-305-7647

Address 8850 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97381

Contact Email morgan@staffordlandcompany.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1755 NW BAKER CREEK ROAD

Assessor Map No. R4 4 - 18 - 105, 106, + 107 Total Site Area 55.32 ACRES

Subdivision Block Lot

Comprehensive Plan Designation COMMERCIAL AND RESIDENTIAL Zoning Designation UNZONED

This request is for a:

☐ ***Comprehensive Plan Amendment*** ☒ ***Zone Change***

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. CONCURRENT WITH THE REPEAL OF ORDINANCE NO. 4633 AND COMPREHENSIVE PLAN MAP AMENDMENT TO DESIGNATE 4.7 ACRES OF THE SITE RESIDENTIAL, THE APPLICANT IS PROPOSING TO REZONE A TOTAL OF 48.70 ACRES R-4 AND 6.62 ACRES C-3. THE PROPOSED ZONE CHANGE WILL ALLOW THE DEVELOPMENT OF 280 LARGE, MEDIUM, AND SMALL DETACHED SINGLE-FAMILY LOTS AND 4.08 ACRES OF COMMON OPEN SPACE AREAS WITH THE APPLICANT'S CONCURRENT PLANNED DEVELOPMENT APPLICATION. THESE NEW DWELLINGS WILL HELP MEET RESIDENTIAL DEMANDS THAT ARE IDENTIFIED IN THE CITY'S HOUSING NEEDS ANALYSIS. THE C-3 ZONED AREA WILL ALLOW FOR PERMITTED USES IN THE C-3 ZONE.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). THE REQUEST TO CHANGE THE SITE'S ZONING TO R-4 WILL INCREASE THE PERMITTED DENSITY OF RESIDENTIAL LAND AND ADDRESS DEFICIENT LAND SUPPLY AS IDENTIFIED IN CITY'S HOUSING NEEDS ANALYSIS. THEREFORE, THE PROPOSAL IS CONSISTENT WITH GOAL V-1, POLICY 59.00, GOAL V-2, POLICY 68.00, 71.01, 71.05, 71.09, 71.13, 72.00, 73.00, 74.00, 75.00, 76.00, 77.00, 78.00, 79.00, 80.00, 81.00, 90.00, 92.00, 92.01, AND 92.02 OF THE MCMINNVILLE COMPREHENSIVE PLAN. IN ADDITION, THE C-3 ZONED PORTION OF THE SITE ALSO COMPLIES WITH THE COMPREHENSIVE PLAN.

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. AS MENTIONED ABOVE, THE APPLICANT IS REQUESTING THE REPEAL OF ORDINANCE NO. 4633 TO REMOVE AN EXISTING PLANNED DEVELOPMENT OVERLAY ON A PORTION OF THE SITE. AS SUCH, THE ZONE CHANGE REQUEST WILL NOT BE SUBJECT TO THE PROVISIONS OF AN EXISTING PLANNED DEVELOPMENT OVERLAY.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. THE APPLICANT IS REQUESTING CONCURRENT APPROVAL OF A 48.7 ACRE PLANNED DEVELOPMENT REFERRED TO AS BAKER CREEK NORTH. MODIFICATIONS TO THE SIDE YARD AND LOT SIZE STANDARDS WILL PERMIT EFFICIENT CLUSTERING OF RESIDENTIAL UNITS, INCREASED DIVERSITY OF HOUSING TYPES, AND DEVELOPMENT OF COMMON OPEN SPACE AREAS AND AMENITIES. WHERE PROPOSED BLOCK AND PERIMETER BLOCK LENGTHS EXCEED STANDARDS, MID-BLOCK PEDESTRIAN ACCESSWAYS ARE PROPOSED. A MODIFICATION TO THE LOT FRONTAGE STANDARDS IS ALSO PROPOSED DUE TO THE CONFIGURATION OF THE SITE AND INABILITY TO EXTEND A ROAD TO THOSE LOTS. (SEE ATTACHED NARRATIVE)

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. THE CITY'S HOUSING NEEDS ANALYSIS DETERMINED THAT 4,421 NEW DWELLINGS ARE NEEDED BY 2041. THE PROPOSED REPEAL OF ORDINANCE NO. 4633 AND DESIGNATION OF 4.7 ACRES OF ADDITIONAL RESIDENTIAL LAND WILL HELP ADDRESS THIS NEED. CONCURRENT WITH THESE REQUESTS, THE APPLICANT IS PROPOSING TO DEVELOP 280 SINGLE-FAMILY DETACHED DWELLINGS ON SMALL, MEDIUM AND LARGE SIZED LOTS WITH THE BAKER CREEK NORTH PROJECT. IN ADDITION, WITH THE IMPROVEMENT OF NW HILL ROAD, IT IS TIMELY AND ORDERLY TO ZONE THE CORNER NEAR THE ROUNDABOUT C-3.

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. WITH THE DEMAND FOR ATTAINABLE HOUSING INCREASING OVER THE PAST DECADE, THE CITY OF MCMINNVILLE IS CURRENTLY DEVELOPING NEW STRATEGIES TO ENCOURAGE THE DEVELOPMENT OF A GREATER VARIETY OF HOUSING TYPES. THE PROPOSED ZONE CHANGE WILL INCREASE DENSITY AND INCREASE THE SUPPLY OF RESIDENTIAL LAND FOR NEEDED HOUSING. ALSO, RECENT DEVELOPMENT ACROSS NW BAKER CREEK ROAD OF HIGHER DENSITY HOUSING SUPPORTS THE C-3 ZONING.

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use. THE APPLICANT'S PLANS INDICATE THAT PUBLIC FACILITIES ARE LOCATED IN THE VICINITY OF THE SITE AND CAN BE EXTENDED TO SERVE THE PROPOSED USE. PUBLIC WATER, SANITARY SEWER, ELECTRICITY, AND GAS WILL BE PROVIDED BY CONNECTING TO THE EXISTING MAIN LINES WITHIN NW BAKER CREEK ROAD. STORMWATER WILL BE MANAGED BY COLLECTING DRAINAGE, DETAINING IT ON-SITE, AND RELEASING IT AT THE PRE-DEVELOPMENT RATE INTO BAKER CREEK AND TO THE PUBLIC STORM SYSTEM WITHIN NW BAKER CREEK ROAD.

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? CITY STAFF DETERMINED THAT TRAFFIC ANALYSIS WOULD NOT BE REQUIRED FOR THE SUBMITTED APPLICATIONS. HOWEVER, THE REDUCTION OF COMMERCIAL DESIGNATED LAND WILL REDUCE THE NUMBER OF TRIPS THAT WILL BE GENERATED ONTO ROADWAYS IN THE VICINITY OF THE SITE.

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

- ☐ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to* ***an electronic copy*** *with the submittal.*
- ☐ *A legal description of the parcel(s), preferably taken from the deed.*
- ☐ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

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

Applicant's Signature	Date 04/29/2019
Property Owner's Signature	Date 04/29/2019

City Of McMinnville

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Office Use Only:
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Received by_____

Planned Development Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other_____

Applicant Name STAFFORD DEVELOPMENT COMPANY, LLC Phone_____

Contact Name ATTN: MORGAN WILL Phone 503-305-7647
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Site Location and Description

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Property Address 1755 NW BAKER CREEK ROAD

Assessor Map No. R4 4 - 18 -105, 106, + 107 Total Site Area 55.32 ACRES

Subdivision_____ Block_____ Lot_____

Comprehensive Plan Designation COMMERCIAL AND RESIDENTIAL Zoning Designation UNZONED

1. Show in detail your request for a Planned Development. State the reason(s) for the request and the intended use(s) of the property: THE REQUEST WILL ALLOW THE DEVELOPMENT OF A VARIETY OF LARGE, MEDIUM, AND SMALL SINGLE-FAMILY DETACHED LOTS AND 4.08 ACRES OF COMMON OPEN SPACE AREAS. THE PROPOSED DEVELOPMENT OF 280 DWELLING UNITS WILL HELP ADDRESS THE DEMAND FOR ADDITIONAL HOUSING IN MCMINNVILLE. THE CITY'S HOUSING NEEDS ANALYSIS HAS DETERMINED THAT ADDITIONAL 4,421 NEW DWELLING UNITS ARE NEEDED BY THE YEAR 2041 TO MEET THE CURRENT DEMAND.

2. Describe the specific regulations this proposal wishes to modify (e.g., setbacks, density) and how the physical site conditions or objectives of the proposed development warrant a departure from those regulations: THE PROPOSED MODIFICATIONS TO THE SIDE YARD AND LOT SIZE STANDARDS WILL PERMIT EFFICIENT CLUSTERING OF RESIDENTIAL UNITS, INCREASED DIVERSITY OF HOUSING TYPES, AND DEVELOPMENT OF COMMON OPEN SPACE AREAS AND AMENITIES. WHERE PROPOSED BLOCK AND PERIMETER BLOCK LENGTHS EXCEED STANDARDS, MID-BLOCK PEDESTRIAN ACCESSWAYS ARE PROPOSED. A MODIFICATION TO THE LOT FRONTAGE STANDARDS IS ALSO PROPOSED DUE TO THE CONFIGURATION OF THE SITE AND INABILITY TO EXTEND A ROAD TO THOSE LOTS. THE APPLICANT IS ALSO REQUESTING A MODIFICATION TO THE STREET TREE SPACING STANDARDS SINCE HIGHER DENSITY DEVELOPMENT RESULTS IN MORE FREQUENT DRIVEWAY AND UTILITY CONNECTIONS.

3. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II): THE PLANNED DEVELOPMENT REQUEST WILL PERMIT EFFICIENT CLUSTERING OF RESIDENTIAL UNITS, INCREASED DIVERSITY OF HOUSING TYPES, AND DEVELOPMENT OF COMMON OPEN SPACE AREAS AND AMENITIES. THEREFORE, THIS PROPOSAL IS CONSISTENT WITH GOAL V-1, POLICY 59.00, GOAL V-2, POLICY 68.00, 71.01, 71.05, 71.09, 71.13, 72.00, 73.00, 74.00, 75.00, 76.00, 77.00, 78.00, 79.00, 80.00, 81.00, 90.00, 92.00, 92.01, 92.02, GOAL VII-3, POLICY 163.05, 166.00, 168.00, 169.00, AND 170.05.

4. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposal is orderly and timely: THE CITY'S HOUSING NEEDS ANALYSIS DETERMINED THAT 4,421 NEW DWELLINGS ARE NEEDED BY THE YEAR 2041. THE PROPOSED REPEAL OF ORDINANCE NO. 4633 AND ZONING OF THE SITE R-4 WILL ALLOW THE SITE TO BE DEVELOPED WITH 280 DWELLING UNITS TO HELP MEET THE HOUSING NEEDS. THE PROPOSED DEVELOPMENT INCORPORATES OPEN SPACE AREAS AND RETAINS NATURAL VEGETATION SO THAT THE PLANNED DEVELOPMENT COMPLIMENTS ADJACENT RESIDENTIAL DEVELOPMENTS. THE PLANNED DEVELOPMENT IS ALSO IDEALLY LOCATED SINCE IT PROVIDES MODERATE DENSITY HOUSING WITHIN A SHORT WALKING DISTANCE OF THE ADJACENT COMMERCIAL DESIGNATED PROPERTY TO THE SOUTHWEST, WHICH WILL LIKELY BE DEVELOPED WITH A NEIGHBORHOOD COMMERCIAL USE.

5. Describe any changes in the neighborhood or surrounding area which might support or warrant the request: DUE TO RISING HOUSING COSTS, THE CITY IS CURRENTLY UPDATING ITS BUILDABLE LANDS INVENTORY AND HOUSING NEEDS ANALYSIS. THE CITY IS ALSO IDENTIFYING NEW STRATEGIES TO ENCOURAGE THE DEVELOPMENT OF HOUSING DIVERSITY, INCLUDING SINGLE-FAMILY HOMES ON SMALLER LOTS THAT ARE ATTAINABLE FOR LOCAL RESIDENTS. THE PROPOSED PLANNED DEVELOPMENT CLUSTERS RESIDENTIAL UNITS SO THAT THEY ARE MORE EFFICIENT AND CAN BE OFFERED AT A LOWER COST. THE PLANNED DEVELOPMENT WILL ALSO INCREASE HOUSING DIVERSITY BY OFFERING SINGLE-FAMILY DWELLINGS ON SMALL, MEDIUM, AND LARGE LOTS.

6. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use: PUBLIC FACILITIES ARE LOCATED IN THE VICINITY OF THE SITE AND HAVE THE CAPACITY TO SERVE THE PROPOSED PLANNED DEVELOPMENT. PUBLIC WATER, SANITARY SEWER, ELECTRICITY, AND GAS WILL BE PROVIDED BY CONNECTING TO THE EXISTING MAIN LINES WITHIN NW BAKER CREEK ROAD. STORMWATER WILL BE MANAGED BY COLLECTING DRAINAGE, DETAINING IT ON-SITE, AND RELEASING IT AT THE PRE-DEVELOPMENT RATE INTO BAKER CREEK AND TO THE PUBLIC STORM SYSTEM WITHIN NW BAKER CREEK ROAD.

7. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? CITY STAFF DETERMINED THAT TRAFFIC ANALYSIS IS NOT REQUIRED FOR THE PLANNED DEVELOPMENT APPLICATION. HOWEVER, CONCURRENT COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE 4.7 ACRES OF THE SITE FROM COMMERCIAL TO RESIDENTIAL WILL REDUCE THE NUMBER OF TRIPS THAT WILL BE GENERATED ONTO ROADWAYS IN THE VICINITY OF THE SITE.

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

- ☐ *A site plan (drawn to scale, legible, and of a reproducible size) indicating existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).*
- ☐ *A legal description of the subject site, preferably taken from the deed.*
- ☐ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

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

Applicant's Signature — Date 04/29/2019

Property Owner's Signature — Date 04/29/2019

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Fee_____
Receipt No._____
Received by_____

Tentative Subdivision Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other_____

Applicant Name STAFFORD DEVELOPMENT COMPANY, LLC Phone_____

Contact Name MORGAN WILL Phone 503-305-7647
(If different than above)

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97070

Contact Email morgan@staffordlandcompany.com

Property Owner Information

Property Owner Name BAKER CREEK DEVELOPMENT, LLC Phone_____
(If different than above)

Contact Name MORGAN WILL Phone 503-305-7647

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97070

Contact Email morgan@staffordlandcompany.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1755 NW BAKER CREEK ROAD

Assessor Map No. R4 4 - 18 -105, 106, + 107 Total Site Area 55.32 ACRES

Subdivision_____ Block_____ Lot_____

Comprehensive Plan Designation COMMERCIAL AND RESIDENTIAL Zoning Designation UNZONED

Subdivision Information

1. What is this application for?

   ☐ Subdivision (10 (ten) or fewer lots)

   ☒ Subdivision (more than 10 (ten) lots)

2. Briefly describe the project: APPLICANT IS PROPOSING A PHASED PLANNED DEVELOPMENT WITH COMMON OPEN SPACE AREAS AND SINGLE-FAMILY DWELLING UNITS. THIS REQUEST INCLUDES A SUBDIVISION APPLICATION FOR TENTATIVE APPROVAL OF 280 SINGLE-FAMILY DETACHED LOTS, 19 COMMON OPEN SPACE TRACTS, AND 1 TRACT FOR A SANITARY SEWER PUMP STATION.

3. Name of proposed subdivision: BAKER CREEK NORTH

4. Size of proposed subdivision in acres or square feet: 48.70 ACRES

5. Number of lots: 280 Minimum lot size: ~2,300

6. Number and type of Residential Units: 280 SINGLE-FAMILY DETACHED DWELLING UNITS ARE PROPOSED.

7. Average lot size: ~4,900 SQ. FT. Gross density per acre of entire subdivision: 5 DWELLING UNITS/ACRE

8. Total anticipated population: 745 INDIVIDUALS (AVERAGE HOUSEHOLD = 2.66)

9. Size of park(s)/open space in acres or square feet: ~4.08 ACRES

10. General description of the subject site and current land use: SUBJECT SITE IS CURRENTLY VACANT AND GENERALLY SLOPES DOWN FROM SOUTHEAST TO NORTHWEST CORNER OF THE PROPERTY. THE STEEP BANK OF BAKER CREEK IS LOCATED ALONG THE NORTH BOUNDARY, PROVIDING A PHYSICAL BARRIER BETWEEN THE 100-YEAR FLOODPLAIN AND THE PROPOSED SUBDIVISION.

11. Describe existing uses and zoning of surrounding properties:

	Zoning	Current Use
North	PARCELS DESIGNATED RESIDENTIAL + FLOODPLAIN	TRANSITIONAL FARM USE
South	R1-PD AND C3-PD / BAKER CREEK WEST PD, SHADDEN CLAIM SUBDIVISION,	VACANT COMMERC.
East	R1 AND R-2 PARCELS	OAK RIDGE SUBDIVISION
West	EF-80 ZONED PARCEL	FARM USE

12. Describe the topography of the subject site: SITE IS FAIRLY FLAT AND IS LOCATED ON A BLUFF THAT OVERLOOKS A RIPARIAN AREA AND 100-YEAR FLOODPLAIN ALONG BAKER CREEK.

13. Does the site contain any existing structures, wells, septic tanks? Explain THE SUBJECT SITE IS CURRENTLY VACANT AND DOES NOT CONTAIN EXISTING STRUCTURES, WELLS, OR SEPTIC TANKS.

14. How will the proposed subdivision be served by utilities? Note the location and size of all service lines (water, sanitary sewer, storm sewer, natural gas, electricity). PUBLIC WATER, SANITARY SEWER, ELECTRICITY, AND GAS WILL BE PROVIDED BY CONNECTING TO THE EXISTING MAIN LINES WITHIN NW BAKER CREEK ROAD. STORMWATER WILL BE MANAGED BY COLLECTING DRAINAGE, DETAINING IT ON-SITE, AND RELEASING IT AT THE PREDEVELOPED RATE INTO BAKER CREEK AND PUBLIC STORM SYSTEM WITHIN NW BAKER CREEK ROAD.

15. What is the anticipated date construction will begin? FALL 2019

16. What is the anticipated date of completion? FALL 2023

17. If applicable, explain how the subdivision will be phased? PHASE 1A-D TO BE CONSTRUCTED BETWEEN 2019 AND 2021, PHASE 2A-2C TO BE COMPLETED BETWEEN 2021 AND 2024, PHASE 3A-3C TO BE COMPLETED BETWEEN 2020 AND 2024.

18. Does your tentative subdivision plan delineate the general location of all previously recorded easements and encumbrances presently binding upon the subdivision site? (A current title report or subdivision guarantee for the site would disclose such easements or encumbrances).

Yes ☒ No ☐ N/A ☐

19. Does your tentative subdivision plan delineate necessary access and utility easements?

Yes ☒ No ☐ N/A ☐

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

☐ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), tentative subdivision plan, and supplementary data. Tentative plans should be accompanied by improvement plans so that the general programs and objectives are clear to the reviewer. The information to be included in the tentative subdivision plan as listed in the information sheet and in Section 17.53.070 (Submission of Tentative Subdivision Plan) of the Zoning Ordinance. If of a larger size, provide five (5) copies in addition to* ***an electronic copy*** *with the submittal.*

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

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

Applicant's Signature — Date 04/29/2019

Property Owner's Signature — Date 04/29/2019

City Of McMinnville

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

Office Use Only:
File No._____
Date Received_____
Fee_____
Receipt No._____
Received by_____

Street Tree Landscape Plan Review Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other_____

Applicant Name STAFFORD DEVELOPMENT COMPANY, LLC Phone_____

Contact Name ATTN: MORGAN WILL Phone 503-305-7641
(If different than above)

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97070

Contact Email morgan@staffordlandcompany.com

Property Owner Information

Property Owner Name BAKER CREEK DEVELOPMENT, LLC Phone_____
(If different than above)

Contact Name ATTN: MORGAN WILL Phone 503-305-7641

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97070

Contact Email morgan@staffordlandcompany.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1755 NW BAKER CREEK ROAD

Assessor Map No. R4 4 - 18 - 100 Total Site Area 48.7 ACRES

Subdivision_____ Block_____ Lot_____

Comprehensive Plan Designation PROPOSED RESIDENTIAL Zoning Designation PROPOSED R-4

Street Trees

~~Landscaping~~ Information

1. Total Landscaped Area: ~ 4.08 ACRES WITHIN COMMON OPEN SPACE AREAS
2. Percent Landscaped: ~ 8.38%
3. Building Floor Area: PICNIC STRUCTURE IN TRACT 'F'
   New Structure: ~ 600 S.F. Existing Structure: _____ Addition: _____
4. Architect Name OTTEN LANDSCAPE ARCHITECTS Phone _____
   (Landscape Architect; Engineer; or Other Designer)
   Contact Name JANET OTTEN Phone 503-972-0311.
   Address 3933 SW KELLY AVENUE, SUITE B
   City, State, Zip PORTLAND, OR 97239
   Contact Email janet@ottenla.com

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

- ☐ *Two (2) copies of the proposed landscape plan containing the information listed in the information sheet and Chapter 17.57 (Landscaping) of the Zoning Ordinance.*
- ☐ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

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

Applicant's Signature — Date 04/29/2019

Property Owner's Signature — Date 04/29/2019

City Of McMinnville

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

Office Use Only:
File No._____
Date Received_____
Fee_____
Receipt No._____
Received by_____

Planned Development Amendment Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other_____

Applicant Name STAFFORD DEVELOPMENT COMPANY, LLC Phone_____

Contact Name MORGAN WILL Phone 503-305-7647
(If different than above)

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97381

Contact Email morgan@staffordlandcompany.com

Property Owner Information

Property Owner Name BAKER CREEK DEVELOPMENT, LLC Phone_____
(If different than above)

Contact Name MORGAN WILL Phone 503-305-7647

Address 8840 SW HOLLY LANE

City, State, Zip WILSONVILLE, OR 97381

Contact Email morgan@staffordlandcompany.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1755 NW BAKER CREEK ROAD

Assessor Map No. R4 4 - 18 - 100 Total Site Area 10.00 ACRES

Subdivision_____ Block_____ Lot_____

Comprehensive Plan Designation COMMERCIAL Zoning Designation UNZONED

1. Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property:

SEE ATTACHED MEMO

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II):

SEE ATTACHED MEMO

3. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely:

SEE ATTACHED MEMO

4. Describe any changes in the neighborhood or surrounding area which might support or warrant the request:

SEE ATTACHED MEMO

5. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use:

SEE ATTACHED MEMO

6. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

SEE ATTACHED MEMO

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

- ☒ *A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).* — PREVIOUSLY SUBMITTED WITH OTHER BAKER CREEK NORTH APPLICATIONS
- ☒ *A copy of the current planned development overlay ordinance.*
- ☒ *A legal description of the subject site, preferably taken from the deed.* — PREVIOUSLY SUBMITTED
- ☒ Compliance of Neighborhood Meeting Requirements. — PREVIOUSLY SUBMITTED
- ☒ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

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

Applicant's Signature — Date: 9/23/19

Property Owner's Signature — Date: 9/23/19

Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
(503) 804-1089
steve@cascadiapd.com

MEMO

DATE: September 19, 2019

TO: Chuck Darnell
City of McMinnville

FROM: Steve Kay, AICP
Cascadia Planning + Development Services

RE: Responses for Planned Development Amendment Form
Baker Creek North Development

Application Form Questions:

1. **Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property:**

APPLICANT'S RESPONSE:

The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond with the 6.62 acre Parcel A in this application. Furthermore, the applicant requests to replace the two conditions of approval created under Ordinance 4633 with the following: 1) No more than 120 multi-family units may be developed on the site; and 2) At least 2-acres of neighborhood commercial uses shall be developed on the site.

This area was designated commercial at a time when the City's westward UGB expansion was being pursued and a large commercial center was planned to support the expansion. However, since the UGB amendment did not materialize, the subject site was left with excess commercial land. The proposed conditions of approval will allow for the future development of smaller-scaled neighborhood commercial and needed multi-family residential uses within Parcel A.

2. **Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II):**

APPLICANT'S RESPONSE:

A reduction in the existing planned development overlay area, in conjunction with the proposed zoning map and comprehensive plan map amendment proposals, is consistent with economic and housing goals and policies of the McMinnville Comprehensive Plan. The 2013 Economic Opportunity Analysis (EOA), recommends that the City re-designate some of its 235.9 acres of surplus Industrial land for regional commercial uses near the downtown core. The City is also currently completing its Housing Needs Analysis which finds that an additional 1,537 additional multi-family units need to be developed to meet projected residential demands. Applicable goals and policies associated with these economic and housing issues include Volume I Residential Land Use Controls Policies 1-5, Volume II Commercial Development Goal IV-2, Goal IV 3, and Policies 24.50, 25.00, 26.00, 27.00, 30.00, and Housing and Residential Development Goal V 1 and Policies 59.0, 71.01, 71.05, 71.13, 90.00, 92.00, and 92.02.

3. **Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely:**

APPLICANT'S RESPONSE:

Several changes have occurred in the community to warrant the proposed planned development amendment. The 2018 Yamhill County Transit Development Plan designated Baker Creek Road adjacent to the site as a planned transit corridor. The proposed planned development amendment will allow up to 120 multi-family units and will promote the type of residential density needed to support future transit service along this corridor. The existing commercial designated planned development is too large given the current pattern of development in McMinnville. The proposed smaller-scaled area is appropriate for neighborhood commercial uses and will not drain economic activity from the downtown core. As supported by the City's 2019 Housing Needs Analysis, the proposed amendment will also help address current housing needs by changing 3.38 acres of existing commercial land to a residential designation. In addition, the amendment will permit the development of up to 120 multi-family units within Parcel A.

4. **Describe any changes in the neighborhood or surrounding area which might support or warrant the request:**

APPLICANT'S RESPONSE:

The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The City has also made improvements to the sanitary sewer system's capacity in order to support anticipated development. The proposed multi-family housing and smaller-scaled neighborhood commercial center will effectively use City investments by supporting the

construction of workforce housing and further economic development in the community. The proposed planned development amendment will allow Parcel A to accommodate an efficient mixed use development with neighborhood commercial and multi-family uses. This ultimately will increase housing diversity in an existing neighborhood that mainly contains medium and low density residential subdivisions.

5. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use:

APPLICANT'S RESPONSE:

Analysis done in conjunction with City staff confirms that existing public facilities and services, as well as the City's most recent improvements to the sanitary sewer system, provide sufficient capacity to support the proposed planned development amendment. The applicant's submitted preliminary development plans demonstrate that either existing public utilities, or the proposed improvements to these facilities, provide sufficient capacity to support the proposed neighborhood commercial use and a future multi-family development on the site.

6. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

APPLICANT'S RESPONSE:

The proposed planned development amendment helps reduce projected demand on the area's transportation system by reducing commercial use and increasing residential use in the area. The site's existing commercial designated area contains over 10 acres and has the potential to be developed with approximately 10,000 sq. ft. of retail space, generating 3,775 ADT and 251 pm peak hour trips on to the transportation system. The traffic analysis completed looked at this worst case scenario. Less traffic will be generated by the proposed amended planned development because the commercial area will be reduced to 6.62 acres, with only 2-acres, or so, of neighborhood commercial use and no more than 120 multi-family units. The analysis indicates that the intersections of Baker Creek Road/Shadden Drive, Baker Creek Road/Meadows Drive, and Baker Creek Road/Hill Lane (new north leg of traffic circle) would operate at acceptable levels and no mitigation will be required in the worst case scenario. So, it concludes the proposed less intensive uses will also operate successfully. SDCs collected by the City during development will contribute towards the cost of planned future capital improvement projects, such as the City installation of a traffic signal at the Baker Creek Road/Michelbook Lane intersection in 2023, thus increasing local capacity to manage changes in traffic volumes.

ORDINANCE NO. 4633

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing residential designation to a commercial designation and enacting certain development conditions by placing a Planned Development overlay on approximately 12.34 acres of land located on the north side of Baker Creek Road and directly east of its intersection with Hill Road.

RECITALS:

The Planning Commission received an application from Don Jones for a comprehensive plan map amendment (CPA 2-96), dated July 9, 1996, for the property described as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

A public hearing was held on September 12, 1996, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on September 7, 1996, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

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

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

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

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

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

Section 3. That a planned development overlay which shall be noted on the Comprehensive Plan Map is hereby created and placed on the property described in "Exhibit A" which is attached hereto and is referenced in Section 2 above. The planned development overlay establishes the following conditions and limitations on development of the site:

1. That development of the site is subject to the requirements of McMinnville Ordinance No. 4605, Section 2(a) - (g).

2. That no multiple-family residential use shall be allowed on the site.

Read and passed by the Council this 8th day of October 1996 by the following votes:

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

Nays: _____

Abstentions: _____

Approved this 8th day of October 1996.

Edward J. Gormley
MAYOR

Attest:

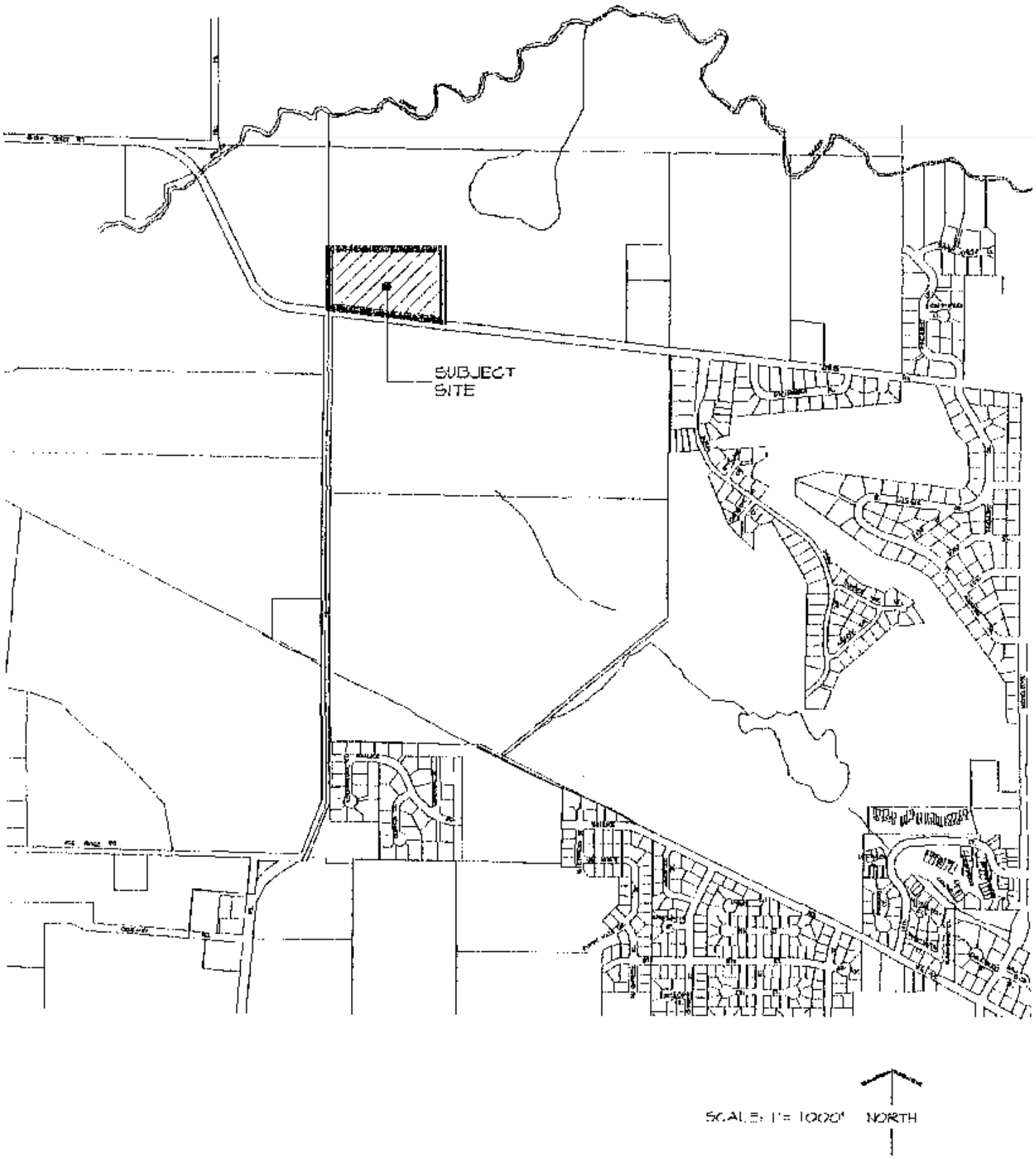
Clifton Ross
RECORDER PRO TEM

Beginning at a point on the northerly right-of-way line of Baker Creek Road at its intersection with the West line of that tract of land conveyed to Del Casteel, et al by deed recorded in Film Volume 231, Page 0620, Records for Yamhill County, Oregon, which point bears North 89°17'50" West 2514.12 feet and South 00°18'08" West 1221.36 feet from the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon; thence North 00°18'08" East along the West line of said Casteel tract, a distance of 560.00 feet; thence South 84°07'51" East parallel with the northerly right-of-way line of said Baker Creek Road, a distance of 963.44 feet to a point on the centerline of a Bonneville Power Administration easement as described in Film Volume 39, Page 462, Records for Yamhill County; thence South 00°02'49" West along said centerline a distance of 560.25 feet to a point on the northerly right-of-way line of said Baker Creek Road; thence North 84°07'51" West along said right-of-way line, a distance of 965.95 feet to the point of beginning.

Contains 12.3435 acres of land, more or less.

VICINITY MAP

CPA 2-96



After recording, return to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070

Send tax statements to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070
Consideration = $0

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201904865

$136.00

00557702201900048650120125

04/22/2019 02:21:35 PM

DMR-DDMR Cnt=1 Stn=2 MILLSA
$60.00 $5.00 $11.00 $60.00

Property Line Adjustment Deed #1

Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantor, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property A, and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantee, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property B, more particularly described on Exhibit B, which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (Deed) is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 30.640 acres and will hereafter consist of only the land described on Exhibit C, which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 30.640 acres and will hereafter consist of the land more particularly described on Exhibit D, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured properties as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Yamhill County, Oregon, described on Exhibit E, which is attached hereto and by this reference incorporated herein.

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336, AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS

INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true and actual consideration for this transfer, stated in terms of dollars is N/A; however, the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This Property Line Adjustment Deed is executed this 19TH day of APRIL, 2019.

GRANTOR

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

GRANTEE

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

State of OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on April 19, 2019, by Gordon C. Root as Manager of Baker Creek Development, LLC, an Oregon limited liability company.

Before me:

OFFICIAL STAMP
EFROSINIA SCHERBAKOV
NOTARY PUBLIC – OREGON
COMMISSION NO. 970997A
MY COMMISSION EXPIRES JANUARY 28, 2022

Efrosinia Scherbakov
Notary Public for Oregon
My Commission Expires: January 28, 2022

EXHIBIT "A"

Legal Description For:
Original Property "A"

All that portion of the following described tract lying North of Baker Creek Road: Commencing at the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, which place of beginning is also the Northeast corner of the T.J. Shadden Donation Land Claim; thence South 39.30 chains; thence West 38.16 chains to the center of the County Road; thence North 39.31 chains to the Northwest corner of the lands formerly owned by William L. Toney as described in deed recorded in Volume "W", Page 20, Yamhill County Deed Records, said corner being also on the North line of Section 18; thence East 38.16 chains to the place of beginning.

EXCEPTING THEREFROM a parcel of land located in the T.J. Shadden Certificate Claim No. 18 in the Northeast Quarter of Section 18, in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon that is more particularly described as follows:

Beginning at a 5/8 inch iron rod on the East section line of Section 18, said iron rod being South 00°08'00" East 716.65 feet from the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South 89°52'00" West 323.00 feet to a 5/8 inch iron rod; thence South 00°08'00" East 725.16 feet, more or less, to the North line of Baker Creek Road; thence South 84°16'23" East along said North line 324.69 feet, more or less, to the East line of Section 18; thence North 00°08'00" West along said East line 758.31 feet, more or less, to the place of beginning.

FURTHER EXCEPTING those parcels conveyed to VJ-2 Development, Inc., in the following: deed recorded January 28, 1997 as Instrument No. 199701382; deed recorded January 26, 1998 as Instrument No. 199801435; and deed recorded February 5, 1999 as Instrument No. 199902487.

FURTHER EXCEPTING that parcel conveyed to the City of McMinnville in that dedication deed recorded August 10, 2017 as Instrument No. 201713023, Yamhill County Deed Records.

FURTHER EXCEPTING that parcel conveyed to the City of McMinnville in that dedication deed recorded September 10, 2018 as Instrument No. 201812980, Yamhill County Deed Records.

FURTHER EXCEPTING the following described property:

A tract of land situated in the northeast one quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the southeast corner of that property described in that instrument recorded as Instrument No. 200208810, Yamhill County Deed Records, said point recorded as being South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 724.19 feet and North 84°07'51" West 1211.13 feet from the northeast corner of said Section 18, said point being on the north right of way line of N.W. Baker Creek Road 30.00 feet at a perpendicular distance Northerly of the centerline of said road; thence South 84°07'51" East 37.69 feet along said north right of way to the TRUE POINT OF BEGINNING of this description; and running thence:

North 84°07'51" West 211.08 feet along said north right of way;
thence leaving said north right of way, North 0°02'49" East 242.92 feet;
thence South 89°57'11" East 210.00 feet;
thence South 0°02'49" West 264.33 feet to the TRUE POINT OF BEGINNING, containing 1.223 acres of land, more or less.

Bearings are based on Yamhill County Survey No. 10616 (along the centerline of N.W. Baker Creek Road).

EXHIBIT "B"

Legal Description For:
Original Property "B"

Beginning at a point on the West line of that tract of land described in Volume 186, Page 137, Deed Records, which bears South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 104.35 feet from the brass cap at the Northeast corner of the T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence North 84°07'51" West parallel to Baker Creek Road a distance of 777.31 feet to the TRUE POINT OF BEGINNING; thence continuing North 84°07'51" West 197.85 feet; thence North 00°08'00" West 713.04 feet to a point on the North line of said Section 18; thence South 89°17'50" East along said North line a distance of 196.79 feet to a point which bears North 89°17'50" West 1096.16 feet from said Northeast corner of Section 18; thence South 00°08'00" East 730.86 feet to the true point of beginning.

EXHIBIT "C"

Legal Description For:
Adjusted Property "A"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records, said point recorded as being South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 724.19 feet and North 84°07'51" West 1173.44 feet and North 0°02'49" East 264.33 feet from the northeast corner of said Section 18; thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687", said point being the TRUE POINT OF BEGINNING of this description; and running thence:

North 89°57'11" West 167.50 feet along the north line of said property to the northwest corner thereof;

thence South 0°02'49" West 242.92 feet along the west line of said property to the southwest corner thereof, said point being on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 494.00 feet along said north right of way to the southeast corner of that tract of land conveyed to the City of McMinnville by that instrument recorded in Instrument No. 201713023, Yamhill County Deed Records;

thence North 5°52'09" East 18.00 feet to the northeast corner of said City of McMinnville tract;

thence North 84°07'51" West 240.43 feet along the north line of said tract to the beginning of a 46.00-foot radius non-tangent curve concave to the Northeast;

thence Northwesterly along the arc of said curve (whose radius point bears North 37°08'37" East and the chord of which bears North 42°16'08" West 16.90 feet) 17.00 feet along the north line of said tract to a point of reverse curve;

thence Northwesterly along the arc of a 91.00-foot radius curve to the left (the chord of which bears North 32°37'50" West 3.01 feet) 3.01 feet along the north line of said tract to the beginning of a 191.00-foot radius non-tangent curve concave to the Northeast;

thence Northwesterly along the arc of said curve (whose radius point bears North 57°49'15" East and the chord of which bears North 22°03'14" West 67.16 feet) 67.51 feet along the northeasterly line of that tract of land conveyed to the City of McMinnville by that instrument recorded in Instrument No. 201812980, Yamhill County Deed Records to the northeast corner thereof;

thence North 11°55'43" West 14.74 feet to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687" at the point of curvature;

thence Northwesterly along the arc of 200.00-foot radius curve to the right (the chord of which bears North 7°02'26" West 34.08 feet) 34.12 feet to a like iron rod at a point of compound curve;

thence Northeasterly along the arc of a 225.00-foot radius curve to the right (the chord of which bears North 12°38'27" East 114.90 feet) 116.19 feet to a like iron rod at a point of reverse curve;

thence Northeasterly along the arc of an 815.00-foot radius curve to the left (the chord of which bears North 23°56'47" East 99.16 feet) 99.22 feet to a like iron rod at a point of reverse curve;

thence Northeasterly along the arc of a 20.00-foot radius curve to the right (the chord of which bears North 58°09'50" East 24.46 feet) 26.32 feet to a like iron rod at a point of tangency;

thence South 84°07'51" East 647.11 feet to a like iron rod at a point of curvature;

thence Southeasterly along the arc of an 825.00-foot radius curve to the left (the chord of which bears South 87°02'31" East 83.80 feet) 83.84 feet to a like iron rod at a point of tangency;

thence South 89°57'11" East 60.03 feet to a like iron rod at a point of curvature;

thence Northeasterly along the arc of a 325.00-foot radius curve to the left (the chord of which bears North 83°58'36" East 68.74 feet) 68.86 feet to a like iron rod;

thence South 0°02'49" West 128.08 feet to the TRUE POINT OF BEGINNING, containing 6.628 acres of land, more or less.

EXHIBIT "D"

Legal Description For:
Adjusted Property "B"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 2" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 1096.16 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 1350.70 feet along the east line of said property and along the east line of that property described as "Parcel 2: Tract 1" in said Instrument No. 201600557 to a point on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 396.14 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 128.08 feet to a like iron rod at the beginning of a 325.00-foot radius non-tangent curve concave to the North;

thence Southwesterly along the arc of said curve (whose radius point bears North 12°05'37" West and the chord of which bears South 83°58'36" West 68.74 feet) 68.86 feet to a like iron rod at a point of tangency;

thence North 89°57'11" West 60.03 feet to a like iron rod at a point of curvature;

thence Northwesterly along the arc of an 825.00-foot radius curve to the right (the chord of which bears North 87°02'31" West 83.80 feet) 83.84 feet to a like iron rod at a point of tangency;

thence North 84°07'51" West 647.11 feet to a like iron rod at a point of curvature;

thence Southwesterly along the arc of a 20.00-foot radius curve to the left (the chord of which bears South 58°09'50" West 24.46 feet) 26.32 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of an 815.00-foot radius curve to the right (the chord of which bears South 23°56'47" West 99.16 feet) 99.22 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of a 225.00-foot radius curve to the left (the chord of which bears South 12°38'27" West 114.90 feet) 116.19 feet to a like iron rod at a point of compound curve;

thence Southeasterly along the arc of a 200.00-foot radius curve to the left (the chord of which bears South 7°02'26" East 34.08 feet) 34.12 feet to a like iron rod at a point of tangency;

thence South 11°55'43" East 14.74 feet to the northeast corner of that tract of land conveyed to the City of McMinnville by that instrument recorded in Instrument No. 201812980, Yamhill County Deed Records;

thence South 89°22'04" West 56.01 feet along the north line of said City of McMinnville tract to the west line of the aforementioned property described as "Parcel 2: Tract 1";

thence North 0°18'08" East 1136.33 feet along said west line to the northwest corner of said property;

thence South 89°17'50" East 1417.97 feet along the north line of said Section 18 to the Point of Beginning, containing 33.901 acres of land, more or less.

EXHIBIT "E"

Legal Description For:
Transferred Property

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 2" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 1096.16 feet from the northeast corner of said Section 18; thence North 89°17'50" West 196.79 feet along the north line of said property to the northwest corner thereof and the TRUE POINT OF BEGINNING of this description; and running thence:

South 0°08'00" East 713.04 feet along the west line of said property to the southwest corner thereof;

thence South 84°07'51" East 197.85 feet along the south line of said property to the southeast corner thereof;

thence South 0°08'00" East 619.84 feet along the east line of that property described as "Parcel 2: Tract 1" in said Instrument No. 201600557 to a point on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 396.14 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 128.08 feet to a like iron rod at the beginning of a 325.00-foot radius non-tangent curve concave to the North;

thence Southwesterly along the arc of said curve (whose radius point bears North 12°05'37" West and the chord of which bears South 83°58'36" West 68.74 feet) 68.86 feet to a like iron rod at a point of tangency;

thence North 89°57'11" West 60.03 feet to a like iron rod at a point of curvature;

thence Northwesterly along the arc of an 825.00-foot radius curve to the right (the chord of which bears North 87°02'31" West 83.80 feet) 83.84 feet to a like iron rod at a point of tangency;

thence North 84°07'51" West 647.11 feet to a like iron rod at a point of curvature;

thence Southwesterly along the arc of a 20.00-foot radius curve to the left (the chord of which bears South 58°09'50" West 24.46 feet) 26.32 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of an 815.00-foot radius curve to the right (the chord of which bears South 23°56'47" West 99.16 feet) 99.22 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of a 225.00-foot radius curve to the left (the chord of which bears South 12°38'27" West 114.90 feet) 116.19 feet to a like iron rod at a point of compound curve;

thence Southeasterly along the arc of a 200.00-foot radius curve to the left (the chord of which bears South 7°02'26" East 34.08 feet) 34.12 feet to a like iron rod at a point of tangency;

thence South 11°55'43" East 14.74 feet to the northeast corner of that tract of land conveyed to the City of McMinnville by that instrument recorded in Instrument No. 201812980, Yamhill County Deed Records;

thence South 89°22'04" West 56.01 feet along the north line of said City of McMinnville tract to the west line of the aforementioned property described as "Parcel 2: Tract 1";

thence North 0°18'08" East 1136.33 feet along said west line to the northwest corner of said property;

thence South 89°17'50" East 1221.18 feet along the north line of said Section 18 to the TRUE POINT OF BEGINNING, containing 30.640 acres of land, more or less.

After recording, return to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070

Send tax statements to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070
Consideration = $0

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201904867

$126.00

00557704201900048670100105

04/22/2019 02:22:35 PM

DMR-DDMR Cnt=1 Stn=2 MILLSA
$50.00 $5.00 $11.00 $60.00

Property Line Adjustment Deed #2

Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantor, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property A, and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantee, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property B, more particularly described on Exhibit B, which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (Deed) is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 16.869 acres and will hereafter consist of only the land described on Exhibit C, which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 16.869 acres and will hereafter consist of the land more particularly described on Exhibit D, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured properties as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Yamhill County, Oregon, described on Exhibit E, which is attached hereto and by this reference incorporated herein.

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336, AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS

INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true and actual consideration for this transfer, stated in terms of dollars is N/A; however, the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This Property Line Adjustment Deed is executed this 22ND day of APRIL, 20 19.

GRANTOR

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

GRANTEE

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

State of OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on April 22, 20 19, by Gordon C. Root as Manager of Baker Creek Development, LLC, an Oregon limited liability company.

Before me:

OFFICIAL STAMP
EFROSINIA SCHERBAKOV
NOTARY PUBLIC – OREGON
COMMISSION NO. 970997A
MY COMMISSION EXPIRES JANUARY 28, 2022

Efrosinia Scherbakov
Notary Public for Oregon
My Commission Expires: January 28, 2022

EXHIBIT "A"

Legal Description For:
Original Property "A"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 2" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 1096.16 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 1350.70 feet along the east line of said property and along the east line of that property described as "Parcel 2: Tract 1" in said Instrument No. 201600557 to a point on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 396.14 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 128.08 feet to a like iron rod at the beginning of a 325.00-foot radius non-tangent curve concave to the North;

thence Southwesterly along the arc of said curve (whose radius point bears North 12°05'37" West and the chord of which bears South 83°58'36" West 68.74 feet) 68.86 feet to a like iron rod at a point of tangency;

thence North 89°57'11" West 60.03 feet to a like iron rod at a point of curvature;

thence Northwesterly along the arc of an 825.00-foot radius curve to the right (the chord of which bears North 87°02'31" West 83.80 feet) 83.84 feet to a like iron rod at a point of tangency;

thence North 84°07'51" West 647.11 feet to a like iron rod at a point of curvature;

thence Southwesterly along the arc of a 20.00-foot radius curve to the left (the chord of which bears South 58°09'50" West 24.46 feet) 26.32 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of an 815.00-foot radius curve to the right (the chord of which bears South 23°56'47" West 99.16 feet) 99.22 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of a 225.00-foot radius curve to the left (the chord of which bears South 12°38'27" West 114.90 feet) 116.19 feet to a like iron rod at a point of compound curve;

thence Southeasterly along the arc of a 200.00-foot radius curve to the left (the chord of which bears South 7°02'26" East 34.08 feet) 34.12 feet to a like iron rod at a point of tangency;

thence South 11°55'43" East 14.74 feet to the northeast corner of that tract of land conveyed to the City of McMinnville by that instrument recorded in Instrument No. 201812980, Yamhill County Deed Records;

thence South 89°22'04" West 56.01 feet along the north line of said City of McMinnville tract to the west line of the aforementioned property described as "Parcel 2: Tract 1";

thence North 0°18'08" East 1136.33 feet along said west line to the northwest corner of said property;

thence South 89°17'50" East 1417.97 feet along the north line of said Section 18 to the Point of Beginning, containing 33.901 acres of land, more or less.

EXHIBIT "B"

Legal Description For:
Original Property "B"

Beginning at a point on the West line of that tract of land described in Volume 186, Page 137, Deed Records of Yamhill County, Oregon which bears South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 104.35 feet from the brass cap at the Northeast corner of the T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in said Yamhill County; thence South 00°08'00" East along the said West line of said Volume and Page a distance of 619.84 feet to a point on the North right-of-way of Baker Creek Road, said point being 30.00 feet Northerly of the centerline of the road when measured at right angles; thence North 84°07'51" West along said North right-of-way a distance of 777.31 feet; thence North 00°08'00" West parallel with said West line of said Volume 186, Page 137 a distance of 619.84 feet; thence South 84°07'51" East parallel with said Baker Creek Road a distance of 777.31 feet to the point of beginning.

EXHIBIT "C"

Legal Description For:
Adjusted Property "A"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records, said point recorded as being South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 724.19 feet and North 84°07'51" West 1173.44 feet and North 0°02'49" East 264.33 feet from the northeast corner of said Section 18; thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687"; thence North 0°02'49" East 128.08 feet to a like iron rod at the beginning of a 325.00-foot radius non-tangent curve concave to the North, said point being the TRUE POINT OF BEGINNING of this description; and running thence:

Southwesterly along the arc of said curve (whose radius point bears North 12°05'37" West and the chord of which bears South 83°58'36" West 68.74 feet) 68.86 feet to a like iron rod at a point of tangency;

thence North 89°57'11" West 60.03 feet to a like iron rod at a point of curvature;

thence Northwesterly along the arc of an 825.00-foot radius curve to the right (the chord of which bears North 87°02'31" West 83.80 feet) 83.84 feet to a like iron rod at a point of tangency;

thence North 84°07'51" West 647.11 feet to a like iron rod at a point of curvature;

thence Southwesterly along the arc of a 20.00-foot radius curve to the left (the chord of which bears South 58°09'50" West 24.46 feet) 26.32 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of an 815.00-foot radius curve to the right (the chord of which bears South 23°56'47" West 99.16 feet) 99.22 feet to a like iron rod at a point of reverse curve;

thence Southwesterly along the arc of a 225.00-foot radius curve to the left (the chord of which bears South 12°38'27" West 114.90 feet) 116.19 feet to a like iron rod at a point of compound curve;

thence Southeasterly along the arc of a 200.00-foot radius curve to the left (the chord of which bears South 7°02'26" East 34.08 feet) 34.12 feet to a like iron rod at a point of tangency;

thence South 11°55'43" East 14.74 feet to the northeast corner of that tract of land conveyed to the City of McMinnville by that instrument recorded in Instrument No. 201812980, Yamhill County Deed Records;

thence South 89°22'04" West 56.01 feet along the north line of said City of McMinnville tract to the west line of the aforementioned property described as "Parcel 2: Tract 1";
thence North 0°18'08" East 887.80 feet along said west line;
thence leaving said west line, South 89°41'52" East 57.02 feet;
thence North 37°59'42" East 286.76 feet;
thence South 89°17'50" East 175.48 feet;
thence South 0°42'10" West 181.23 feet;
thence South 89°17'52" East 94.65 feet;
thence North 88°57'30" East 350.00 feet;
thence North 84°32'05" East 60.31 feet;
thence South 11°17'26" East 382.81 feet;
thence South 0°02'49" West 364.45 feet to the TRUE POINT OF BEGINNING, containing 17.032 acres of land, more or less.

EXHIBIT "D"

Legal Description For:
Adjusted Property "B"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 2" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 1096.16 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 730.86 feet along the east line of said property to the northwest corner of that property described as "Parcel 5" in said Instrument No. 201600557;

thence South 84°07'51" East 777.30 feet along the north line of said property to the northeast corner thereof;

thence South 0°08'00" East 619.84 feet along the east line of said property to the southeast corner thereof, said point being on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 1173.44 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 492.53 feet;

thence North 11°17'26" West 382.81 feet;

thence South 84°32'05" West 60.31 feet;

thence South 88°57'30" West 350.00 feet;

thence North 89°17'52" West 94.65 feet;

thence North 0°42'10" East 181.23 feet;

thence North 89°17'50" West 175.48 feet;

thence South 37°59'42" West 286.76 feet;

thence North 89°41'52" West 57.02 feet to the west line of the aforementioned property described as "Parcel 2: Tract 1";

thence North 0°18'08" East 248.53 feet along said west line to the northwest corner of said property;

thence South 89°17'50" East 1417.97 feet along the north line of said Section 18 to the Point of Beginning, containing 27.869 acres of land, more or less.

EXHIBIT "E"

Legal Description For:
Transferred Property

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 2" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 1096.16 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 1350.70 feet along the east line of said property and along the east line of that property described as "Parcel 2: Tract 1" in said Instrument No. 201600557 to a point on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 396.14 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 492.53 feet;

thence North 11°17'26" West 382.81 feet;

thence South 84°32'05" West 60.31 feet;

thence South 88°57'30" West 350.00 feet;

thence North 89°17'52" West 94.65 feet;

thence North 0°42'10" East 181.23 feet;

thence North 89°17'50" West 175.48 feet;

thence South 37°59'42" West 286.76 feet;

thence North 89°41'52" West 57.02 feet to the west line of the aforementioned property described as "Parcel 2: Tract 1";

thence North 0°18'08" East 248.53 feet along said west line to the northwest corner of said property;

thence South 89°17'50" East 1417.97 feet along the north line of said Section 18 to the Point of Beginning, containing 16.869 acres of land, more or less.

After recording, return to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070

Send tax statements to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070
Consideration = $0

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201904870

00557707201900048700080084

$116.00

04/22/2019 02:23:57 PM

DMR-DDMR Cnt=1 Stn=2 MILLSA
$40.00 $5.00 $11.00 $60.00

Property Line Adjustment Deed #3 (2 of 2)

Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantor, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property A, and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantee, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property B, more particularly described on Exhibit B, which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (Deed) is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 5.726 acres and will hereafter consist of only the land described on Exhibit C, which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 5.726 acres and will hereafter consist of the land more particularly described on Exhibit D, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured properties as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Yamhill County, Oregon, described on Exhibit E, which is attached hereto and by this reference incorporated herein.

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336, AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS

INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true and actual consideration for this transfer, stated in terms of dollars is N/A; however, the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This Property Line Adjustment Deed is executed this 22ND day of APRIL, 2019.

GRANTOR

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

GRANTEE

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

State of OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on April 22, 2019, by Gordon C. Root as Manager of Baker Creek Development, LLC, an Oregon limited liability company.

Before me:

OFFICIAL STAMP
EFROSINIA SCHERBAKOV
NOTARY PUBLIC – OREGON
COMMISSION NO. 970997A
MY COMMISSION EXPIRES JANUARY 28, 2022

Efrosinia Scherbakov
Notary Public for Oregon
My Commission Expires: January 28, 2022

EXHIBIT "A"

Legal Description For:
Original Property "A"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 788.00 feet along the east line of said property to southeast corner thereof;
thence North 84°07'51" West 634.42 feet along the south line of said property to the southwest corner thereof;
thence North 0°08'00" West 126.25 feet along the west line of said property;
thence North 84°07'51" West 436.50 feet;
thence North 0°02'49" East 6.68 feet;
thence North 11°17'26" West 382.81 feet;
thence South 84°32'05" West 60.31 feet;
thence South 88°57'30" West 350.00 feet;
thence North 89°17'52" West 94.65 feet;
thence North 0°42'10" East 181.23 feet;
thence North 89°17'50" West 175.48 feet;
thence South 37°59'42" West 286.76 feet;
thence North 89°41'52" West 57.02 feet to the west line of that property described as "Parcel 2: Tract 1" in said Instrument No. 201600557;
thence North 0°18'08" East 248.53 feet along said west line to the northwest corner of said property;
thence South 89°17'50" East 2048.98 feet along the north line of said Section 18 to the Point of Beginning, containing 20.669 acres of land, more or less.

EXHIBIT "B"

Legal Description For:
Original Property "B"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 5" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being South 00°08'00" East 691.80 feet and South 89°52'00" West 323.00 feet and South 00°08'00" East 104.35 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 619.84 feet along the east line of said property to the southeast corner thereof, said point being on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 1173.44 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 485.85 feet;

thence South 84°07'51" East 436.50 feet to a point on the west line of that property described as "Parcel 3: Tract 1" in the aforementioned Instrument No. 201600557;

thence South 0°08'00" East 126.25 feet along said west line to the northwest corner of the aforementioned property described as "Parcel 5";

thence South 84°07'51" East 777.30 feet along the north line of said property to the Point of Beginning, containing 18.200 acres of land, more or less.

EXHIBIT "C"

Legal Description For:
Adjusted Property "A"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; thence North 89°17'50" West 197.45 feet along the north line of said Section 18 to the TRUE POINT OF BEGINNING of this description; and running thence:
South 46°43'08" West 161.02 feet;
South 0°08'00" East 590.49 feet;
South 70°12'33" West 131.27 feet to a point on the south line of said property;
thence North 84°07'51" West 100.09 feet along said south line;
thence North 16°47'09" West 98.13 feet;
thence North 42°56'41" West 53.15 feet;
thence North 84°07'51" West 465.30 feet;
thence North 0°02'49" East 6.68 feet;
thence North 11°17'26" West 382.81 feet;
thence South 84°32'05" West 60.31 feet;
thence South 88°57'30" West 350.00 feet;
thence North 89°17'52" West 94.65 feet;
thence North 0°42'10" East 181.23 feet;
thence North 89°17'50" West 175.48 feet;
thence South 37°59'42" West 286.76 feet;
thence North 89°41'52" West 57.02 feet to the west line of that property described as "Parcel 2: Tract 1" in said Instrument No. 201600557;
thence North 0°18'08" East 248.53 feet along said west line to the northwest corner of said property;
thence South 89°17'50" East 1851.53 feet along the north line of said Section 18 to the Point of Beginning, containing 14.943 acres of land, more or less.

EXHIBIT "D"

Legal Description For:
Adjusted Property "B"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 788.00 feet along the east line of said property to southeast corner thereof, said point being on the north line of that property described as "Parcel 5" in said Instrument No. 201600557;

thence South 84°07'51" East 142.88 feet along said north line to the northeast corner of said "Parcel 5";

thence South 0°08'00" East 619.84 feet along the east line of said property to the southeast corner thereof, said point being on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 1173.44 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 485.85 feet;

thence South 84°07'51" East 465.30 feet;

thence South 42°56'41" East 53.15 feet;

thence South 16°47'09" East 98.13 feet to a point on the south line of the aforementioned property described as "Parcel 3: Tract 1";

thence South 84°07'51" East 100.09 feet along said south line;

thence North 70°12'33" East 131.27 feet;

thence North 0°08'00" West 590.49 feet;

thence North 46°43'08" East 161.02 feet to a point on the north line of said Section 18;

thence South 89°17'50" East 197.45 feet along said north line to the Point of Beginning, containing 23.926 acres of land, more or less.

EXHIBIT "E"

Legal Description For:
Transferred Property

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; and running thence:
South 0°08'00" East 788.00 feet along the east line of said property to southeast corner thereof, said point being on the north line of that property described as "Parcel 5" in said Instrument No. 201600557;
thence North 84°07'51" West 440.94 feet along said north line;
thence North 70°12'33" East 131.27 feet;
thence North 0°08'00" West 590.49 feet;
thence North 46°43'08" East 161.02 feet to a point on the north line of said Section 18;
thence South 89°17'50" East 197.45 feet along said north line to the Point of Beginning, containing 5.524 acres of land, more or less.

ALSO the following described property:

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; thence South 0°08'00" East 788.00 feet along the east line of said property to southeast corner thereof; thence North 84°07'51" West 777.30 feet along the south line of said property to the southwest corner thereof and the TRUE POINT OF BEGINNING of this description; and running thence:
North 0°08'00" West 126.25 feet along the west line of said property;
thence South 84°07'51" East 28.80 feet;
thence South 42°56'41" East 53.15 feet;
thence South 16°47'09" East 98.13 feet to a point on the south line of said property;
thence North 84°07'51" West 93.39 feet along said south line to the TRUE POINT OF BEGINNING, containing 8820 square feet of land, more or less.

After recording, return to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070

Send tax statements to:
Baker Creek Development LLC
8840 SW Holly Lane
Wilsonville, OR 97070
Consideration = $0

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201904874

00557711201900048740100102

$126.00

04/22/2019 02:24:43 PM

DMR-DDMR Cnt=1 Stn=2 MILLSA
$50.00 $5.00 $11.00 $60.00

Property Line Adjustment Deed #4 (2 of 2)

Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantor, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property A, and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. Baker Creek Development, LLC, an Oregon limited liability company, hereinafter called Grantee, 8840 SW Holly Lane, Wilsonville, OR 97070, is the owner of real property located in Yamhill County, Oregon, referred to herein as Property B, more particularly described on Exhibit B, which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (Deed) is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 5.725 acres and will hereafter consist of only the land described on Exhibit C, which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 5.725 acres and will hereafter consist of the land more particularly described on Exhibit D, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured properties as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Yamhill County, Oregon, described on Exhibit E, which is attached hereto and by this reference incorporated herein.

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336, AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS

INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true and actual consideration for this transfer, stated in terms of dollars is N/A; however, the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This Property Line Adjustment Deed is executed this 22ND day of APRIL, 2019.

GRANTOR

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

GRANTEE

Baker Creek Development, LLC, an Oregon limited liability company

By: _____
Gordon C. Root, Manager

State of OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on April 22, 2019, by Gordon C. Root as Manager of Baker Creek Development, LLC, an Oregon limited liability company.

Before me:

OFFICIAL STAMP
EFROSINIA SCHERBAKOV
NOTARY PUBLIC – OREGON
COMMISSION NO. 970997A
MY COMMISSION EXPIRES JANUARY 28, 2022

Efrosinia Scherbakov
Notary Public for Oregon
My Commission Expires: January 28, 2022

EXHIBIT "A"

Legal Description For:
Original Property "A"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 788.00 feet along the east line of said property to the southeast corner thereof, said point being on the north line of that property described as "Parcel 5" in said Instrument No. 201600557;

thence South 84°07'51" East 85.32 feet along said north line to the beginning of a 175.00-foot radius non-tangent curve concave to the Northwest;

thence Northeasterly along the arc of said curve (whose radius point bears North 55°56'47" West and the chord of which bears North 16°57'36" East 102.88 feet) 104.42 feet to a point on the Westerly extension of the north line of that property described in that instrument recorded in Volume 186, Page 137, Yamhill County Deed Records;

thence North 89°52'00" East 27.00 feet along said Westerly extension to the northwest corner of said property;

thence South 0°08'00" East 724.19 feet along the west line of said property to the southwest corner thereof, said point being on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 1173.44 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 485.85 feet;

thence South 84°07'51" East 465.30 feet;

thence South 42°56'41" East 53.15 feet;

thence South 16°47'09" East 98.13 feet to a point on the south line of the aforementioned property described as "Parcel 3: Tract 1";
thence South 84°07'51" East 100.09 feet along said south line;
thence North 70°12'33" East 131.27 feet;
thence North 0°08'00" West 590.49 feet;
thence North 46°43'08" East 161.02 feet to a point on the north line of said Section 18;
thence South 89°17'50" East 197.45 feet along said north line to the Point of Beginning, containing 24.013 acres of land, more or less.

EXHIBIT "B"

Legal Description For:
Original Property "B"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a brass cap at the Northeast corner of the T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; and running thence:

South 0°08'00" East 691.80 feet along the East line of said Section 18 to the Northeast corner of that tract of land described in Volume 186, Page 137, Deed Records;

thence South 89°52'00" West 350.00 feet along the North line of said tract and its Westerly extension thereof to the beginning of a175.00-foot radius non-tangent curve concave to the Northwest;

thence Southwesterly along the arc of said curve (whose radius point bears South 89°52'00" West and the chord of which bears South 16°57'36" West 102.88 feet) 104.42 feet to a point on the south line of that property described as "Parcel 4" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records;

thence North 84°07'51" West 85.32 feet along said south line to the southwest corner of said property;

thence North 0°08'00" West 788.00 feet along the west line of said property to the northwest corner thereof;

thence South 89°17'50" East 465.15 feet along the north line of said Section 18 to the Point of Beginning, containing 7.652 acres of land, more or less.

EXHIBIT "C"

Legal Description For:
Adjusted Property "A"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; thence South 0°08'00" East 788.00 feet along the east line of said property to the southeast corner thereof, said point being on the north line of that property described as "Parcel 5" in said Instrument No. 201600557; thence South 84°07'51" East 85.32 feet along said north line to the beginning of a 175.00-foot radius non-tangent curve concave to the Northwest and the TRUE POINT OF BEGINNING of this description; and running thence:

Northeasterly along the arc of said curve (whose radius point bears North 55°56'47" West and the chord of which bears North 16°57'36" East 102.88 feet) 104.42 feet to a point on the Westerly extension of the north line of that property described in that instrument recorded in Volume 186, Page 137, Yamhill County Deed Records;

thence North 89°52'00" East 27.00 feet along said Westerly extension to the northwest corner of said property;

thence South 0°08'00" East 724.19 feet along the west line of said property to the southwest corner thereof, said point being on the north right of way line of N.W. Baker Creek Road at a perpendicular distance of 30.00 feet from the centerline of said road;

thence North 84°07'51" West 1173.44 feet along said right of way to the southeast corner of that property described in that Warranty Deed recorded in Instrument No. 201900618, Yamhill County Deed Records;

thence North 0°02'49" East 264.33 feet along the east line of said property to the northeast corner thereof;

thence North 89°57'11" West 42.50 feet along the north line of said property to a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence North 0°02'49" East 485.85 feet;

thence South 84°07'51" East 465.30 feet;

thence South 42°56'41" East 53.15 feet;

thence South 16°47'09" East 98.13 feet to a point on the south line of the aforementioned property described as "Parcel 3: Tract 1";

thence South 84°07'51" East 100.09 feet along said south line;

thence North 70°12'33" East 131.27 feet;

thence South 67°54'10" East 95.70 feet to the beginning of a 425.00-foot radius non-tangent curve concave to the Southeast;

thence Southwesterly along the arc of said curve (whose radius point bears South 67°54'10" East and the chord of which bears South 15°12'45" West 101.89 feet) 102.14 feet;

thence North 84°58'12" East 51.58 feet;

thence North 89°52'00" East 207.29 feet;

thence South 77°30'56" East 51.06 feet to the beginning of a 125.00-foot radius non-tangent curve concave to the Southeast;

thence Northeasterly along the arc of said curve (whose radius point bears South 63°37'44" East and the chord of which bears North 33°32'00" East 31.17 feet) 31.25 feet to a point of reverse curve;

thence Northeasterly along the arc of a 175.00-foot radius curve to the left (the chord of which bears North 37°22'28" East 20.28 feet) 20.29 feet to the TRUE POINT OF BEGINNING, containing 18.288 acres of land, more or less.

EXHIBIT "D"

Legal Description For:
Adjusted Property "B"

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a brass cap at the Northeast corner of the T.J. Shadden Donation Land Claim, said Donation Land Claim corner is also the Northeast corner of Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; and running thence:
South 0°08'00" East 691.80 feet along the East line of said Section 18 to the Northeast corner of that tract of land described in Volume 186, Page 137, Deed Records;
thence South 89°52'00" West 350.00 feet along the North line of said tract and its Westerly extension thereof to the beginning of a175.00-foot radius non-tangent curve concave to the Northwest;
thence Southwesterly along the arc of said curve (whose radius point bears South 89°52'00" West and the chord of which bears South 20°16'52" West 122.08 feet) 124.70 feet to a point of reverse curve;
thence Southwesterly along the arc of a 125.00-foot radius curve to the left (the chord of which bears South 33°32'00" West 31.17 feet) 31.25 feet;
thence North 77°30'56" West 51.06 feet;
thence South 89°52'00" West 207.29 feet;
thence South 84°58'12" West 51.58 feet to the beginning of a 425.00-foot radius non-tangent curve concave to the Southeast;
thence Northeasterly along the arc of said curve (whose radius point bears South 81°40'20" East and the chord of which bears North 15°12'45" East 101.89 feet) 102.14 feet;
thence North 67°54'10" West 95.70 feet;
thence North 0°08'00" West 590.49 feet;
thence North 46°43'08" East 161.02 feet to a point on the north line of said Section 18;
thence South 89°17'50" East 662.60 feet along said north line to the Point of Beginning, containing 13.377 acres of land, more or less.

EXHIBIT "E"

Legal Description For:
Transferred Property

A tract of land situated in the Northeast one-quarter of Section 18, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at the northeast corner of that property described as "Parcel 3: Tract 1" in that instrument recorded in Instrument No. 201600557, Yamhill County Deed Records, said point recorded as being North 89°17'50" West 465.15 feet from the northeast corner of said Section 18; and running thence:

South 0°08'00" East 788.00 feet along the east line of said property to the southeast corner thereof, said point being on the north line of that property described as "Parcel 5" in said Instrument No. 201600557;

thence South 84°07'51" East 85.32 feet along said north line to the beginning of a 175.00-foot radius non-tangent curve concave to the Northwest;

thence Southwesterly along the arc of said curve (whose radius point bears North 55°56'47" West and the chord of which bears South 37°22'28" West 20.28 feet) 20.29 feet to a point of reverse curve;

thence Southwesterly along the arc of a 125.00-foot radius curve to the left (the chord of which bears South 33°32'00" West 31.17 feet) 31.25 feet;

thence North 77°30'56" West 51.06 feet;

thence South 89°52'00" West 207.29 feet;

thence South 84°58'12" West 51.58 feet to the beginning of a 425.00-foot radius non-tangent curve concave to the Southeast;

thence Northeasterly along the arc of said curve (whose radius point bears South 81°40'20" East and the chord of which bears North 15°12'45" East 101.89 feet) 102.14 feet;

thence North 67°54'10" West 95.70 feet;

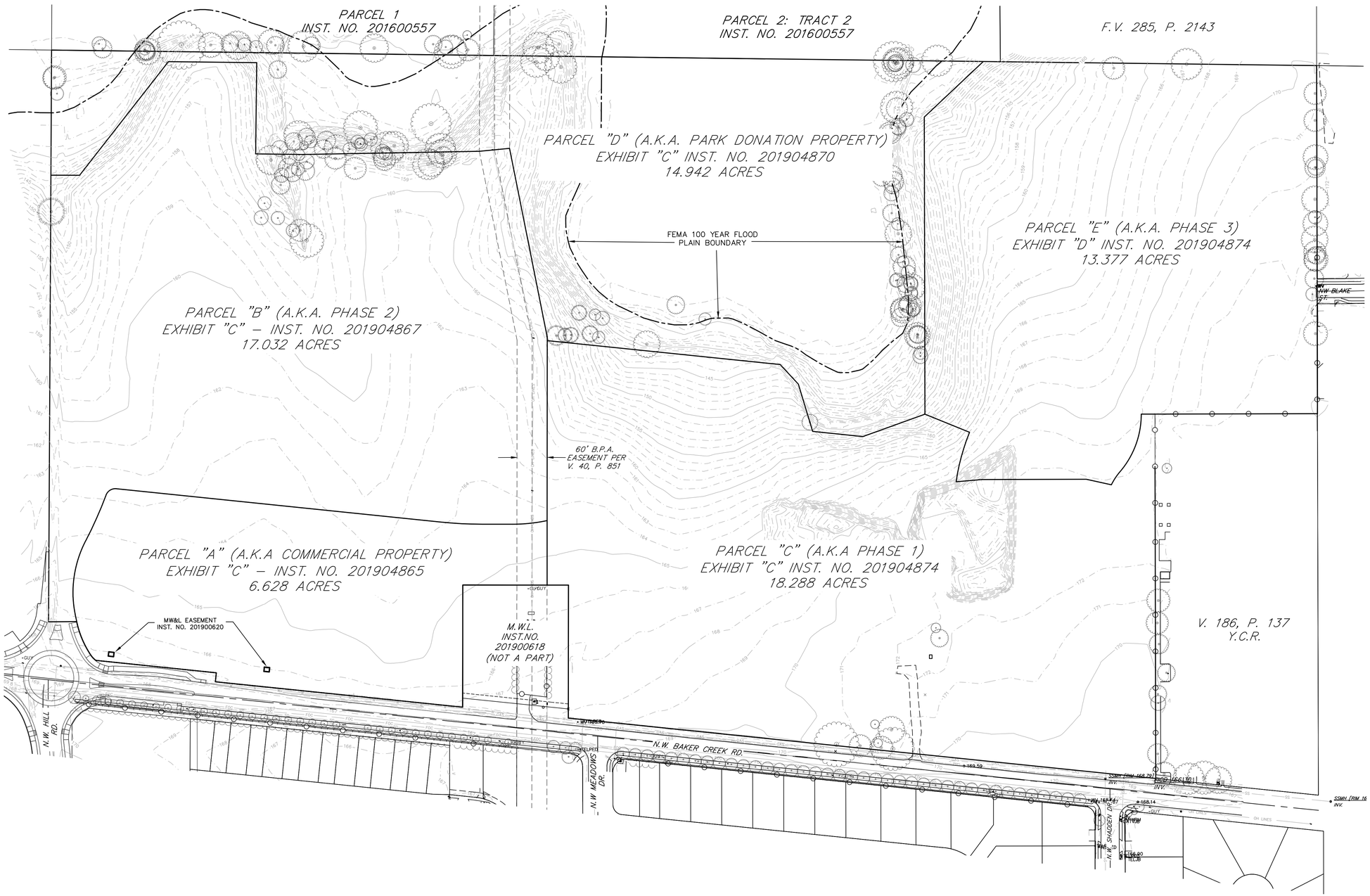
thence North 0°08'00" West 590.49 feet;

thence North 46°43'08" East 161.02 feet to a point on the north line of said Section 18;

thence South 89°17'50" East 197.45 feet along said north line to the Point of Beginning, containing 5.725 acres of land, more or less.

LAND USE APPLICATION - EXISTING CONDITIONS
BAKER CREEK NORTH

LOCATED IN THE NE 1/4 SECTION 18, TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.,
CITY OF McMINNVILLE, YAMHILL COUNTY, OREGON



Owner

Baker Creek Developement LLC
8840 S.W. Holly Ln.
Wilsonville, Oregon 97070

Surveyor:

Gregory L. Wilson
Barker Surveying
3657 Kashmir Way SE
Salem, OR 97317

Site Address:

McMinnville, Oregon 97128

SCALE: 1" = 100'

[EXH-1]

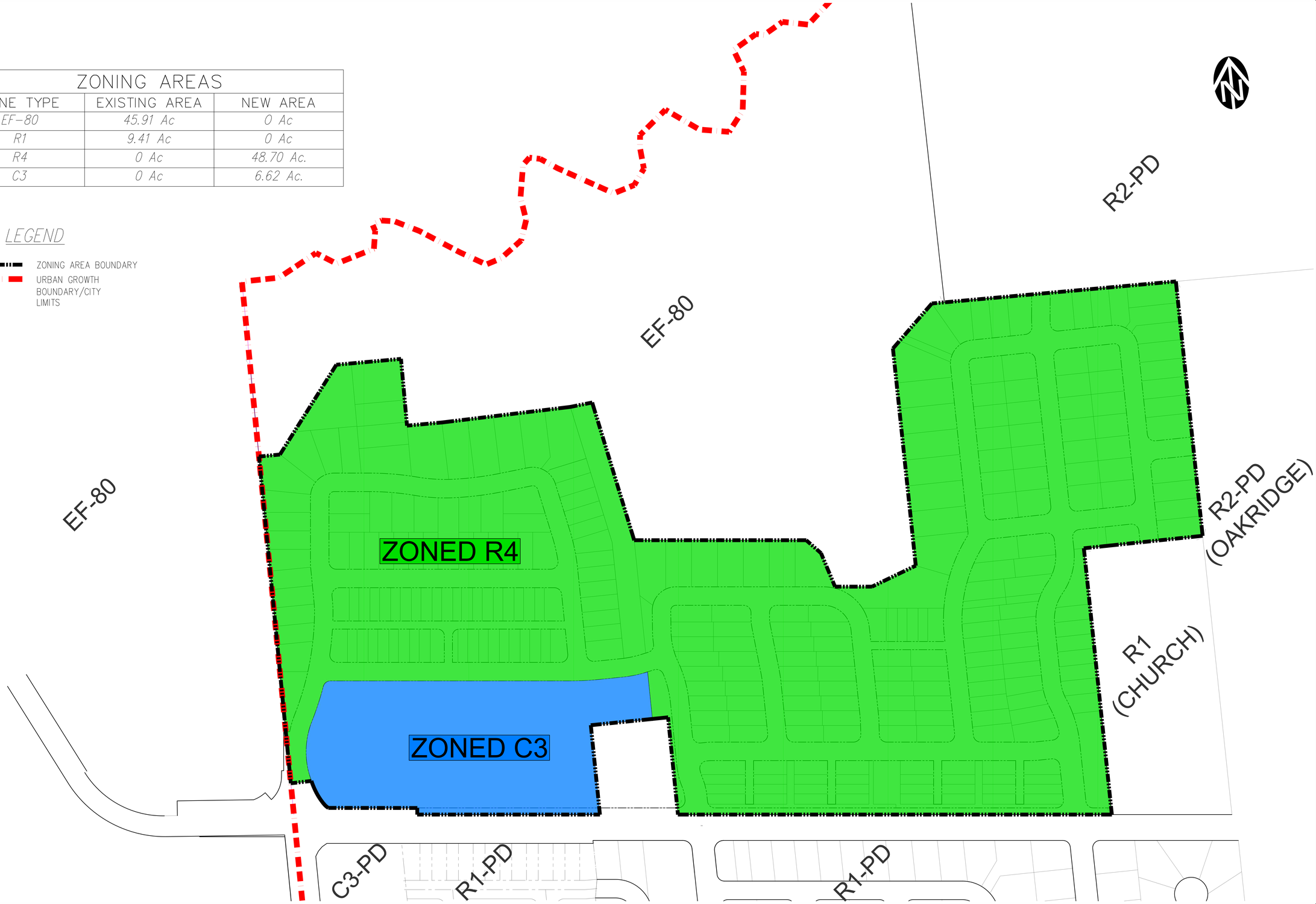
BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM

ZONING AREAS		
ZONE TYPE	EXISTING AREA	NEW AREA
EF-80	45.91 Ac	0 Ac
R1	9.41 Ac	0 Ac
R4	0 Ac	48.70 Ac.
C3	0 Ac	6.62 Ac.

LEGEND

ZONING AREA BOUNDARY

URBAN GROWTH BOUNDARY/CITY LIMITS



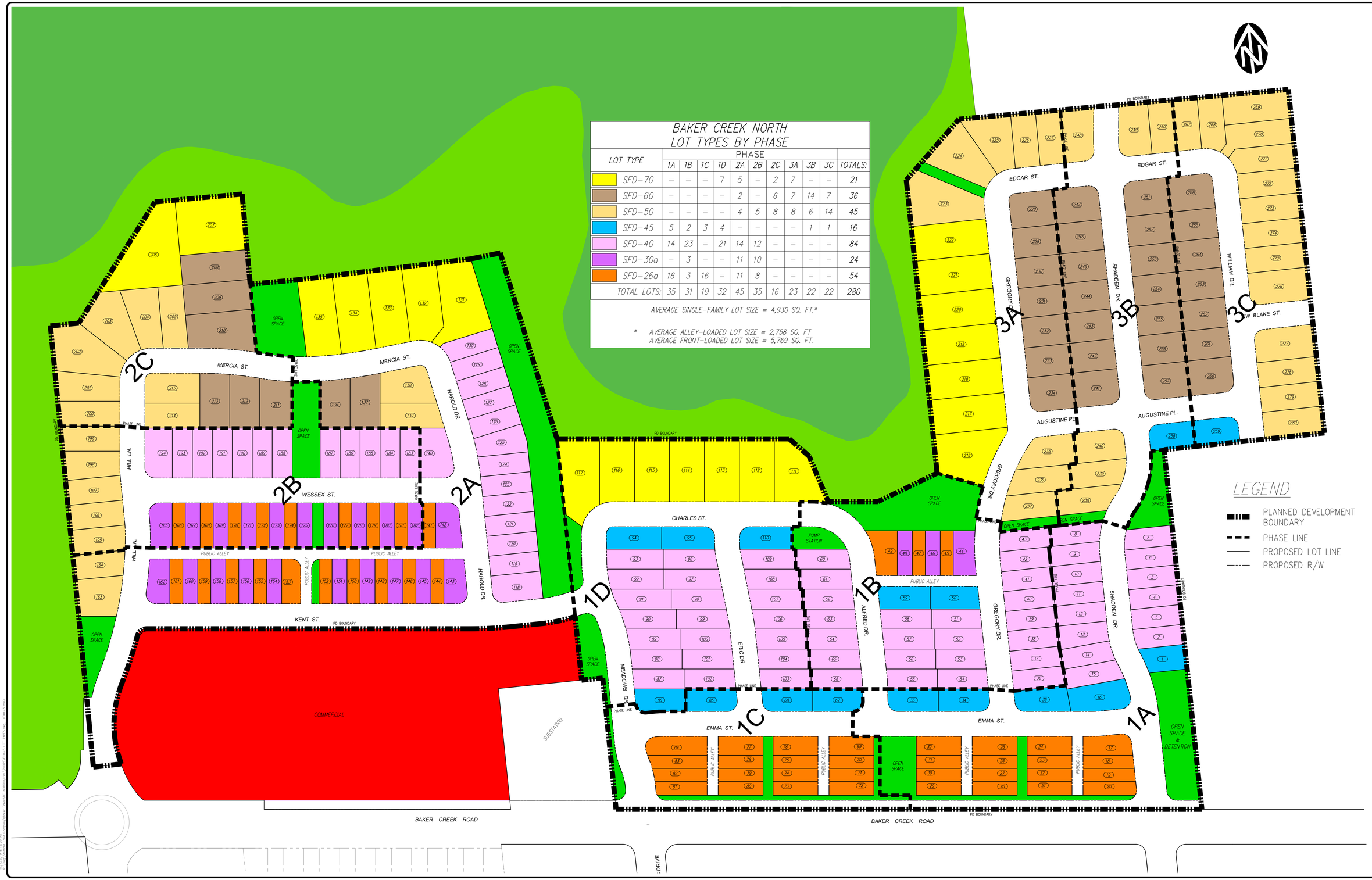
STAFFORD DEVELOPMENT COMPANY

BAKER CREEK NORTH SUBDIVISION

PROPOSED ZONING PLAN

DRAWING EXH-2

JOB NUMBER 2940.3000.0



BAKER CREEK NORTH
LOT TYPES BY PHASE

LOT TYPE	PHASE 1A	1B	1C	1D	2A	2B	2C	3A	3B	3C	TOTALS:
SFD–70	–	–	–	7	5	–	2	7	–	–	21
SFD–60	–	–	–	–	2	–	6	7	14	7	36
SFD–50	–	–	–	–	4	5	8	8	6	14	45
SFD–45	5	2	3	4	–	–	–	–	1	1	16
SFD–40	14	23	–	21	14	12	–	–	–	–	84
SFD–30a	–	3	–	–	11	10	–	–	–	–	24
SFD–26a	16	3	16	–	11	8	–	–	–	–	54
TOTAL LOTS:	35	31	19	32	45	35	16	23	22	22	280

AVERAGE SINGLE–FAMILY LOT SIZE = 4,930 SQ. FT.*

* AVERAGE ALLEY–LOADED LOT SIZE = 2,758 SQ. FT.
AVERAGE FRONT–LOADED LOT SIZE = 5,769 SQ. FT.

NO.	DATE	DESCRIPTION REVISIONS	BY

SCALE: VERT. N/A; HORZ. 1" = 100'
BASIS OF BEARING: GRID NORTH, OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE
DSN. JW
DRN. RS
CKD. JW
DATE: 11–2019

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585–2474 Fax: (503) 585–3986
E-mail: admin@westech-eng.com

STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

LOT TYPE PLAN

DRAWING
EXH–3

JOB NUMBER
2940.3000.0

LEGEND

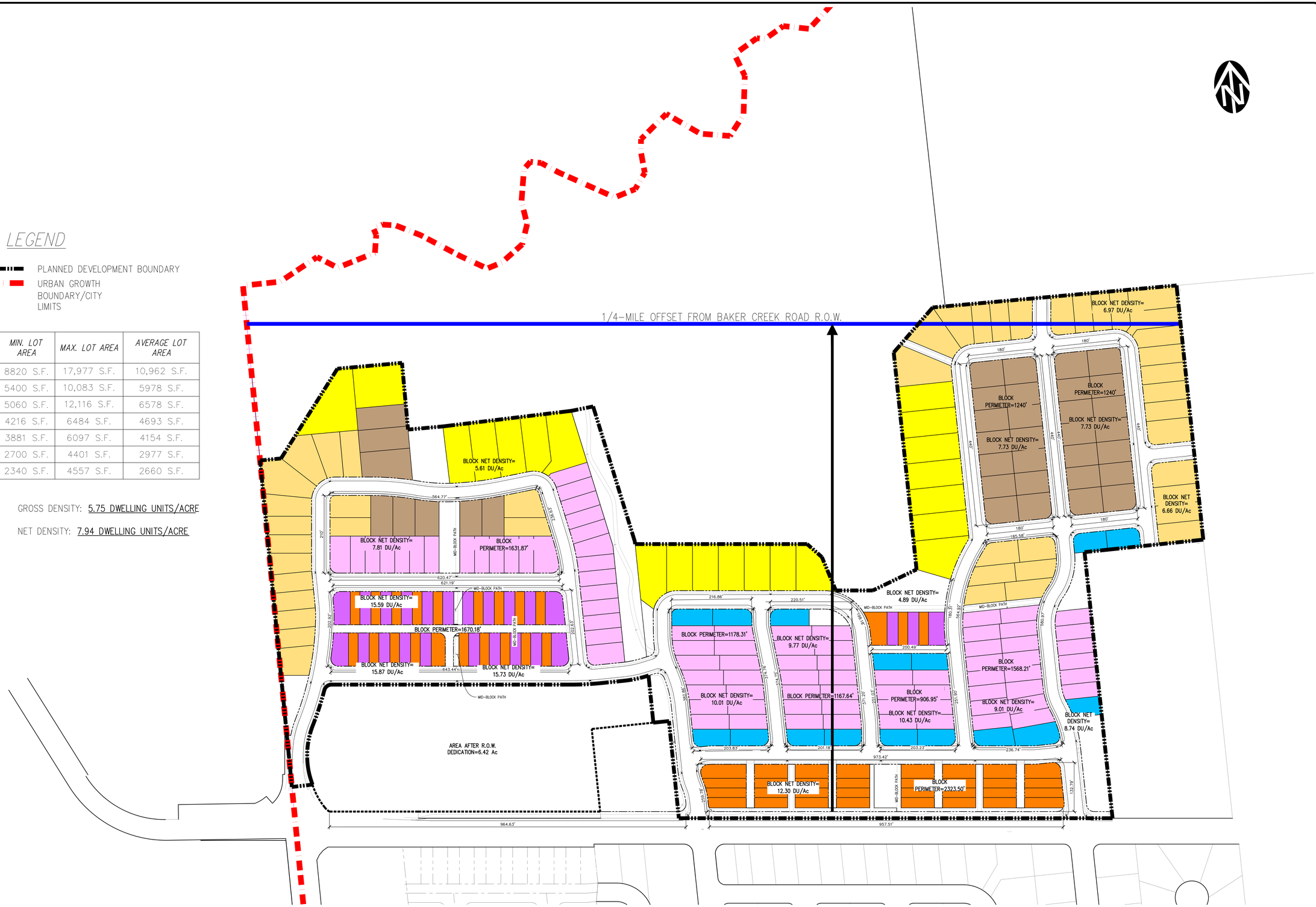
PLANNED DEVELOPMENT BOUNDARY

URBAN GROWTH BOUNDARY/CITY LIMITS

LOT TYPE	MIN. LOT AREA	MAX. LOT AREA	AVERAGE LOT AREA
SFD-70	8820 S.F.	17,977 S.F.	10,962 S.F.
SFD-60	5400 S.F.	10,083 S.F.	5978 S.F.
SFD-50	5060 S.F.	12,116 S.F.	6578 S.F.
SFD-45	4216 S.F.	6484 S.F.	4693 S.F.
SFD-40	3881 S.F.	6097 S.F.	4154 S.F.
SFD-30a	2700 S.F.	4401 S.F.	2977 S.F.
SFD-26a	2340 S.F.	4557 S.F.	2660 S.F.

GROSS DENSITY: 5.75 DWELLING UNITS/ACRE

NET DENSITY: 7.94 DWELLING UNITS/ACRE



NO.	DATE	DESCRIPTION
		REVISIONS

SCALE: VERTICAL: NONE; HORIZ.: 1" = 60' (ARCH D); 1" = 30' (ARCH E); 1" = 20' (ARCH E1); 1" = 15' (ARCH E2); 1" = 10' (ARCH E3); 1" = 5' (ARCH E4); 1" = 2' (ARCH E5); 1" = 1' (ARCH E6)

DSN. JW
DRN. RS
CK. JW
DATE 11-2019

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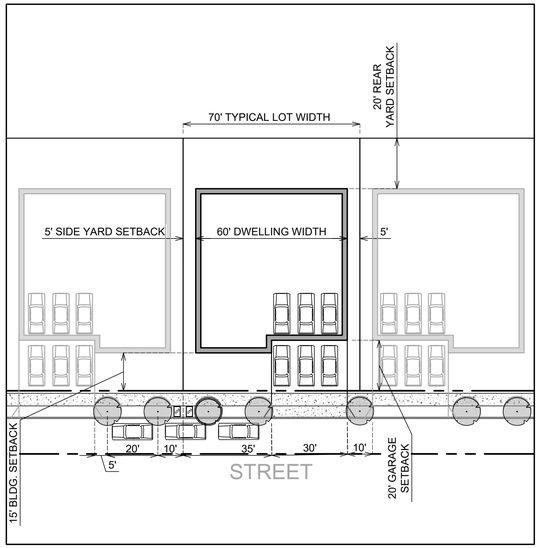
STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

DENSITY PLAN

DRAWING
EXH-4

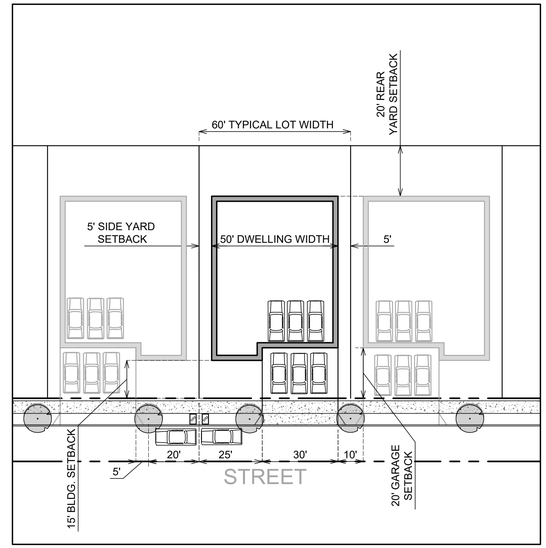
JOB NUMBER
2940.3000.0



SFD-70

N.T.S.

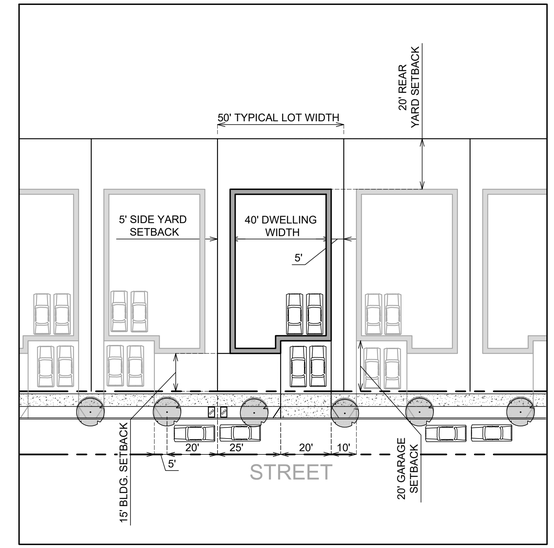
- SIMILAR TO STANDARD R-1 ZONE LOT SIZE
- 9,000+ S.F. LOT AREA
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 60'-WIDE DWELLING UNIT
- 4-6 OFF-STREET PARKING SPACES



SFD-60

N.T.S.

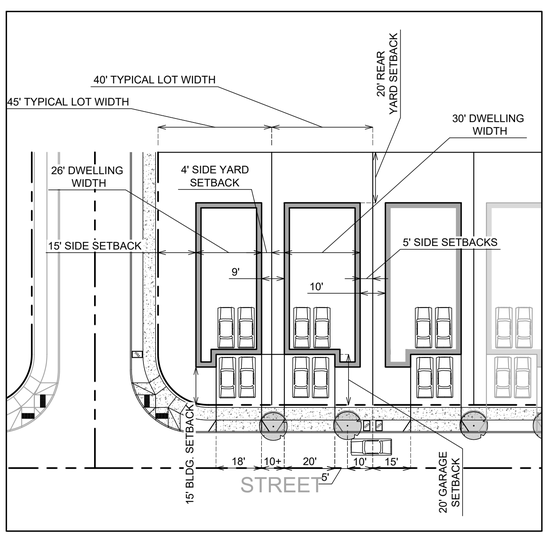
- SIMILAR TO STANDARD R-4 ZONE LOT SIZE
- 5,000+ S.F. LOT AREA
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 50'-WIDE DWELLING UNIT
- 4 - 6 OFF-STREET PARKING SPACES



SFD-50

N.T.S.

- SIMILAR TO STANDARD R-4 ZONE LOT SIZE
- 5,000+ S.F. LOT AREA
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 40'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES



SFD-45 & SFD-40

N.T.S.

SFD-45

- PLANNED DEVELOPMENT R-4 ZONE LOT
- 4,000 S.F. LOT AREA TYPICAL
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 4' SIDE-YARD SETBACKS
- 26'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES

SFD-40

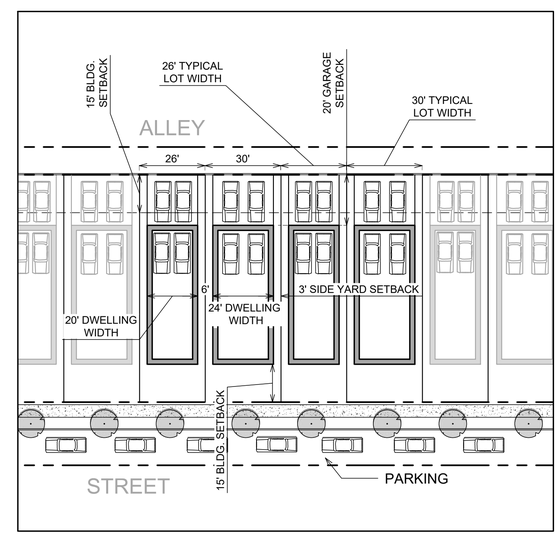
- SIMILAR TO STANDARD R-4 ZONE LOT
- 4,000 S.F. LOT AREA TYPICAL
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 30'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES

SFDA-30

- *INTERSPERSED WITH SFD-26*
- SIMILAR TO AN ATTACHED LOT IN THE R-4 ZONE
- 2,700 S.F. LOT AREA TYPICAL
- 20' GARAGE SETBACKS
- 15' BUILDING SETBACK
- 3' SIDE-YARD SETBACKS
- 24'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES

SFDA-26

- SIMILAR TO AN ATTACHED LOT IN THE R-4 ZONE
- 20' GARAGE SETBACKS
- 2,340 SF LOT AREA TYPICAL
- 15' BUILDING SETBACK
- 3' SIDE-YARD SETBACKS
- 20'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES



SFDA-30 & SFDA-26

N.T.S.

NO.	DATE	DESCRIPTION	BY
1		REVISIONS	

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DSN.
DRN.
CKD.
DATE: 11-2019

REGISTERED PROFESSIONAL ENGINEER
WILLIAM T. WELLS
NOV. 12, 2008
REVIEW
RENEWS: 6/30/2020

WESTECH ENGINEERING, INC.
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STAFFORD LAND COMPANY
BAKER CREEK NORTH SUBDIVISION

TYPICAL LOTS

DRAWING
EXH-5

JOB NUMBER
2940.3000.0

11/7/2019 10:04:03 AM
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785

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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DSN. JW
DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

PHASING PLAN

DRAWING
EXH-6

JOB NUMBER
2940.3000.0

11/7/2019 10:22:56 AM
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11/7/2019 10:24:13 AM
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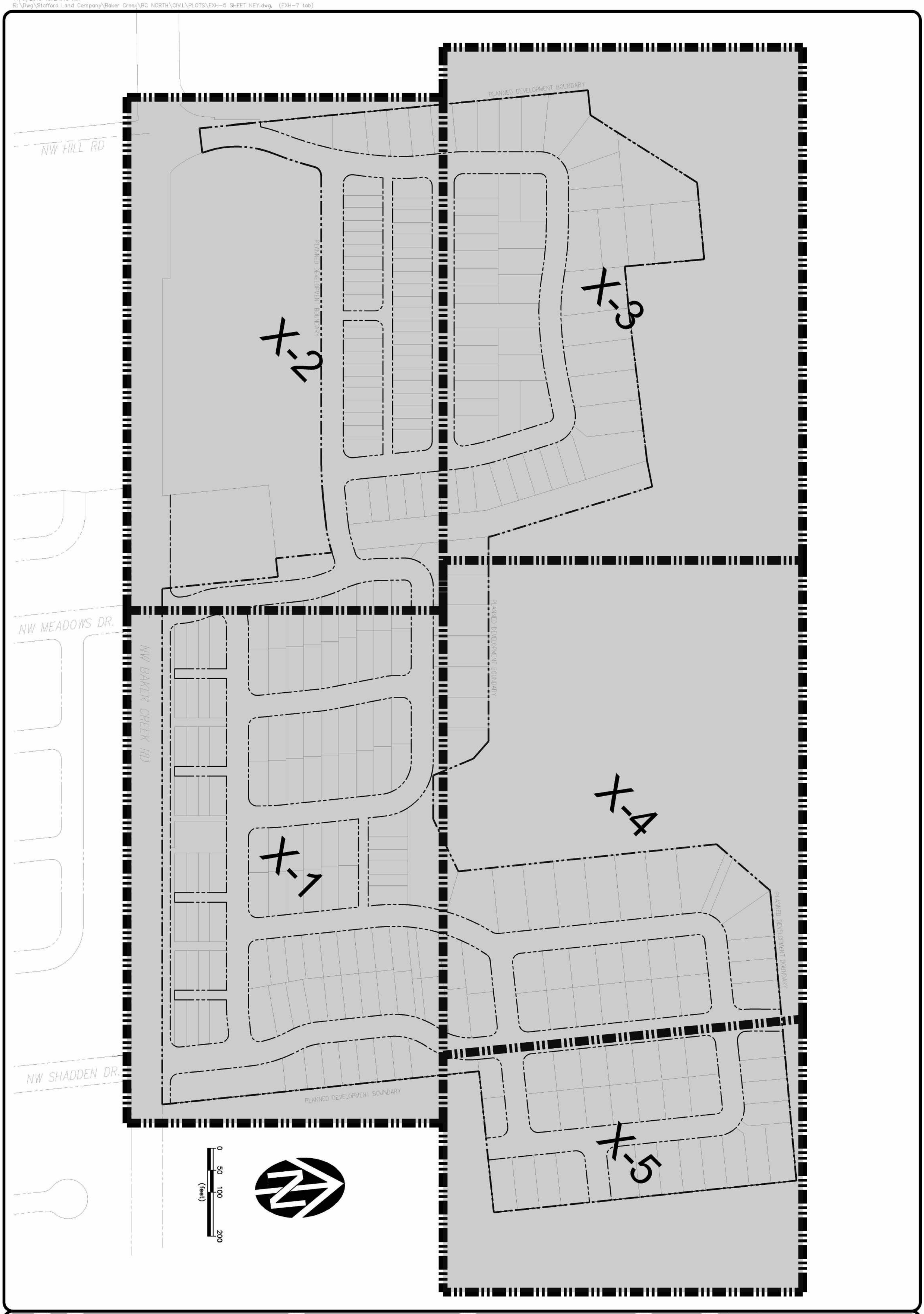

STAFFORD DEVELOPMENT COMPANY

BAKER CREEK NORTH SUBDIVISION

SHEET KEY

DRAWING EXH-7

JOB NUMBER 2940.3000.0

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REVIEW REVIEW

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DRN. RS
CKD. JW
DATE: 11/2019

NO.	DATE	DESCRIPTION	BY
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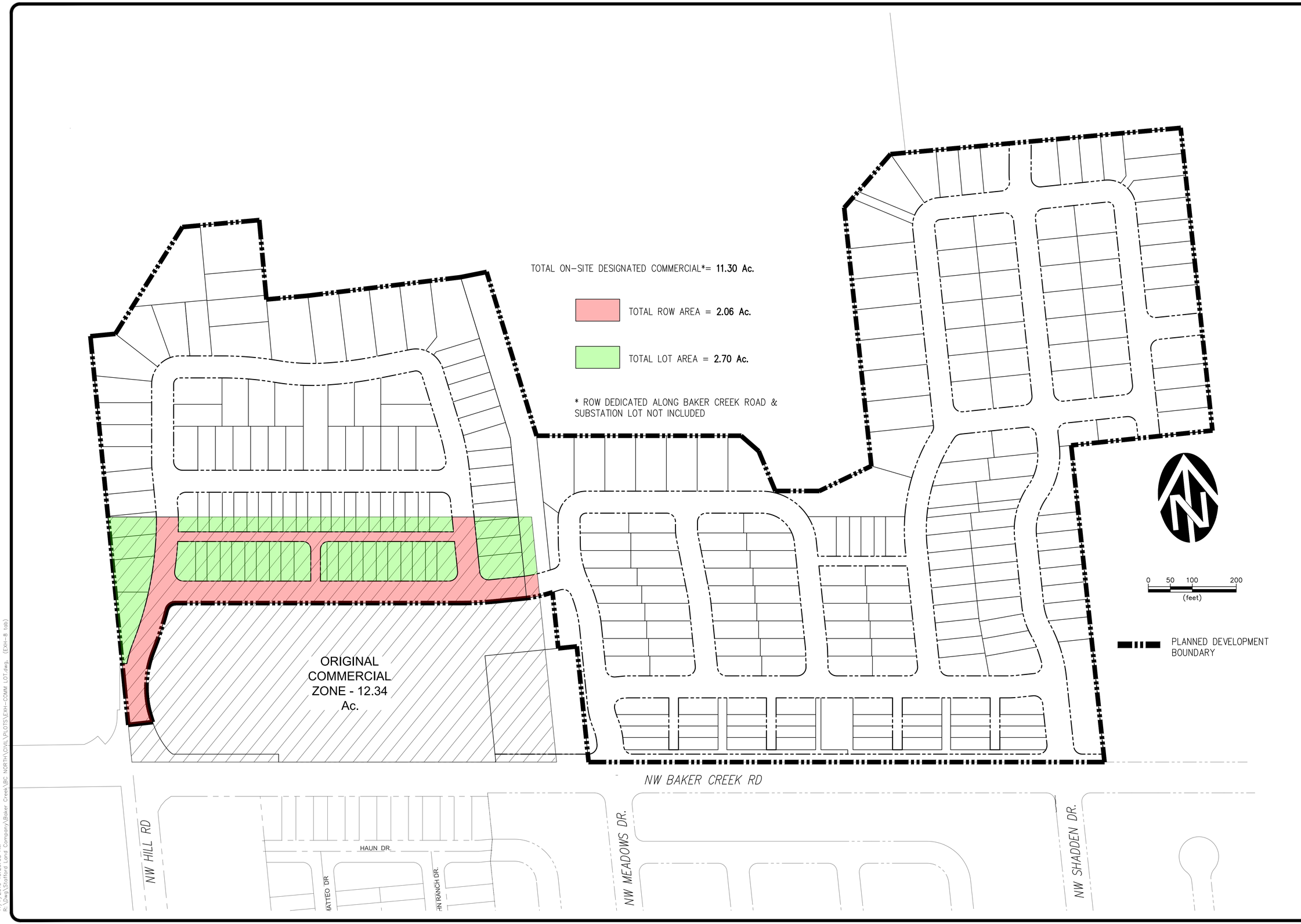
REVISIONS



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NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

COMMERCIAL LOT ADJUSTMENT

DRAWING
EXH-8

JOB NUMBER
2940.3000.0

11/7/2019 10:26:08 AM
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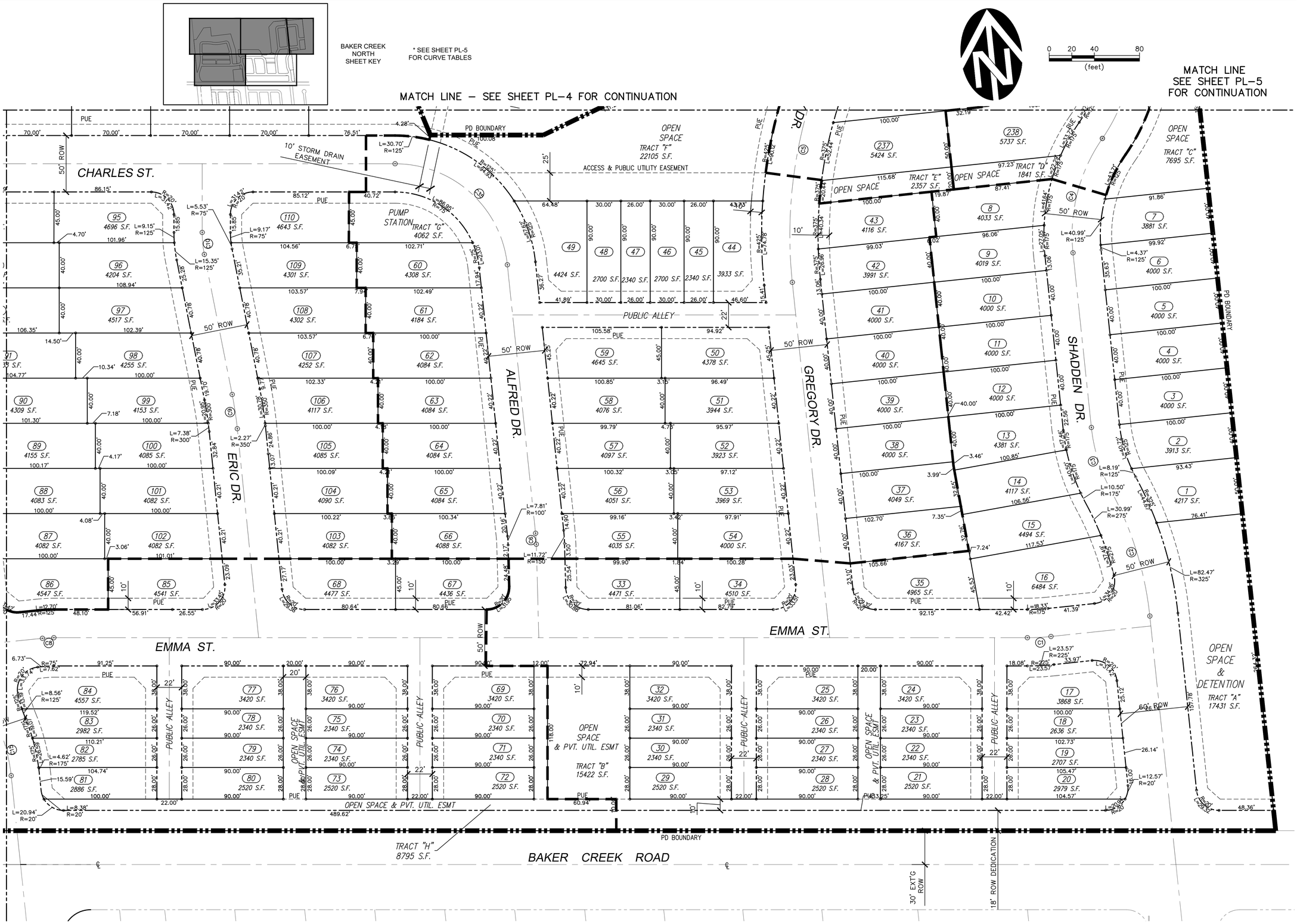

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DRN. RS
CKD. JW
DATE: 11-2019

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E-mail: westech@westech-eng.com

STAFFORD DEVELOPMENT COMPANY

BAKER CREEK NORTH SUBDIVISION

PRELIMINARY PLAT

DRAWING
PL-1

JOB NUMBER
2940.3000.0

11/5/2019 4:00:47 PM
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MATCH LINE – SEE SHEET PL–3 FOR CONTINUATION

MATCH LINE SEE SHEET PL–4 FOR CONTINUATION

WESSEX ST.

HILL LN.

HAROLD DR.

KENT ST.

MEADOWS DR.

PUBLIC ALLEY

PHASE LINE

50' ROW

OPEN SPACE

TRACT "O" 7110 S.F.

TRACT "P" 1274 S.F.

TRACT "O" 2125 S.F.

TRACT "K" 3622 S.F.

TRACT "J" 7036 S.F.

TRACT "I" 2702 S.F.

SUBSTATION

PD BOUNDARY

FUTURE PUE

PUE

BAKER CREEK NORTH SHEET KEY

COMMERCIAL

0 20 40 80 (feet)

30' EXT'G ROW

18' FUTURE ROW DEDICATION

FUTURE 10' PUE

FUTURE ROW

EXT'G ROW

BAKER CREEK ROAD

BAKER CREEK RD.

R.O.W.

MATCH LINE – SEE SHEET PL–1 FOR CONTINUATION

NO.	DATE	DESCRIPTION	BY
1		REVISIONS	

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DRN. RS
CKD. JW
DATE: 11–2019

REVIEW REVIEW

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E-mail: westech@westech-eng.com

STAFFORD DEVELOPMENT COMPANY

BAKER CREEK NORTH SUBDIVISION

PRELIMINARY PLAT

DRAWING
PL–2

JOB NUMBER
2940.3000.0

11/5/2019 4:00:55 PM
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790

VERIFY SCALE
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NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

DSN. JW
DRN. RS
CKD. JW
DATE: 11–2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

PRELIMINARY PLAT

DRAWING
PL–3

JOB NUMBER
2940.3000.0

11/5/2019 4:01:05 PM
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NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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DRN. RS
CKD. JW
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STAFFORD DEVELOPMENT COMPANY

BAKER CREEK NORTH SUBDIVISION

PRELIMINARY PLAT

DRAWING
PL-4

JOB NUMBER
2940.3000.0

11/5/2019 4:01:15 PM
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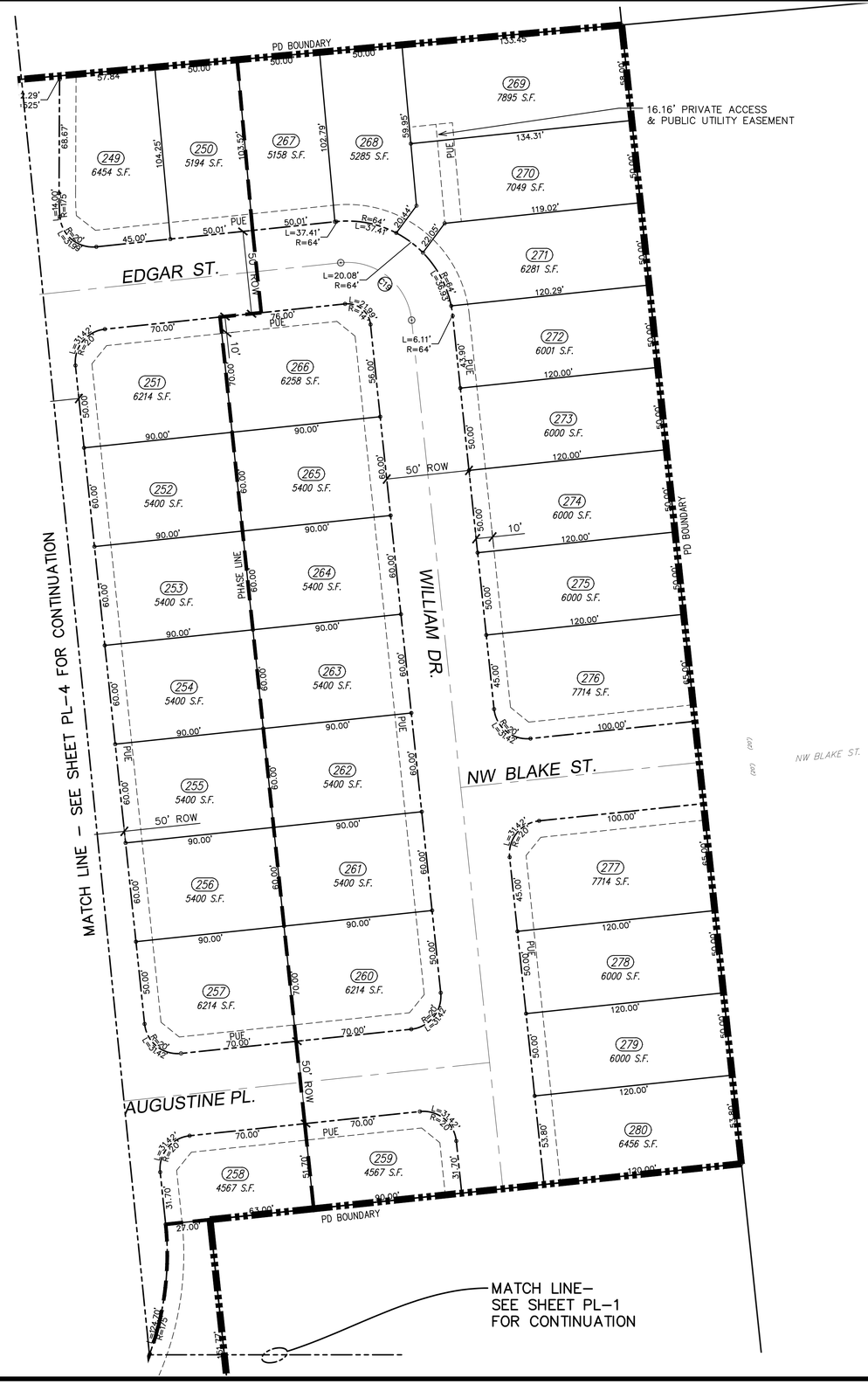
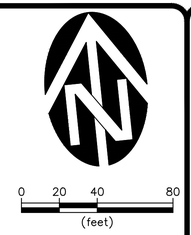
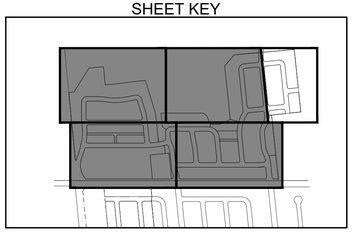




BAKER CREEK NORTH
SHEET KEY



Curve Table			
Curve #	Length	Radius	Delta
C1	20.95'	200.0'	006°00'09"
C2	117.37'	300.0'	022°24'55"
C3	58.68'	150.0'	022°24'55"
C4	106.89'	150.0'	040°49'44"
C5	263.33'	400.0'	037°43'12"
C6	9.76'	125.0'	004°28'30"
C8	10.16'	100.0'	005°49'21"
C9	30.69'	325.0'	005°24'38"
C10	19.60'	100.0'	011°13'58"
C12	95.98'	225.0'	024°26'31"
C13	101.40'	300.0'	019°21'56"
C14	58.55'	150.0'	022°21'56"
C15	58.08'	150.0'	022°11'07"
C16	29.63'	45.0'	037°43'12"
C17	106.89'	150.0'	040°49'44"
C18	61.26'	39.0'	090°00'00"
C19	61.26'	39.0'	090°00'00"
C20	60.27'	300.0'	011°30'35"
C21	81.30'	800.0'	005°49'21"
C22	98.94'	500.0'	011°20'15"

Curve Table			
Curve #	Length	Radius	Delta
C23	57.34'	39.0'	084°13'59"
C24	127.67'	875.0'	008°21'36"
C25	125.73'	750.0'	009°36'19"
C26	61.26'	39.0'	090°00'00"
C27	9.71'	100.0'	005°33'50"
C28	31.80'	300.0'	006°04'27"
C29	290.31'	790.0'	021°03'17"
C30	94.74'	250.0'	021°42'48"
C31	21.78'	200.0'	006°14'27"
C32	104.77'	475.0'	012°38'18"
C35	146.60'	100.0'	083°59'51"
C36	61.77'	39.0'	090°44'46"

NO.	DATE	DESCRIPTION	BY
1		REVISIONS	

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0 1"
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DRN. RS
CKD. JW
DATE: 11-2019

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CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

PRELIMINARY PLAT

DRAWING
PL-5

JOB NUMBER
2940.3000.0

11/5/2019 4:01:29 PM
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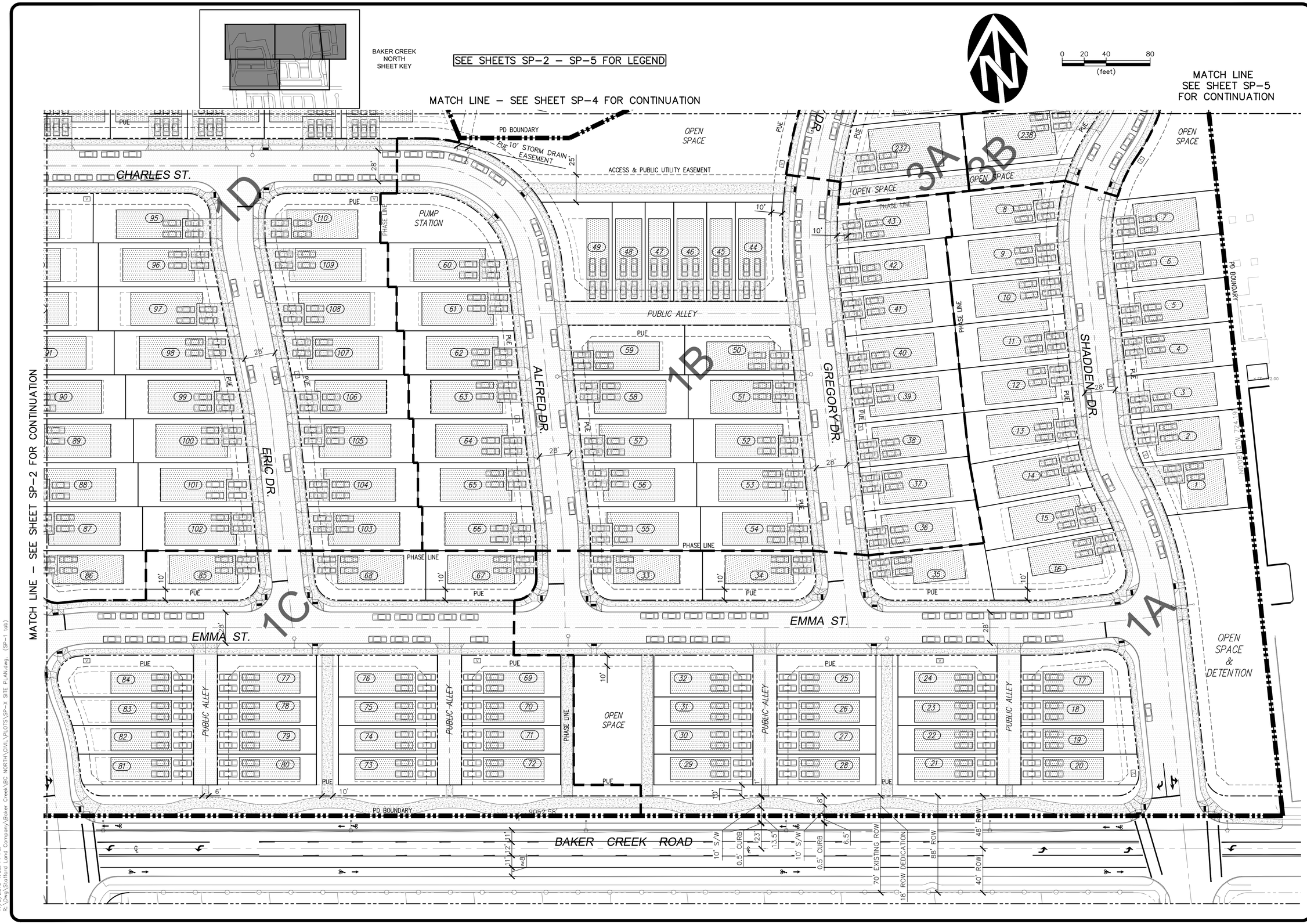

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1		REVISIONS	

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

SITE PLAN

DRAWING
SP-1

JOB NUMBER
2940.3000.0

11/5/2019 4:03:44 PM
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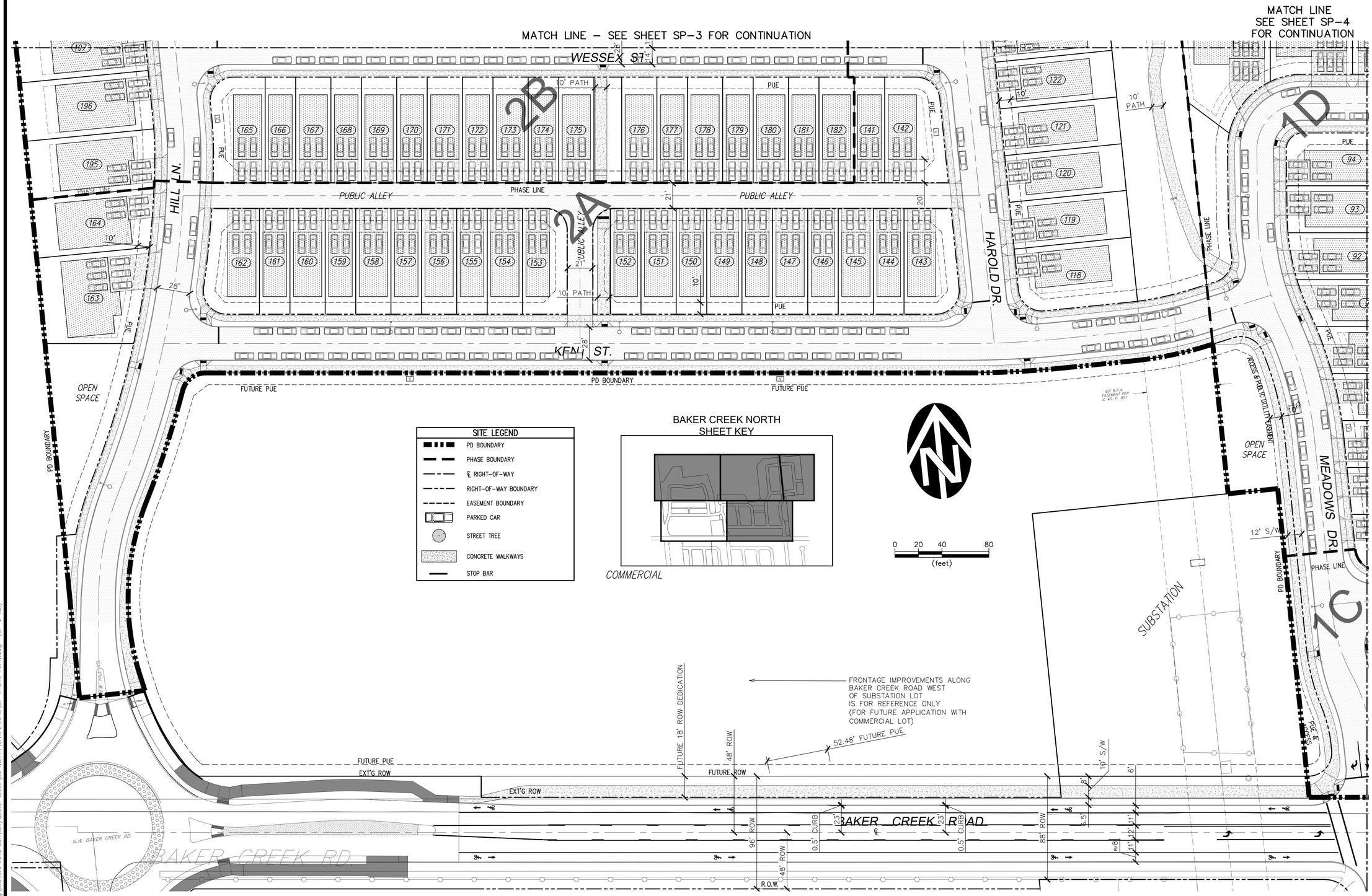

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

SITE PLAN

DRAWING
SP-2

JOB NUMBER
2940.3000.0

11/5/2019 4:03:58 PM
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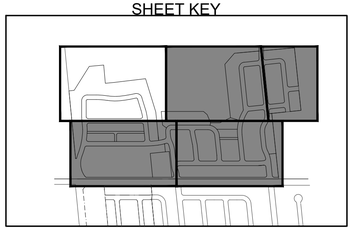
BAKER CREEK NORTH
SHEET KEY



SITE LEGEND

- PD BOUNDARY
- PHASE BOUNDARY
- ℄ RIGHT-OF-WAY
- RIGHT-OF-WAY BOUNDARY
- EASEMENT BOUNDARY
- PARKED CAR
- STREET TREE
- CONCRETE WALKWAYS
- STOP BAR

DWELLING ON LOT 205 SHALL HAVE SPRINKLER SYSTEM INSTALLED

25' PRIVATE ACCESS & PUBLIC UTILITY EASEMENT

10' STORM DRAIN EASEMENT

MERCIA ST.

HILL LN.

HAROLD DR.

10' PATH

OPEN SPACE

PHASE LINE

PD BOUNDARY

15' DVWY

23' DVWY

PUE

2A

2B

2C

0 20 40 80
(feet)

MATCH LINE – SEE SHEET SP-4 FOR CONTINUATION

MATCH LINE – SEE SHEET SP-2 FOR CONTINUATION

NO.	DATE	DESCRIPTION	BY
1			

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BAKER CREEK NORTH SUBDIVISION

SITE PLAN

DRAWING
SP-3

JOB NUMBER
2940.3000.0

11/5/2019 4:04:07 PM
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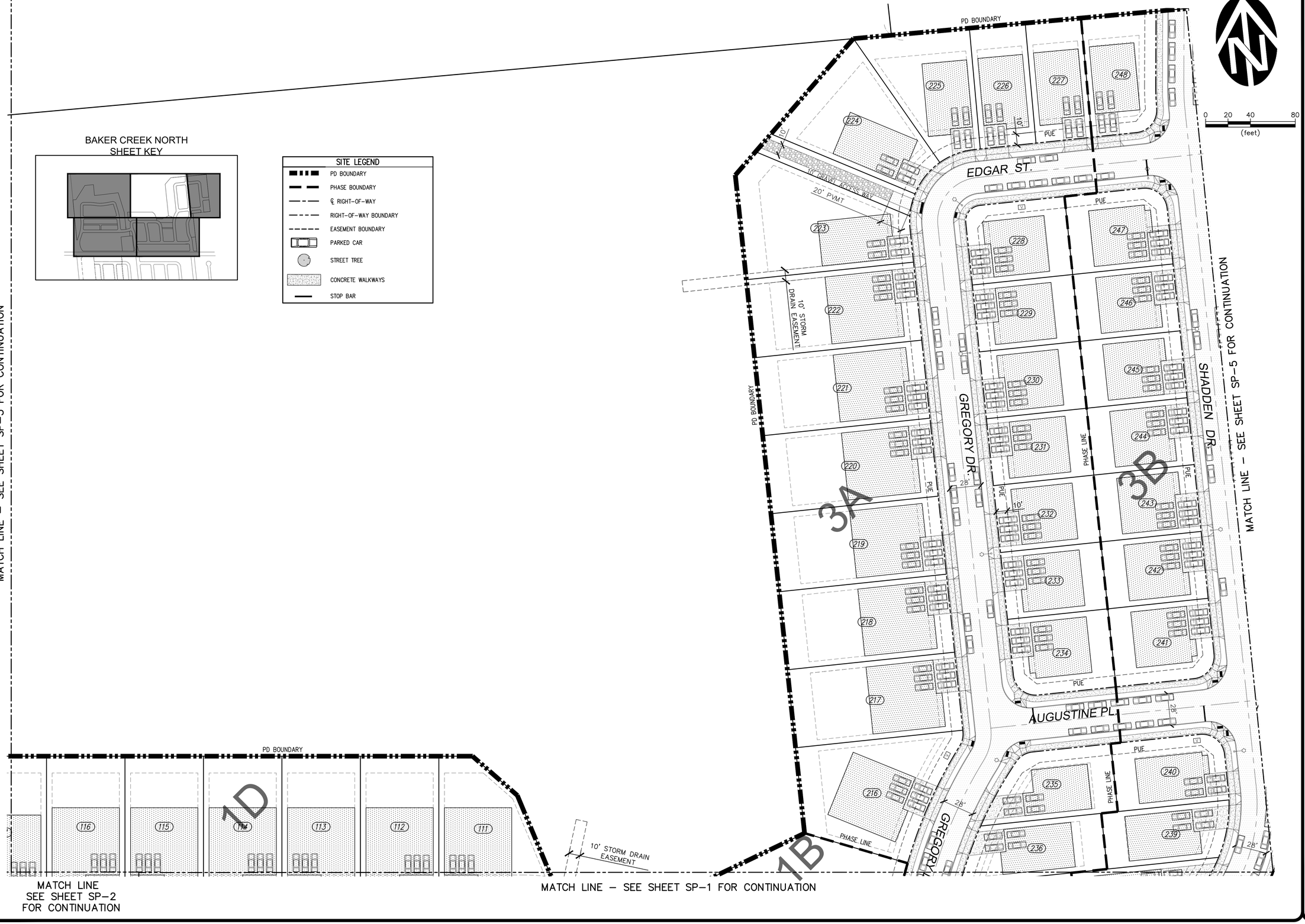
BAKER CREEK NORTH
SHEET KEY

SITE LEGEND

- PD BOUNDARY
- PHASE BOUNDARY
- ℄ RIGHT-OF-WAY
- RIGHT-OF-WAY BOUNDARY
- EASEMENT BOUNDARY
- PARKED CAR
- STREET TREE
- CONCRETE WALKWAYS
- STOP BAR



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BAKER CREEK NORTH SUBDIVISION

SITE PLAN

DRAWING
SP-4

JOB NUMBER
2940.3000.0

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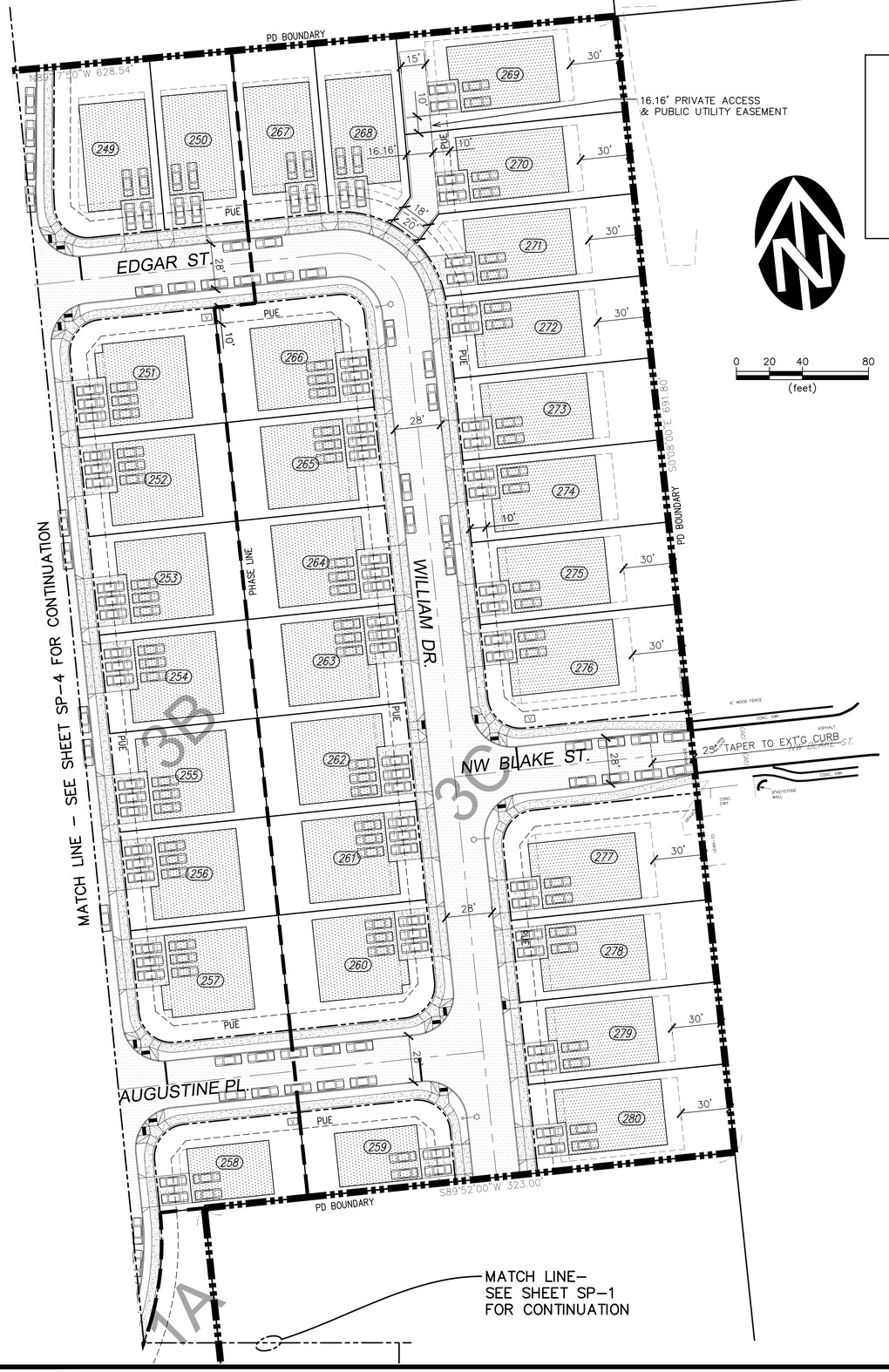
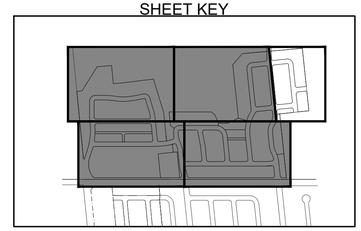
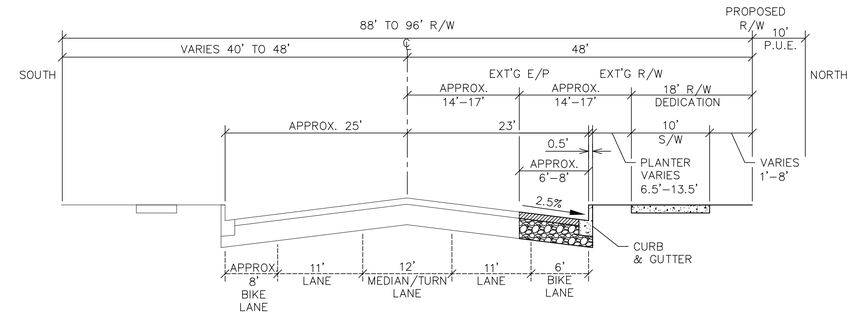
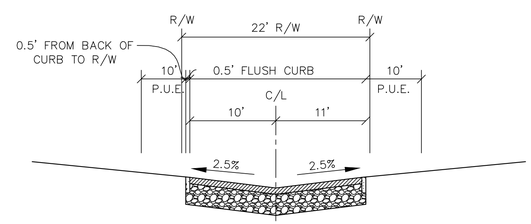


BAKER CREEK NORTH
SHEET KEY

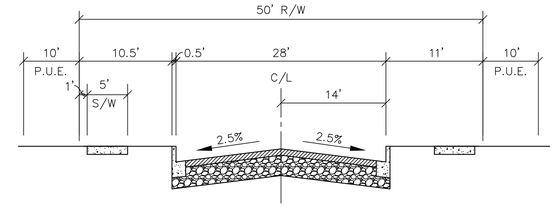




BAKER CREEK ROAD
TYPICAL SECTION



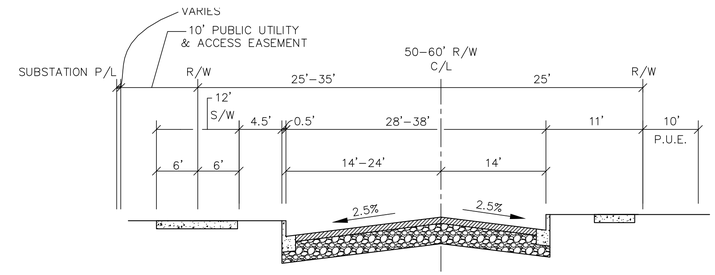
PUBLIC ALLEYS
TYPICAL SECTION
N.T.S.



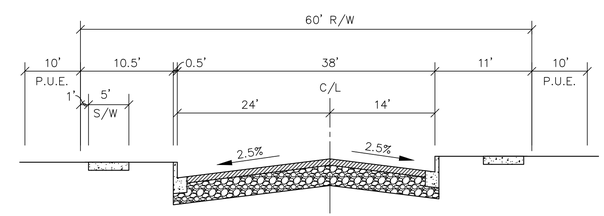
ALFRED DR., AUGUSTINE PL., CHARLES ST., BLAKE ST., EDGAR ST., EMMA ST., ERIC DR., GREGORY DR., HAROLD DR., HILL LN., KENT ST., MEADOWS DR., SHADDEN DR., WESSEX ST., WILLIAM DR.
TYPICAL SECTION
N.T.S.

SITE LEGEND

- PD BOUNDARY
- PHASE BOUNDARY
- ℄ RIGHT-OF-WAY
- RIGHT-OF-WAY BOUNDARY
- EASEMENT BOUNDARY
- PARKED CAR
- STREET TREE
- CONCRETE WALKWAYS
- STOP BAR



MEADOWS DRIVE NW (BETWEEN EMMA ST. & BAKER CREEK ROAD)
TYPICAL SECTION
N.T.S.



SHADDEN DR. NW (BETWEEN EMMA ST. & BAKER CREEK ROAD)
TYPICAL SECTION
N.T.S.

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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DRN. RS
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DATE: 11-2019

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3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

SITE PLAN

DRAWING
SP-5

JOB NUMBER
2940.3000.0

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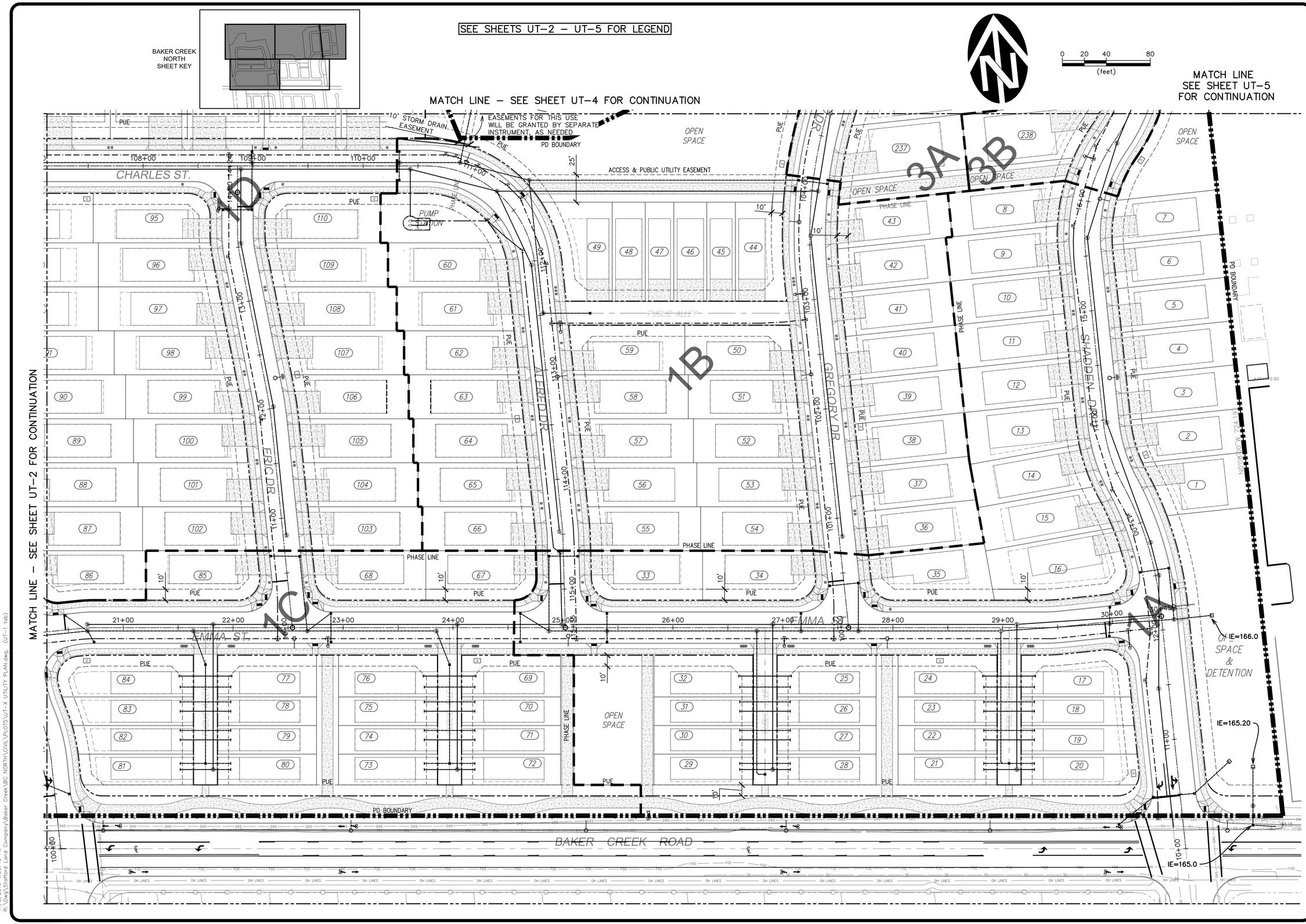

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BAKER CREEK NORTH SUBDIVISION

UTILITY PLAN

DRAWING
UT-1

JOB NUMBER
2940.3000.0

11/8/2019 1:59:43 PM
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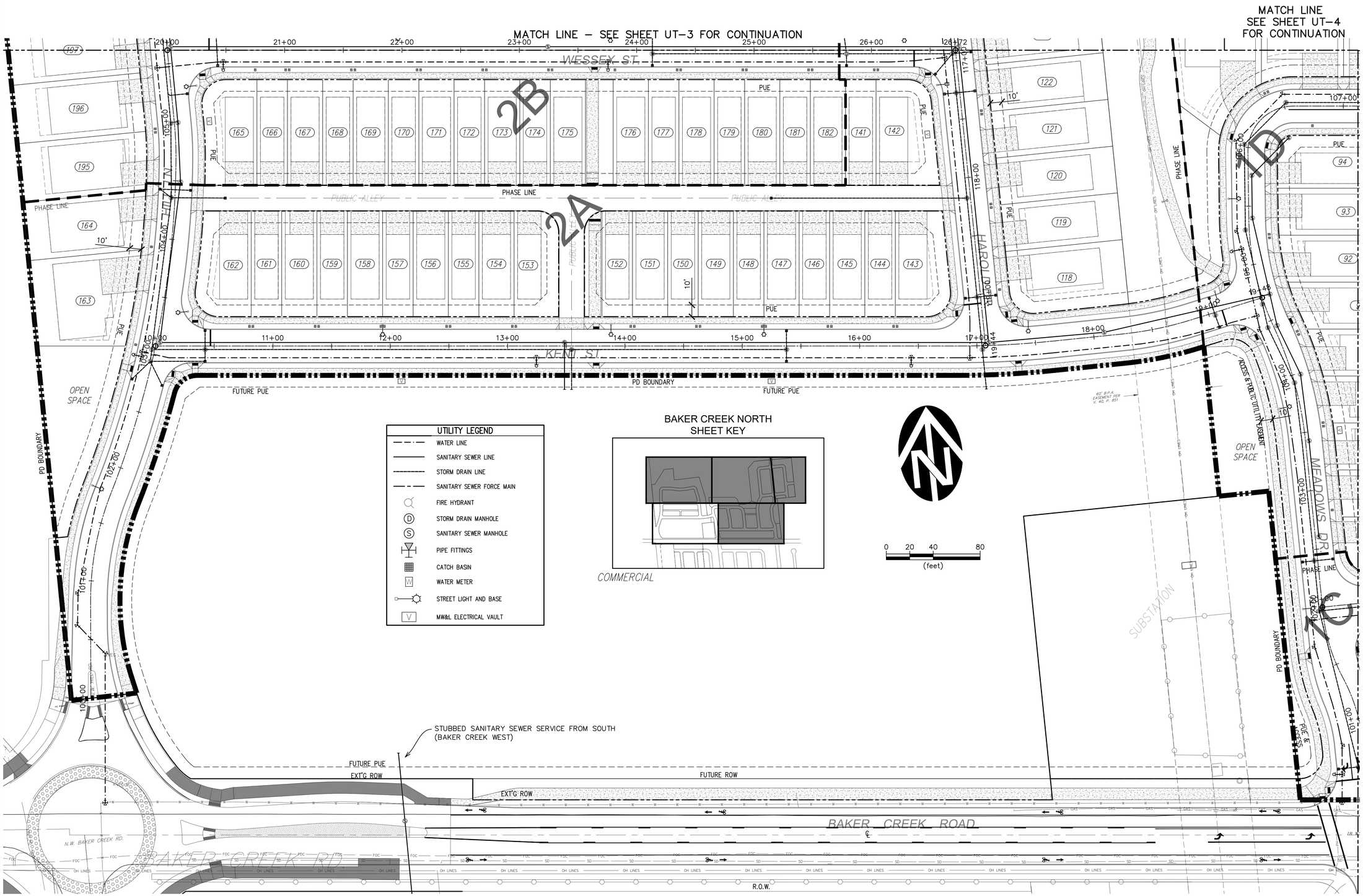

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

UTILITY PLAN

DRAWING
UT-2

JOB NUMBER
2940.3000.0

800

11/8/2019 1:59:54 PM
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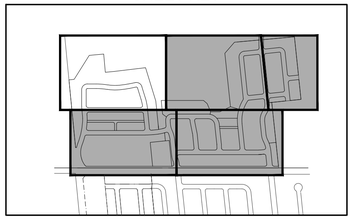
BAKER CREEK NORTH
SHEET KEY



UTILITY LEGEND

- WATER LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- SANITARY SEWER FORCE MAIN
- FIRE HYDRANT
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- PIPE FITTINGS
- CATCH BASIN
- WATER METER
- STREET LIGHT AND BASE
- MW&L ELECTRICAL VAULT

0 20 40 80
(feet)

MATCH LINE – SEE SHEET UT-4 FOR CONTINUATION

MATCH LINE – SEE SHEET UT-2 FOR CONTINUATION

VERIFY SCALE
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0 1"
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NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

UTILITY PLAN

DRAWING
UT-3

JOB NUMBER
2940.3000.0

11/8/2019 2:00:03 PM
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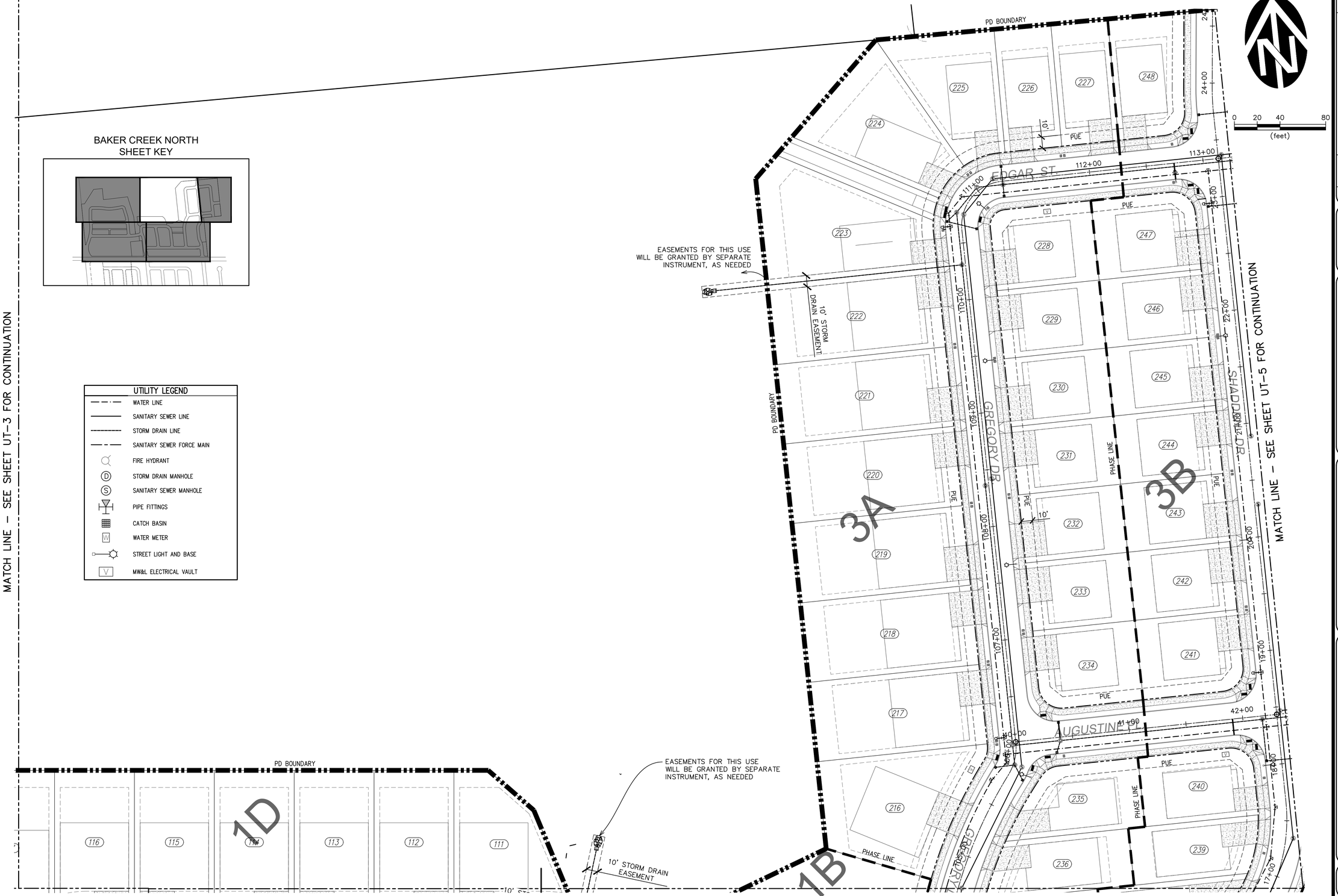
801

BAKER CREEK NORTH
SHEET KEY

MATCH LINE – SEE SHEET UT-3 FOR CONTINUATION

UTILITY LEGEND
WATER LINE
SANITARY SEWER LINE
STORM DRAIN LINE
SANITARY SEWER FORCE MAIN
FIRE HYDRANT
STORM DRAIN MANHOLE
SANITARY SEWER MANHOLE
PIPE FITTINGS
CATCH BASIN
WATER METER
STREET LIGHT AND BASE
MW&L ELECTRICAL VAULT



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BAKER CREEK NORTH SUBDIVISION

UTILITY PLAN

DRAWING
UT-4

JOB NUMBER
2940.3000.0

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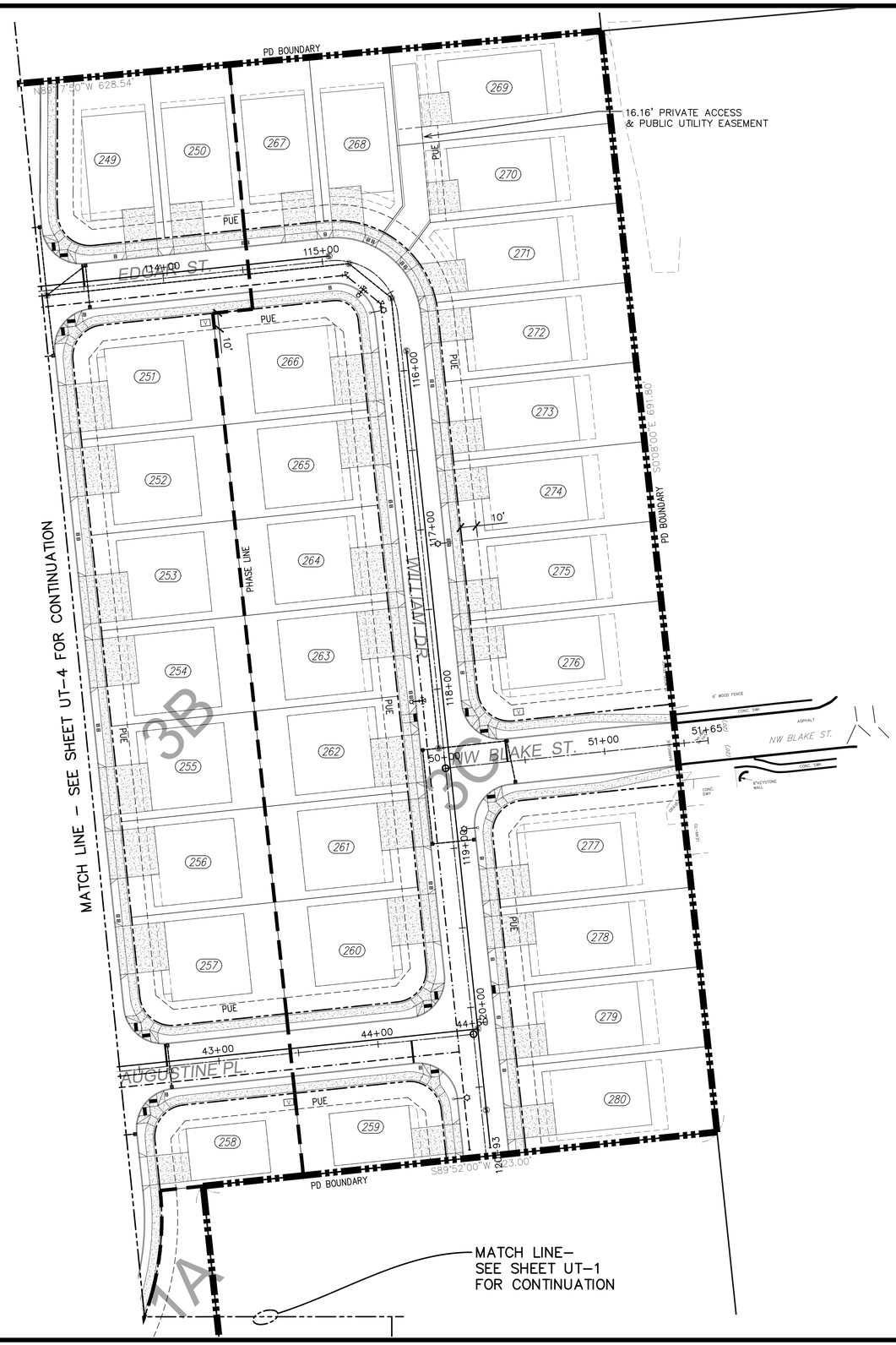
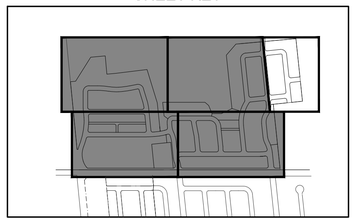


BAKER CREEK NORTH
SHEET KEY



UTILITY LEGEND
WATER LINE
SANITARY SEWER LINE
STORM DRAIN LINE
SANITARY SEWER FORCE MAIN
FIRE HYDRANT
STORM DRAIN MANHOLE
SANITARY SEWER MANHOLE
PIPE FITTINGS
CATCH BASIN
WATER METER
STREET LIGHT AND BASE
MW&L ELECTRICAL VAULT

0 20 40 80
(feet)

NO.	DATE	DESCRIPTION	BY
1			

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

UTILITY PLAN

DRAWING
UT-5

JOB NUMBER
2940.3000.0

11/8/2019 2:00:23 PM
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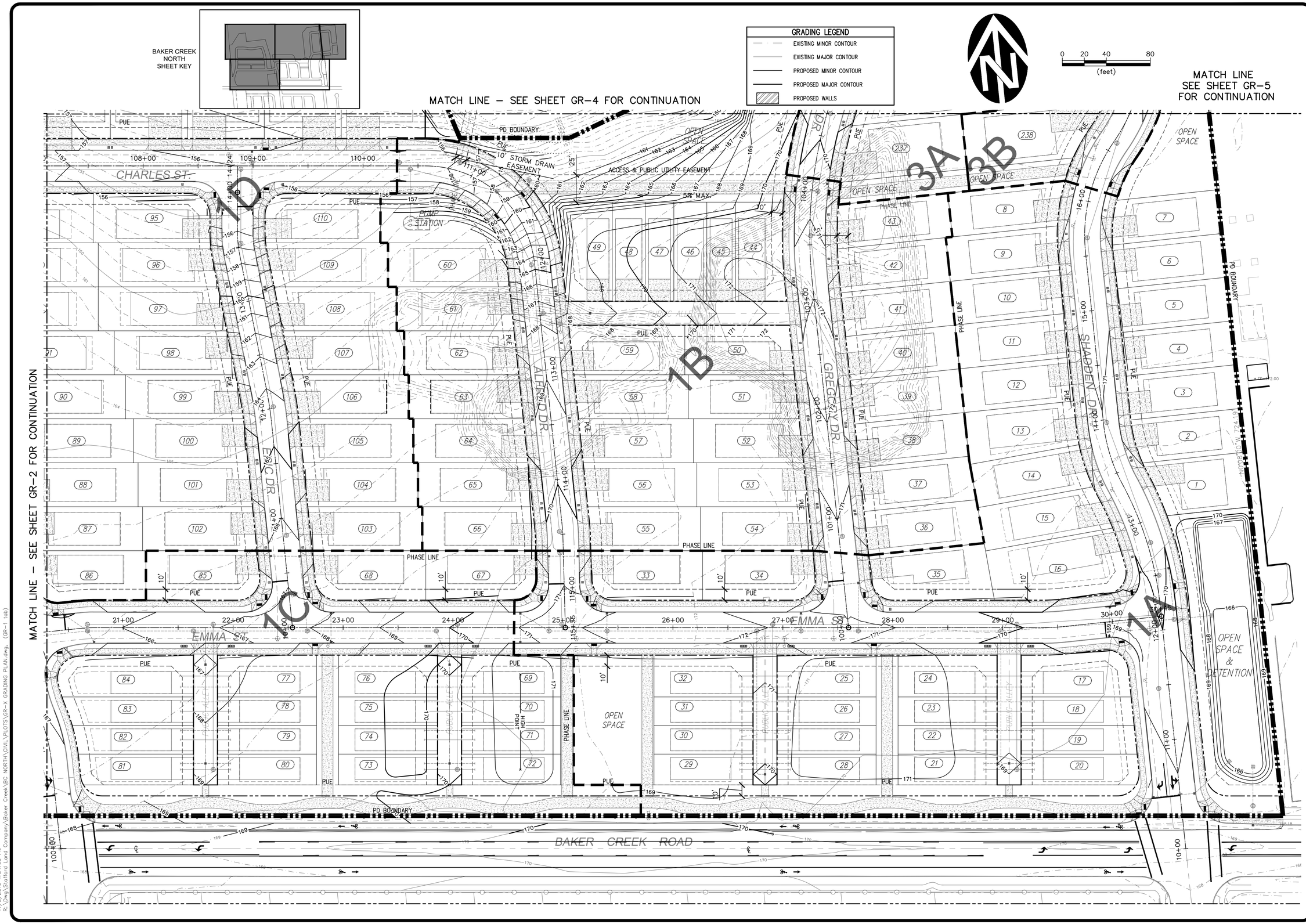
803



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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

GRADING PLAN

DRAWING
GR-1

JOB NUMBER
2940.3000.0

11/8/2019 1:54:05 PM
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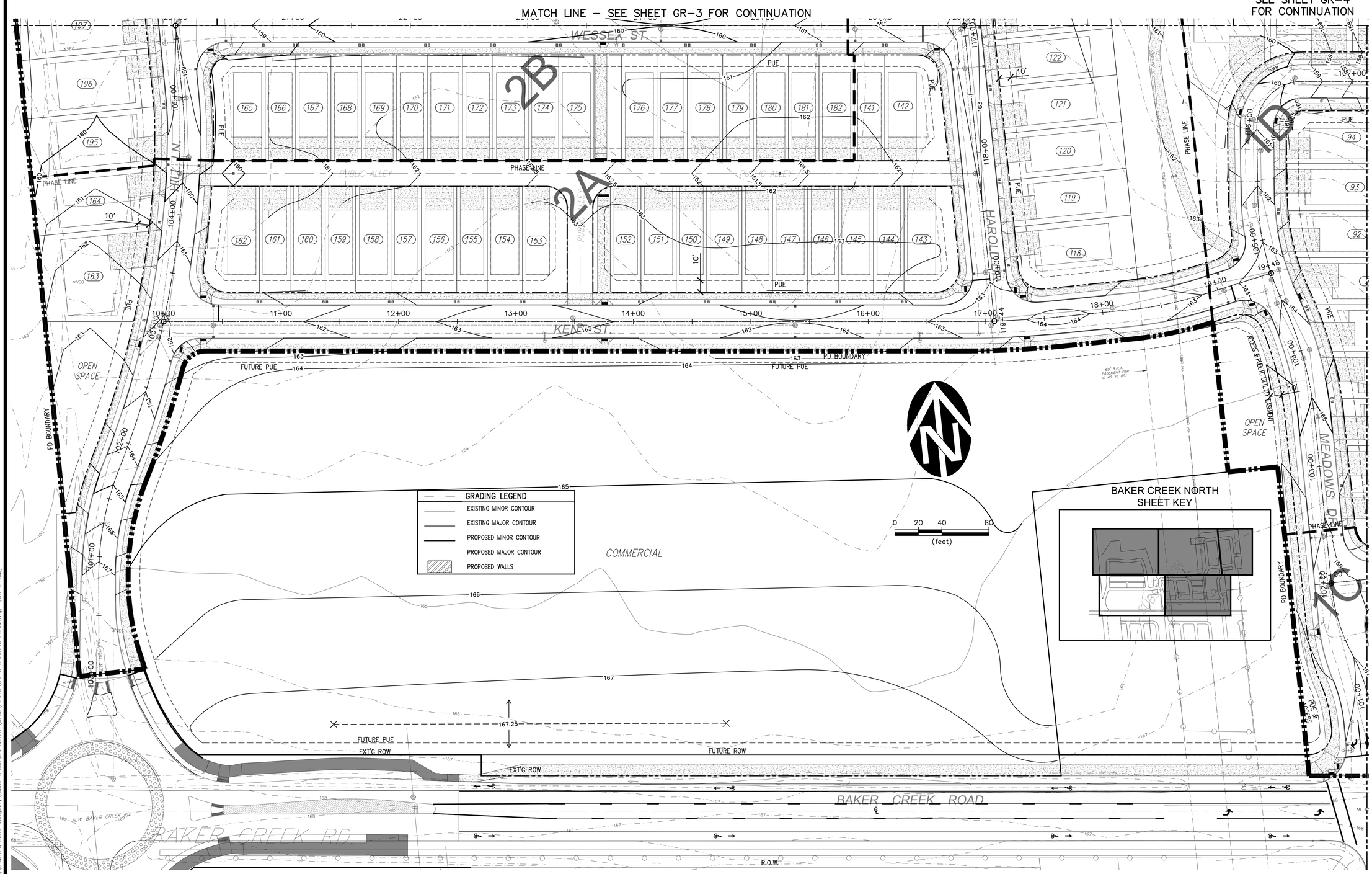

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

GRADING PLAN

DRAWING
GR-2

JOB NUMBER
2940.3000.0

805

11/8/2019 1:54:15 PM
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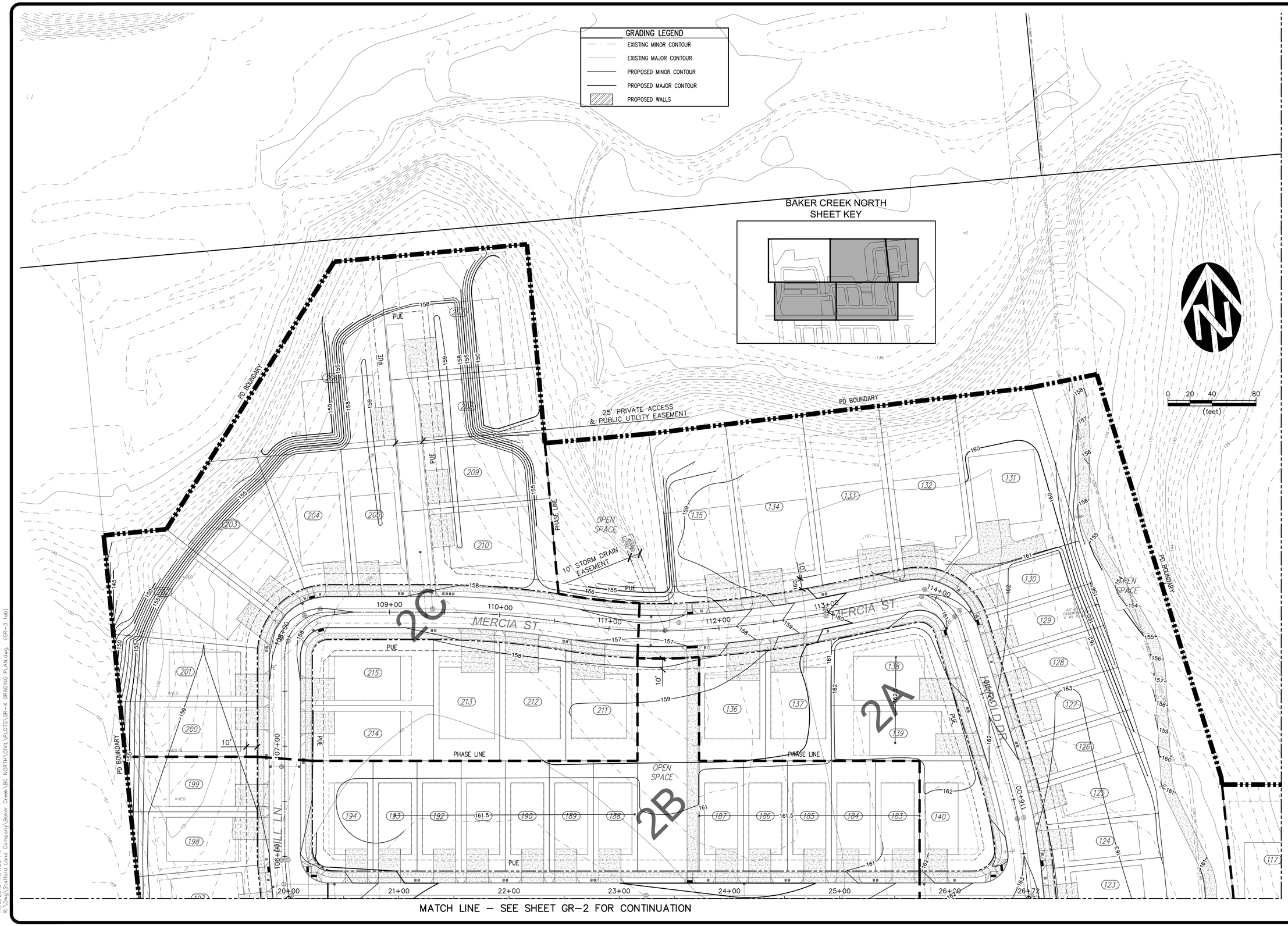

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

GRADING PLAN

DRAWING
GR-3

JOB NUMBER
2940.3000.0

11/8/2019 1:54:25 PM
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806

NO.	DATE	DESCRIPTION	BY
1		REVISIONS	

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
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DSN. JW
DRN. RS
CKD. JW
DATE: 11/2019

REVIEW REVIEW

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

GRADING PLAN

DRAWING
GR-4

JOB NUMBER
2940.3000.0

11/8/2019 1:54:35 PM
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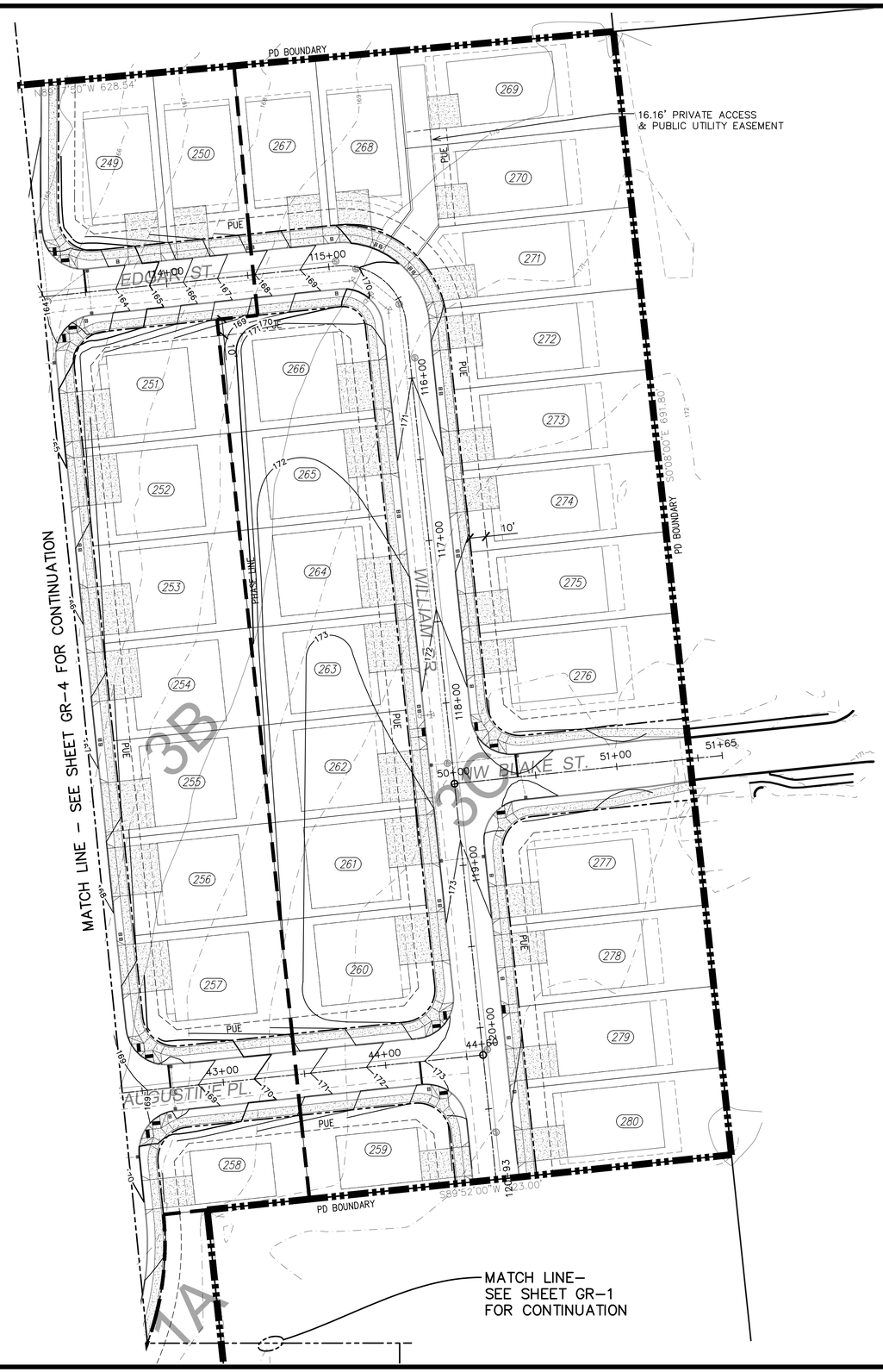
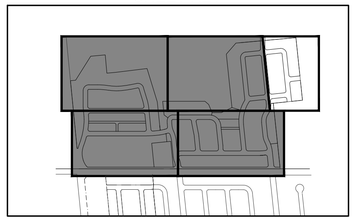


BAKER CREEK NORTH
SHEET KEY



GRADING LEGEND
EXISTING MINOR CONTOUR
EXISTING MAJOR CONTOUR
PROPOSED MINOR CONTOUR
PROPOSED MAJOR CONTOUR
PROPOSED WALLS

0 20 40 80
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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0 1"
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CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

GRADING PLAN

DRAWING
GR-5

JOB NUMBER
2940.3000.0

11/8/2019 1:54:45 PM
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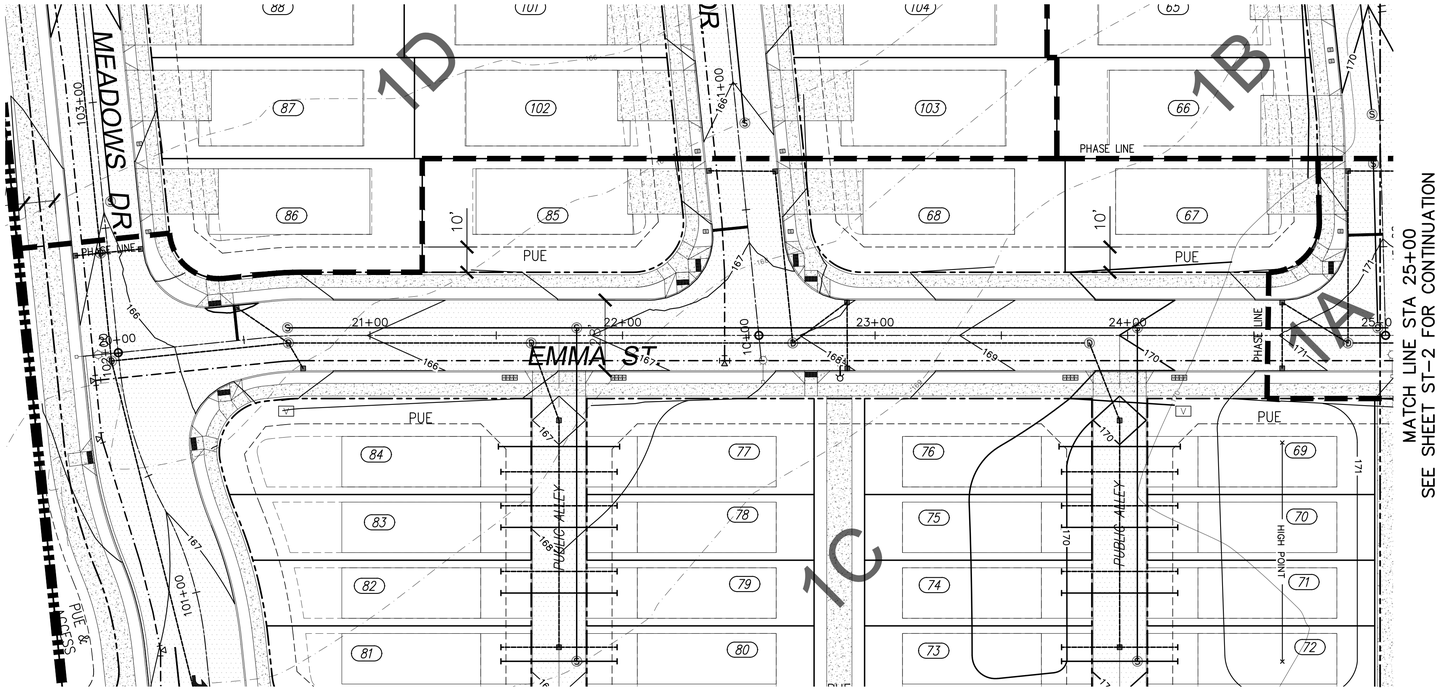
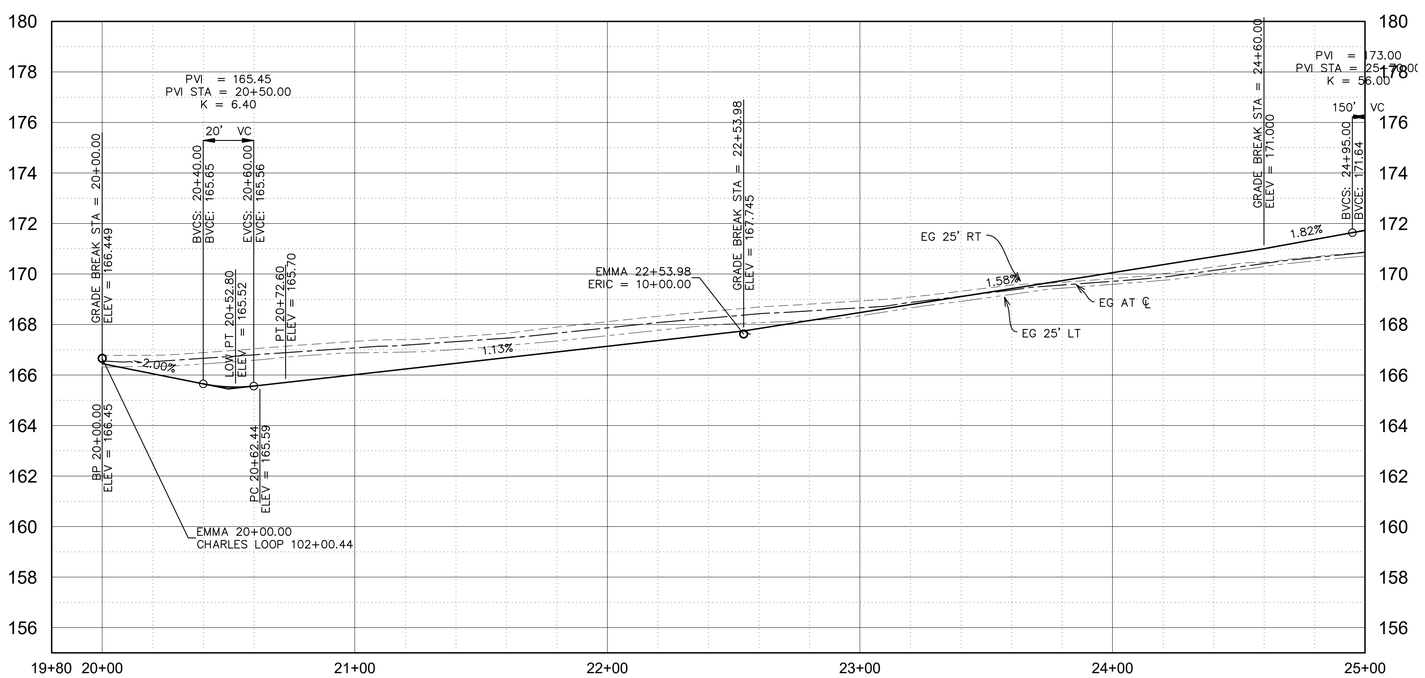


EMMA ST. PLAN

1" = 30'



EMMA ST. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
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DSN. JW
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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

EMMA STREET PLAN & PROFILE 20+00 – 25+00

DRAWING
ST-1

JOB NUMBER
2940.3000.0

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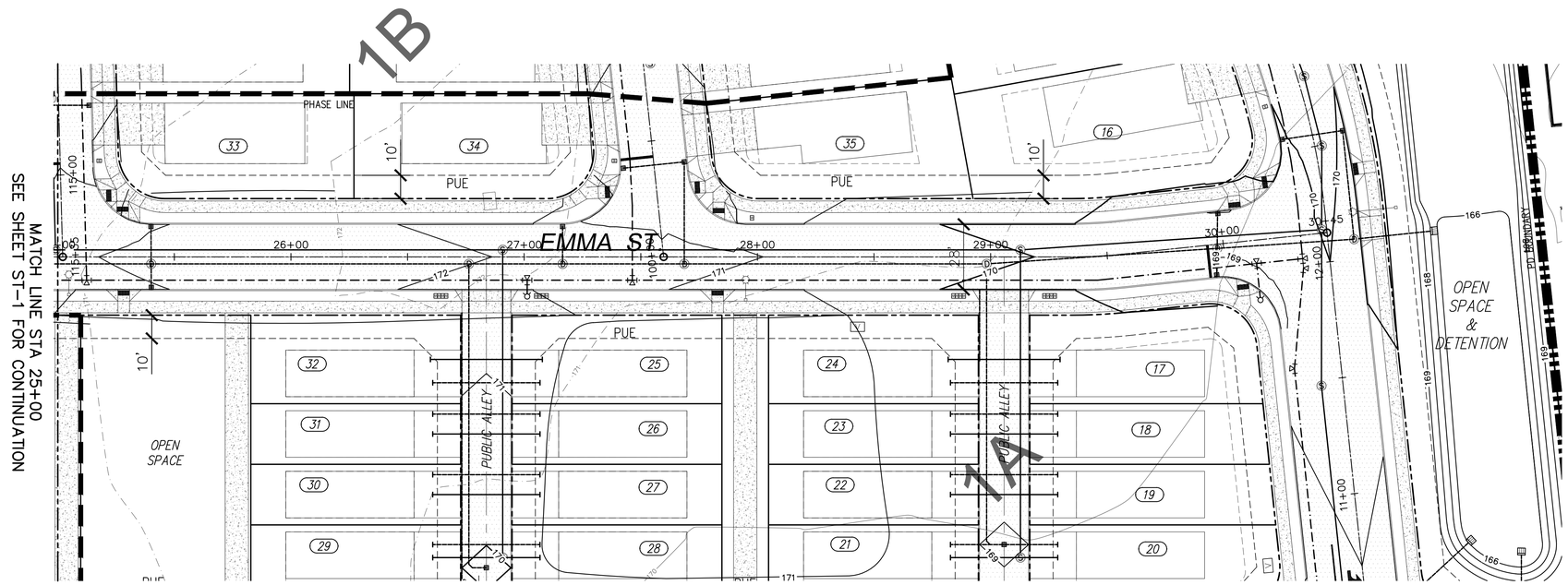
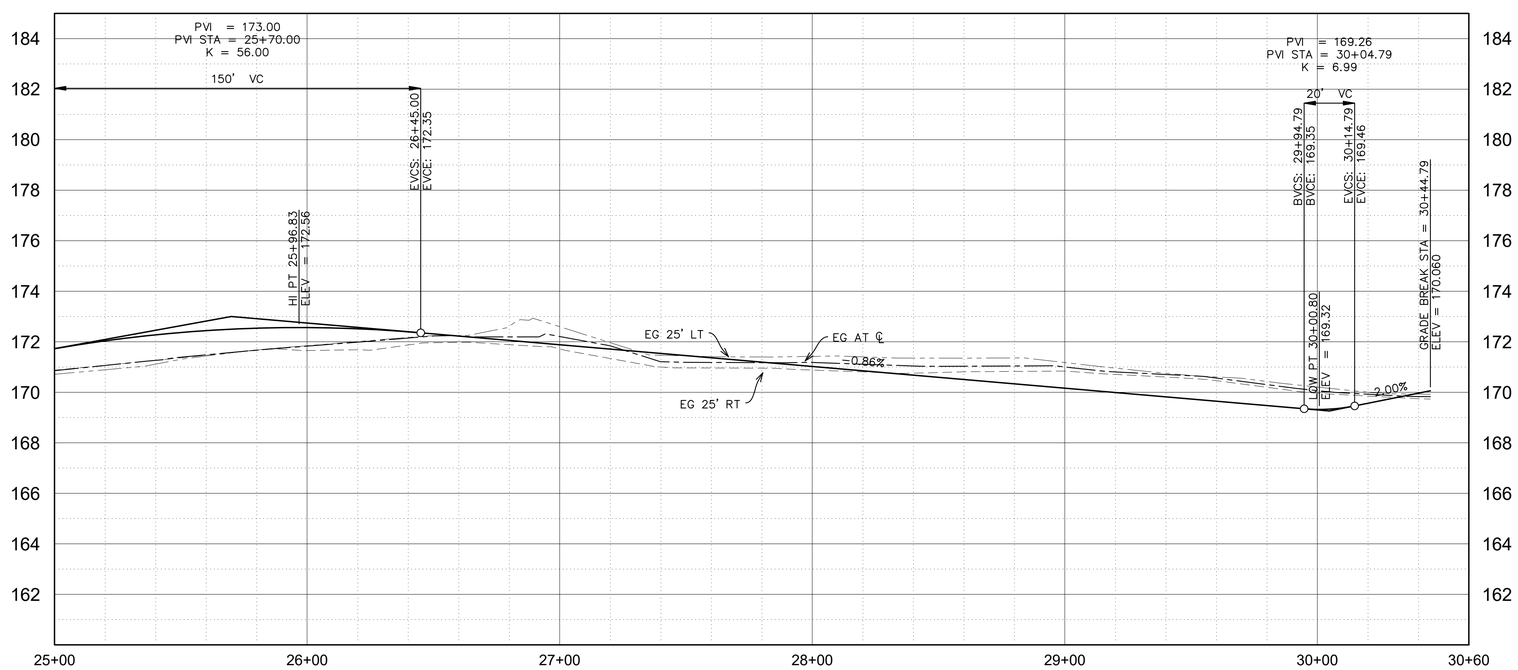
809



EMMA ST. PLAN

1" = 30'



EMMA ST. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY

BAKER CREEK NORTH SUBDIVISION

EMMA STREET PLAN & PROFILE 25+00 – END

DRAWING
ST–2

JOB NUMBER
2940.3000.0

11/8/2019 2:04:38 PM
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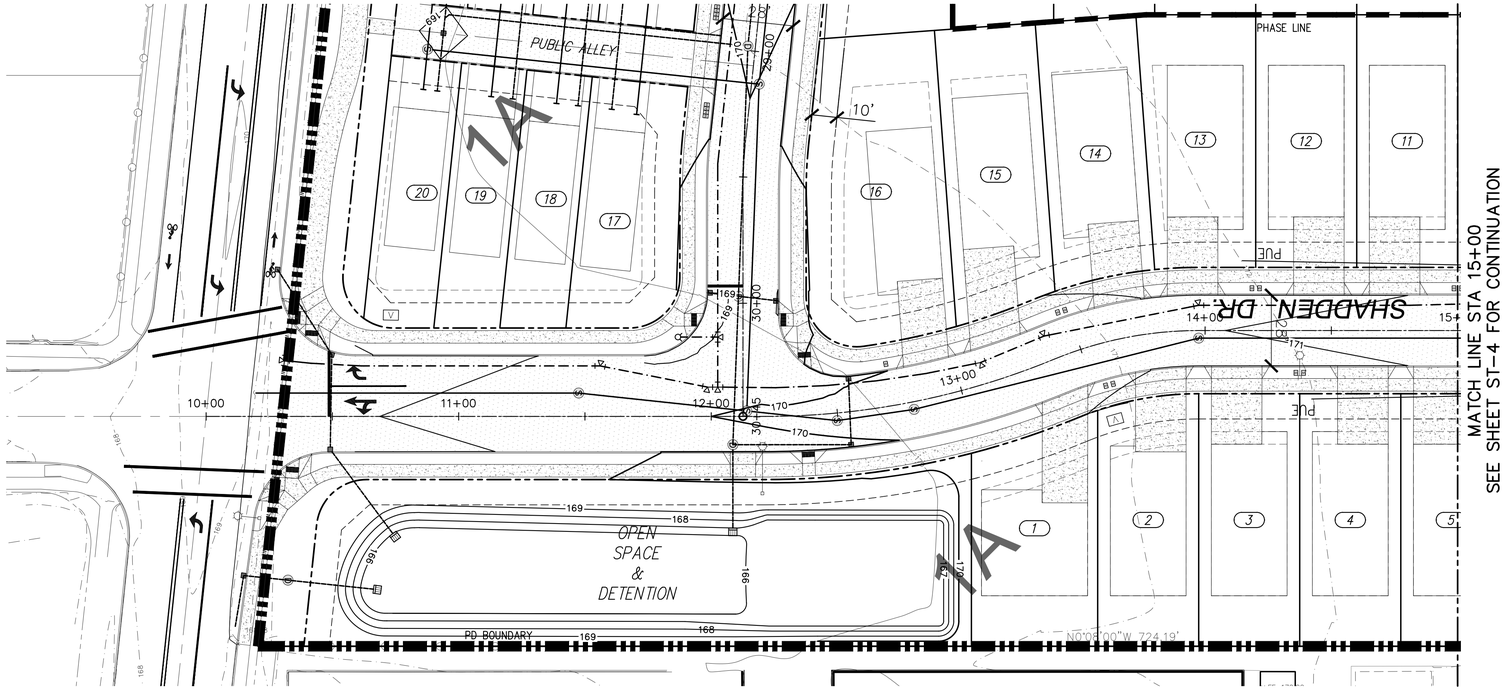
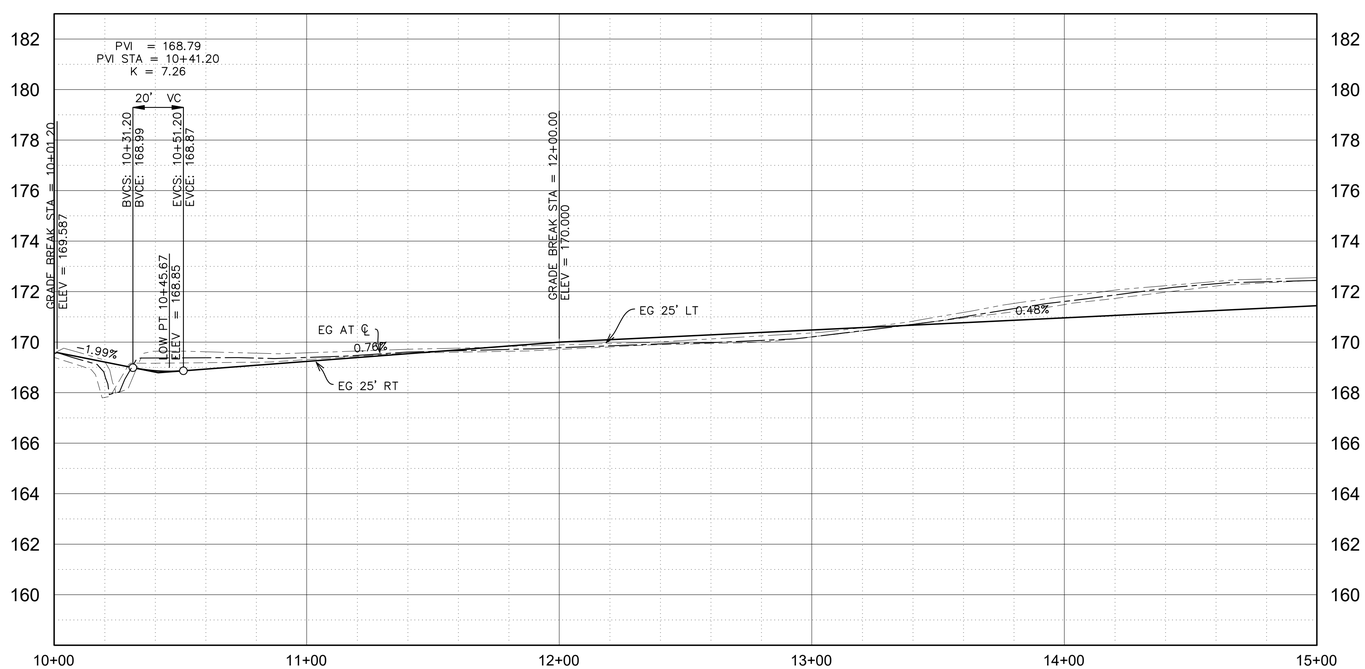
810



SHADDEN DR. PLAN

1" = 30'



SHADDEN DR. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60 (feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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0 1"
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DSN. JW
DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY

BAKER CREEK NORTH SUBDIVISION

SHADDEN DRIVE PLAN & PROFILE 10+00 – 15+00

DRAWING
ST–3

JOB NUMBER
2940.3000.0

811

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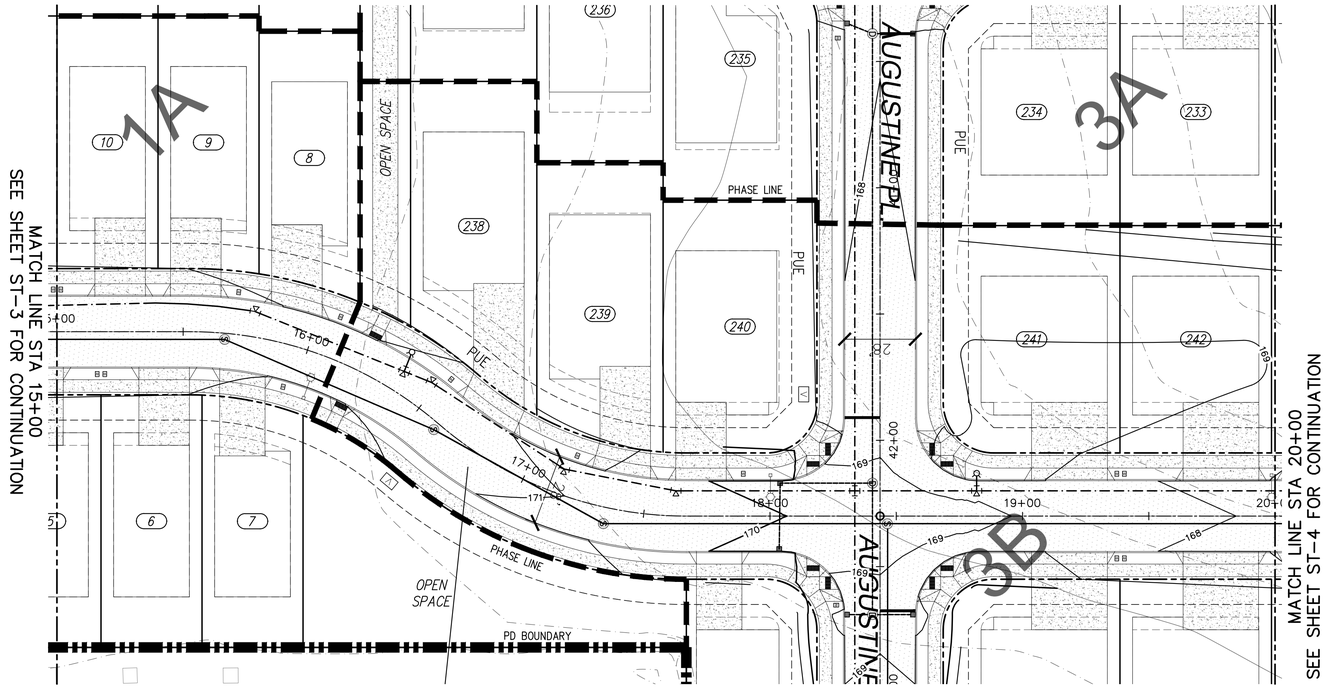
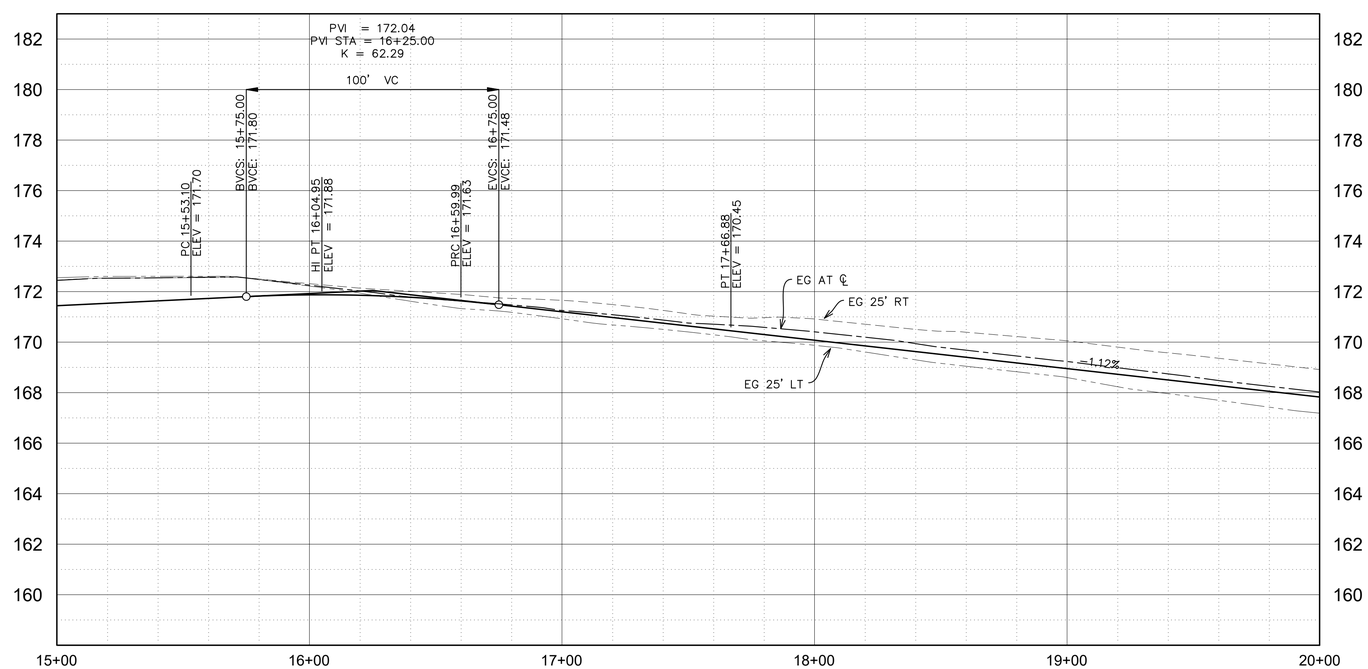


SHADDEN DR. PLAN
1" = 30'



SHADDEN DR. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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DSGN. JW
DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

SHADDEN DRIVE PLAN & PROFILE 20+00 – 25+00

DRAWING
ST–4

JOB NUMBER
2940.3000.0

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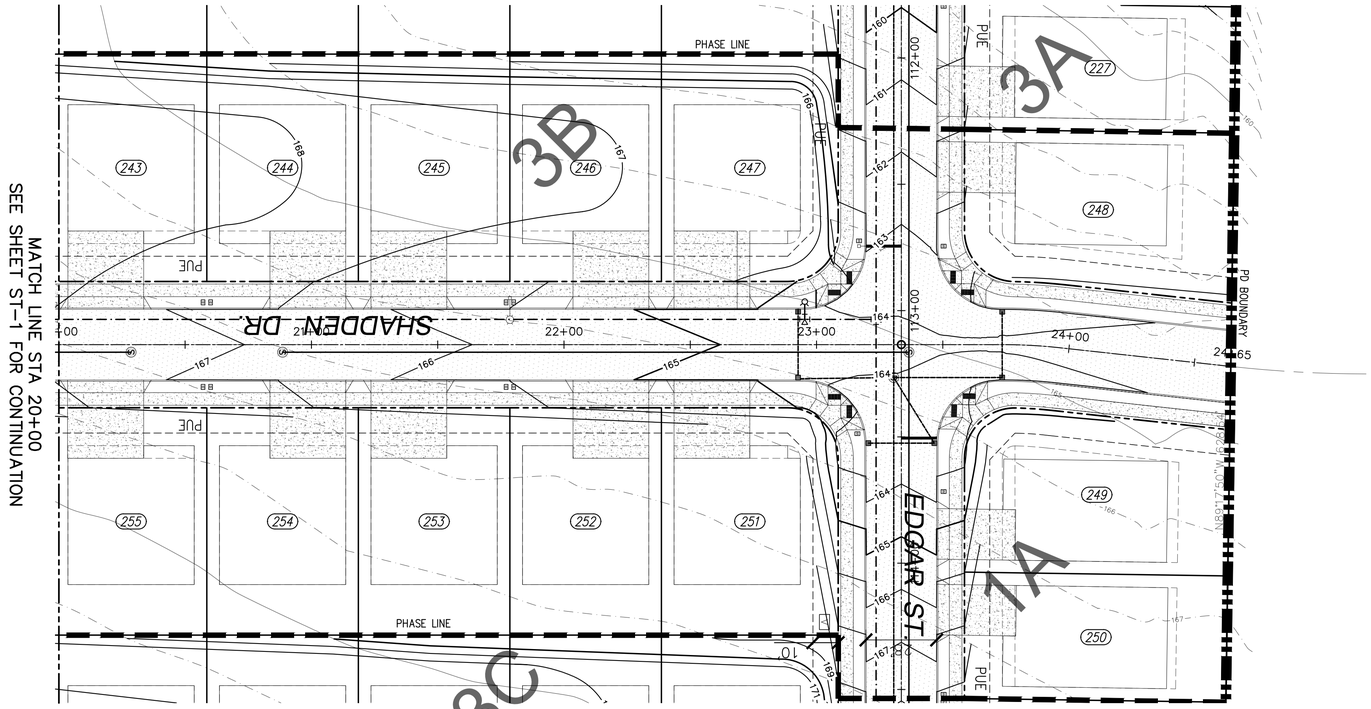
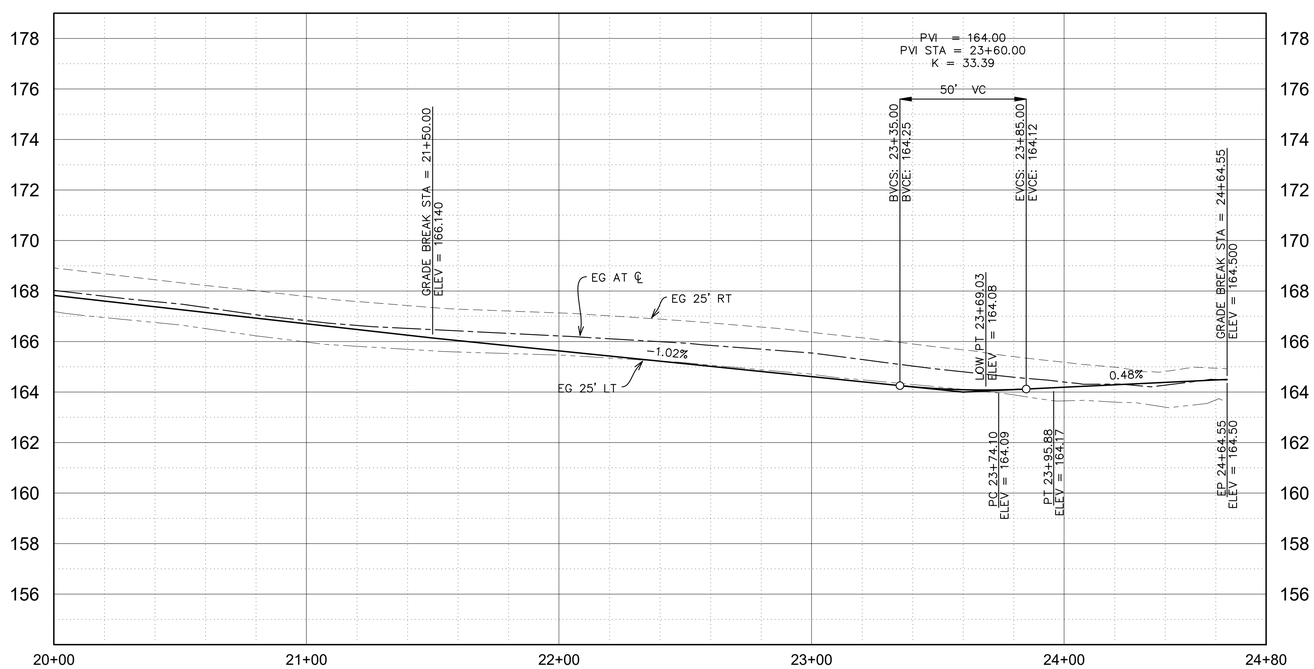
812



SHADDEN DR. PLAN

1" = 30'



SHADDEN DR. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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DSGN. JW
DRN. RS
CKD. JW
DATE: 11/2019

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BAKER CREEK NORTH SUBDIVISION

SHADDEN DRIVE PLAN & PROFILE 25+00 – END

DRAWING
ST–5

JOB NUMBER
2940.3000.0

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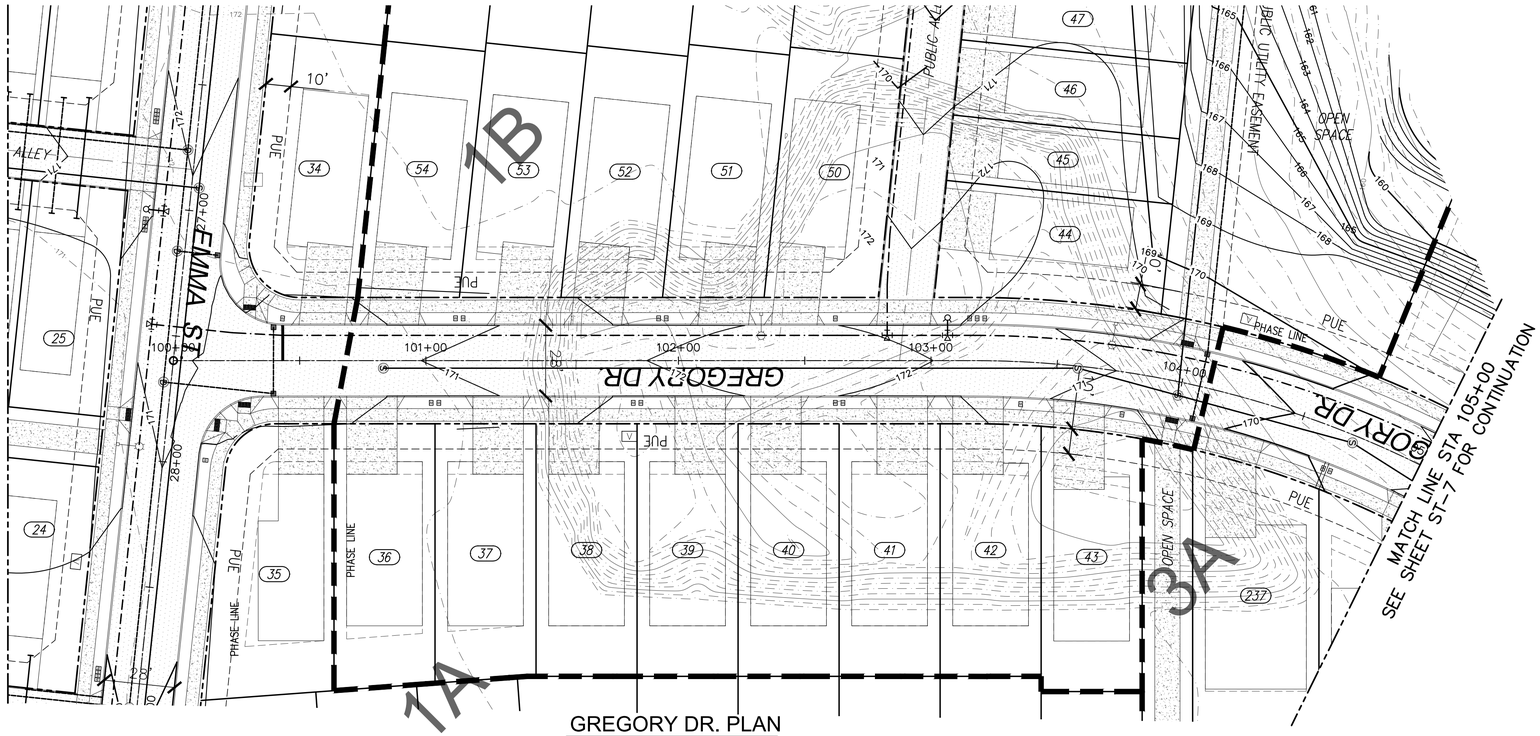
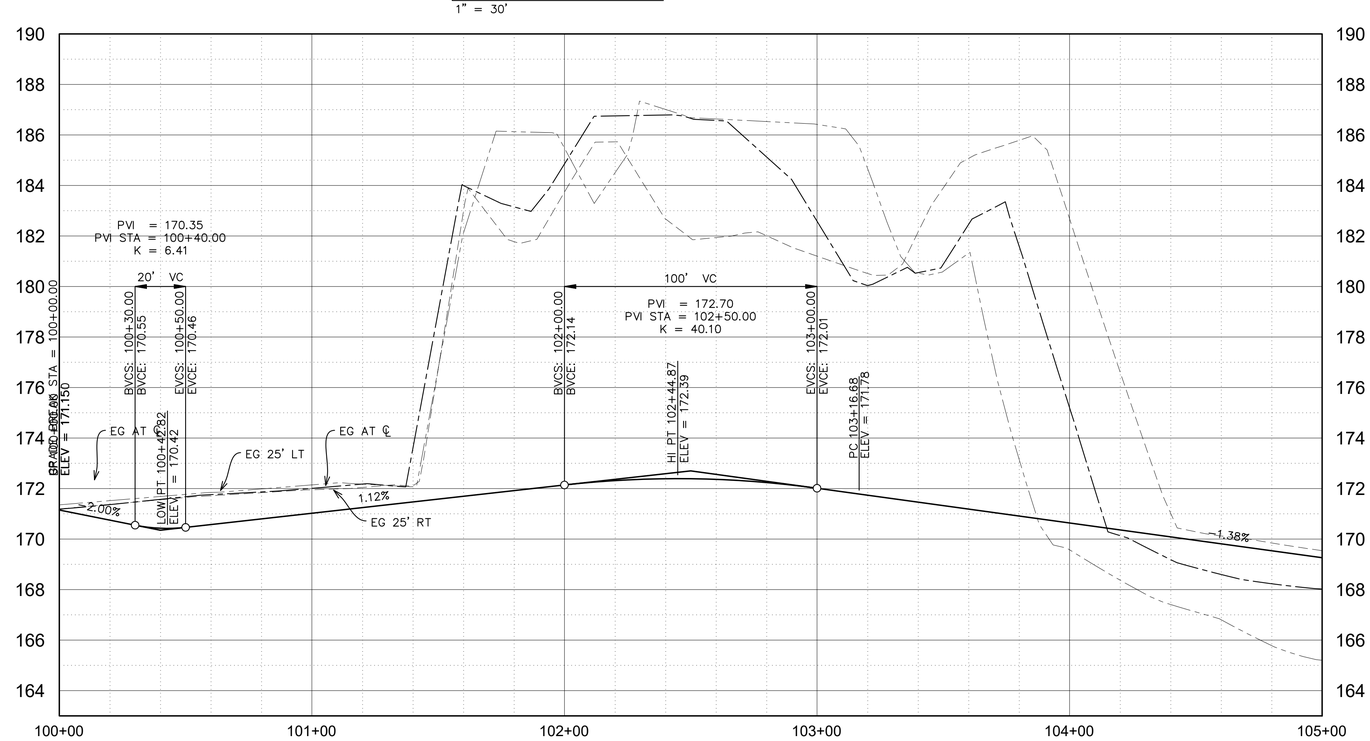
813



GREGORY DR. PLAN

1" = 30'



GREGORY DR. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
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DSGN. JW
DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

GREGORY DRIVE PLAN & PROFILE 100+00 – 105+00

DRAWING
ST-6

JOB NUMBER
2940.3000.0

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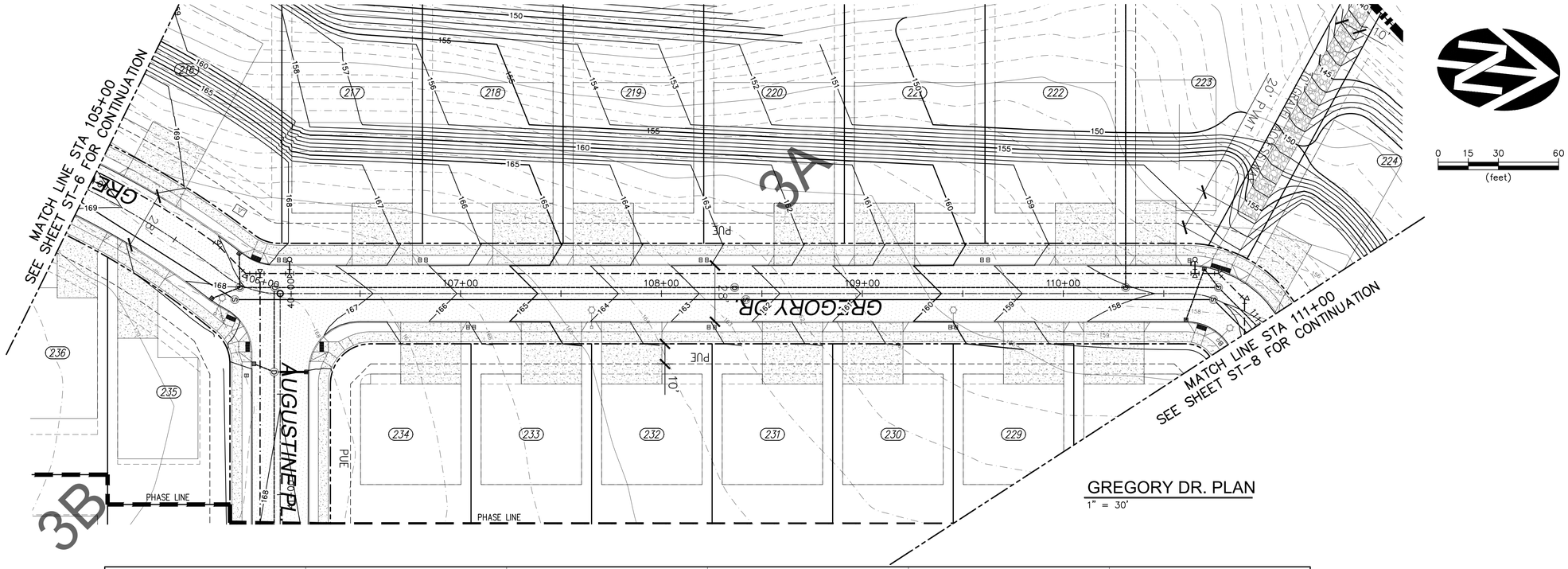
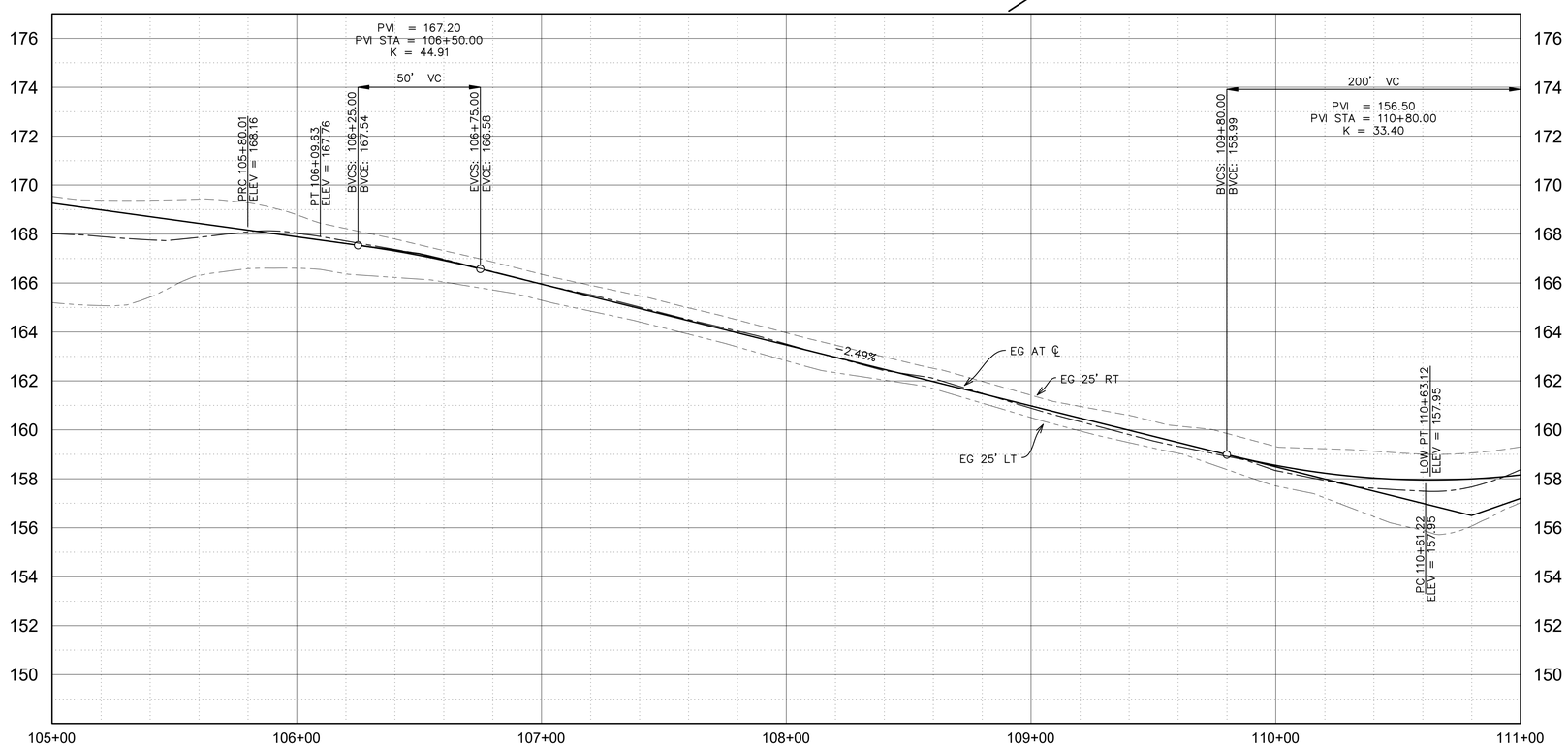


GREGORY DR. PLAN
1" = 30'



GREGORY DR. PROFILE
H: 1" = 30' V: 1" = 3'

NO.	DATE	DESCRIPTION	BY
1		REVISIONS	

VERIFY SCALE
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0 1"
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DSN. JW
DRN. RS
CKD. JW
DATE: 11/2019

REVIEW REVIEW

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

GREGORY DRIVE PLAN & PROFILE 105+00 – 111+00

DRAWING
ST–7

JOB NUMBER
2940.3000.0

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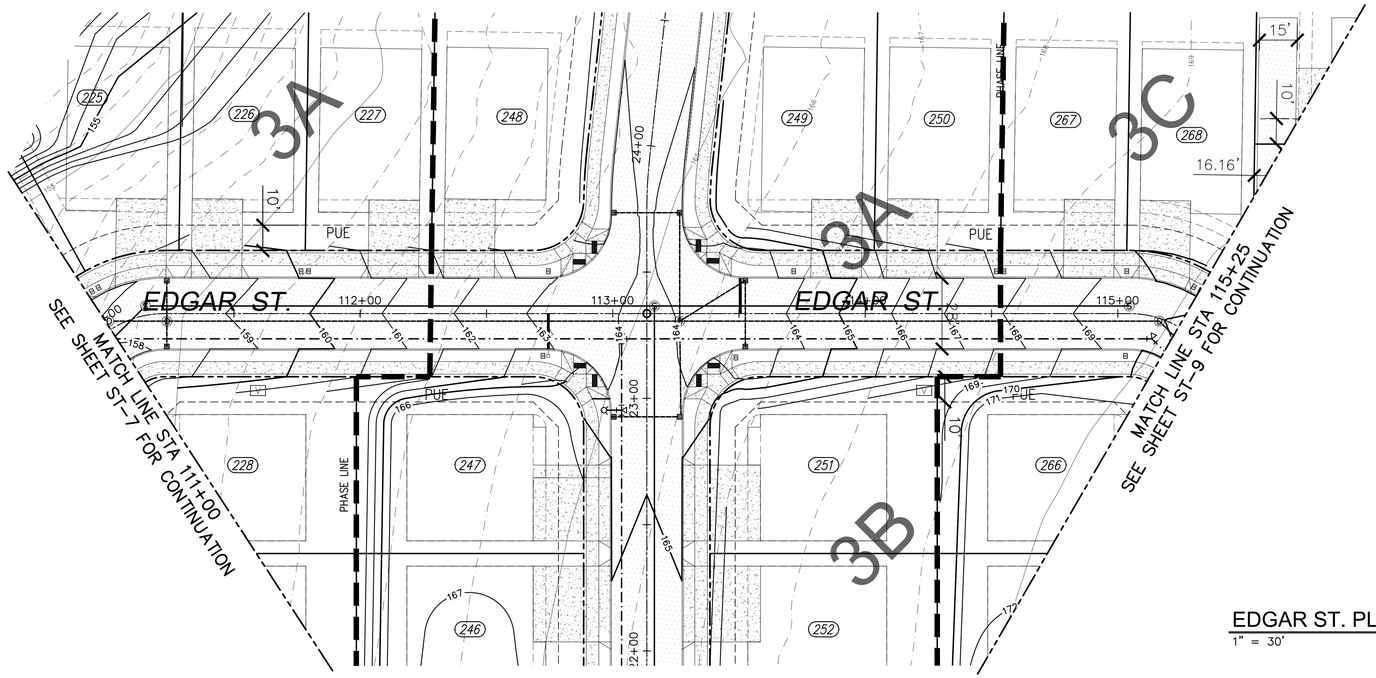
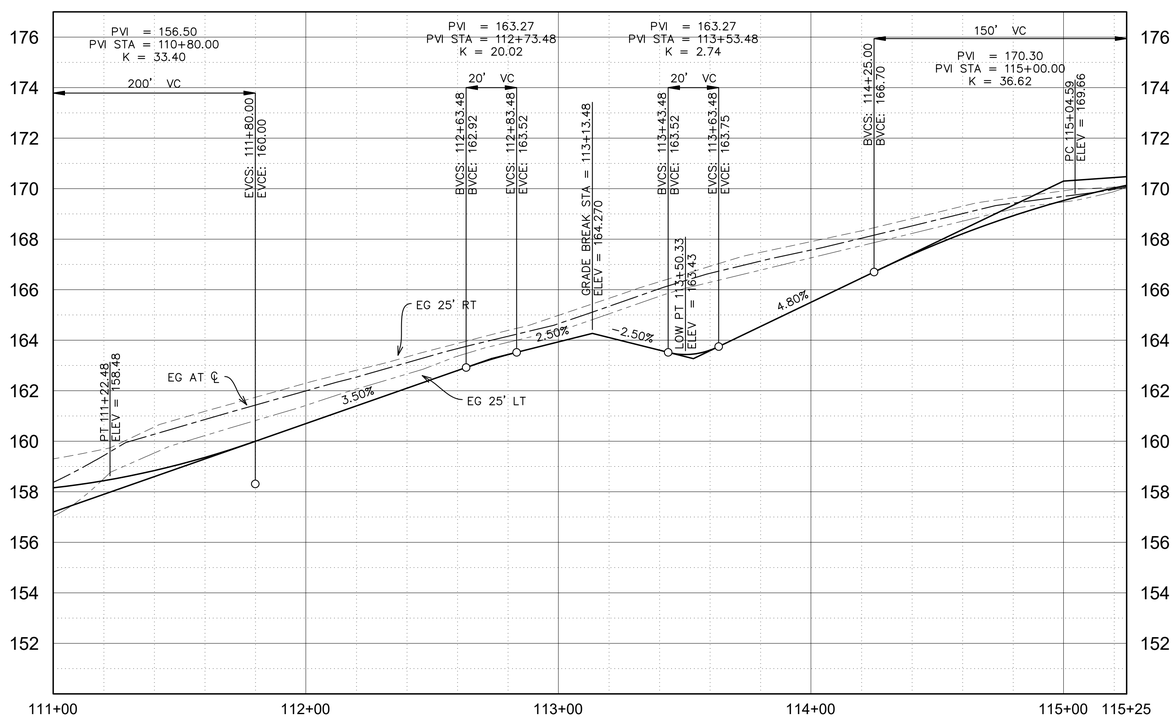


EDGAR ST. PLAN
1" = 30'



EDGAR ST. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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0 1"
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DSN. JW
DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

EDGAR STREET PLAN & PROFILE 111+00 – 115+25

DRAWING
ST-8

JOB NUMBER
2940.3000.0

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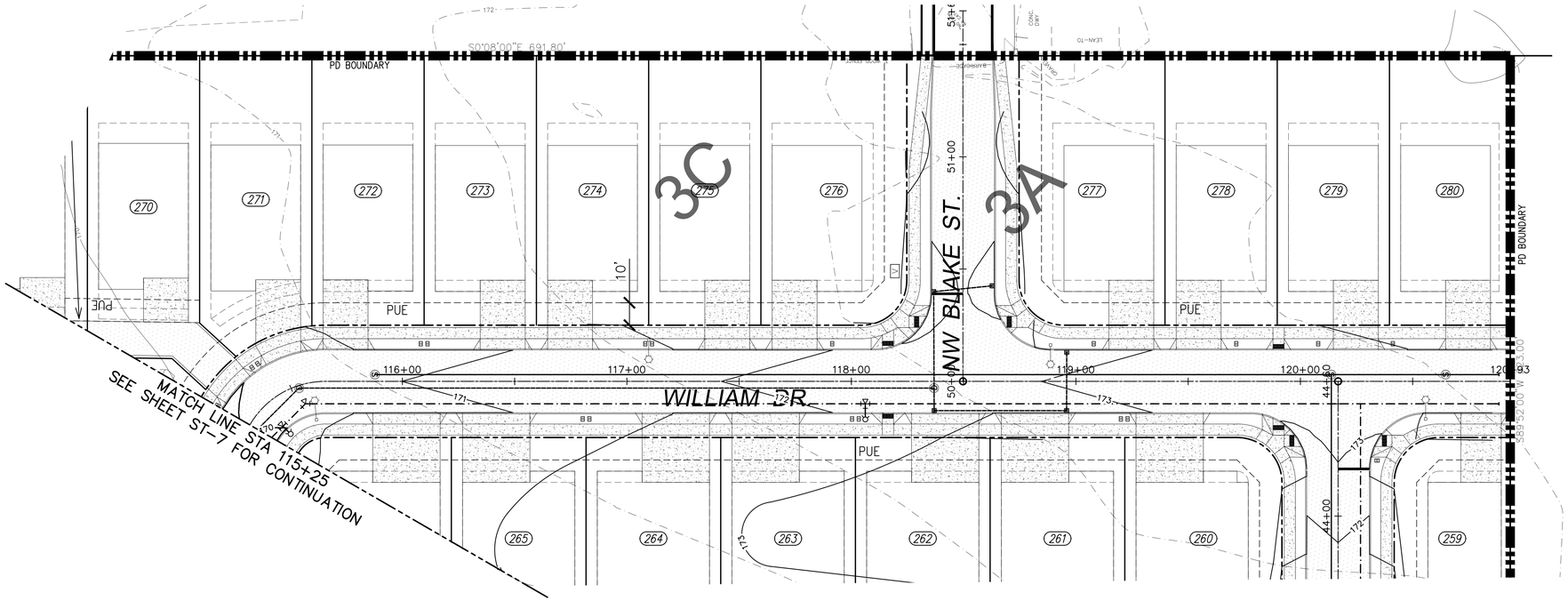
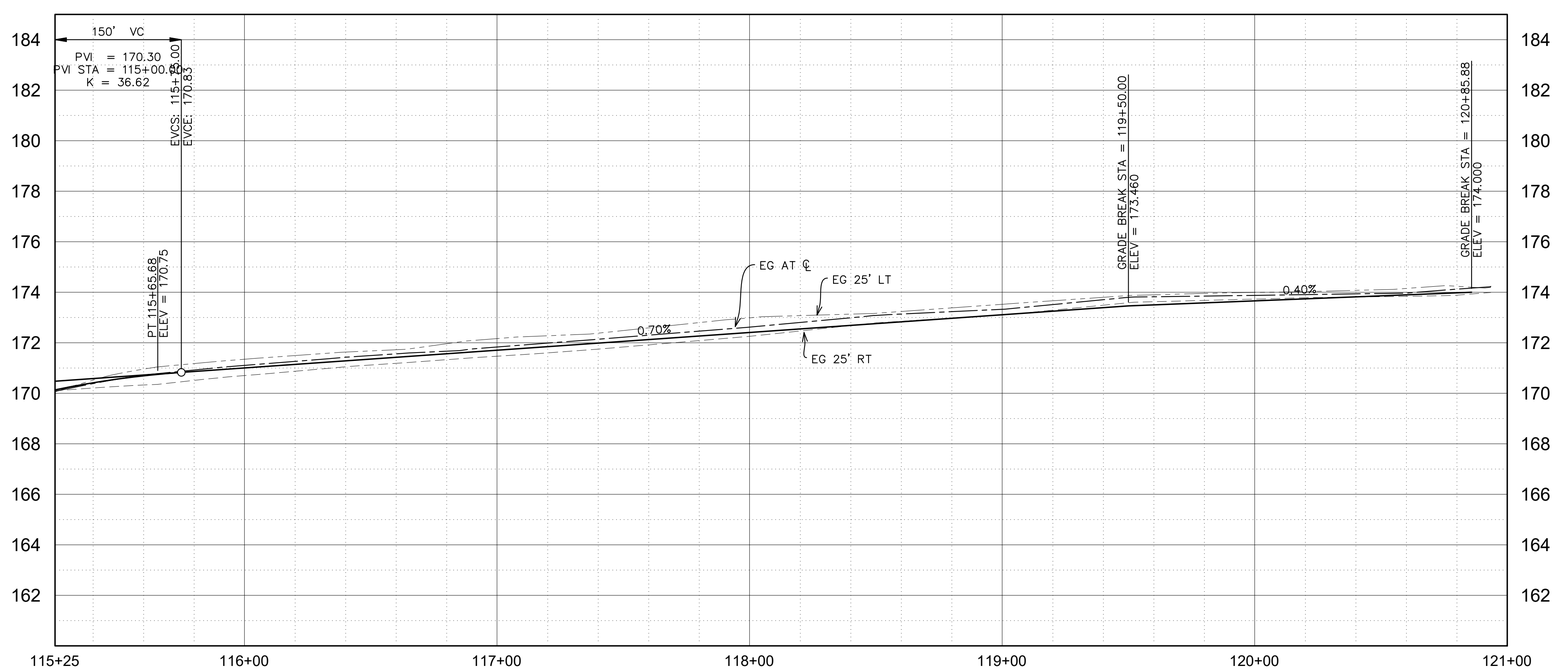


WILLIAM DR. PLAN

1" = 30'



WILLIAM DR. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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DSN. JW
DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

WILLAM DRIVE PLAN & PROFILE 115+25 – END

DRAWING
ST-9

JOB NUMBER
2940.3000.0

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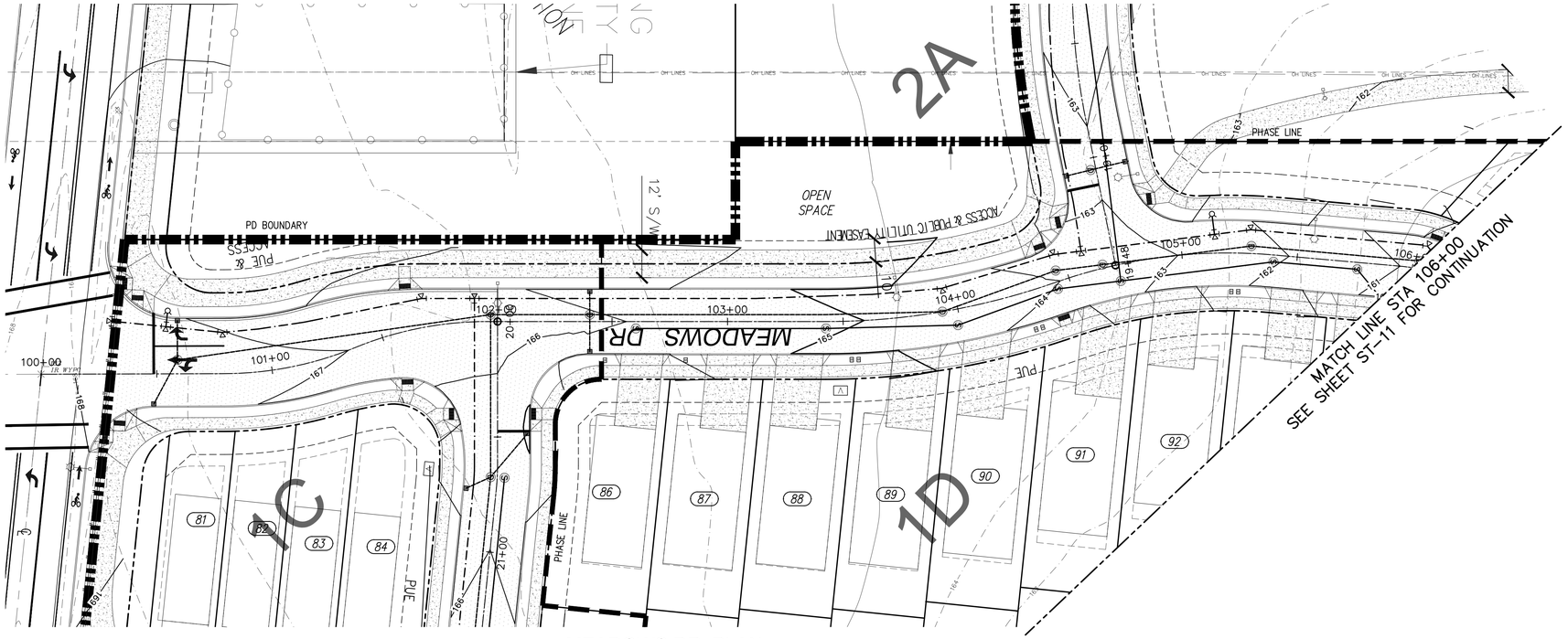
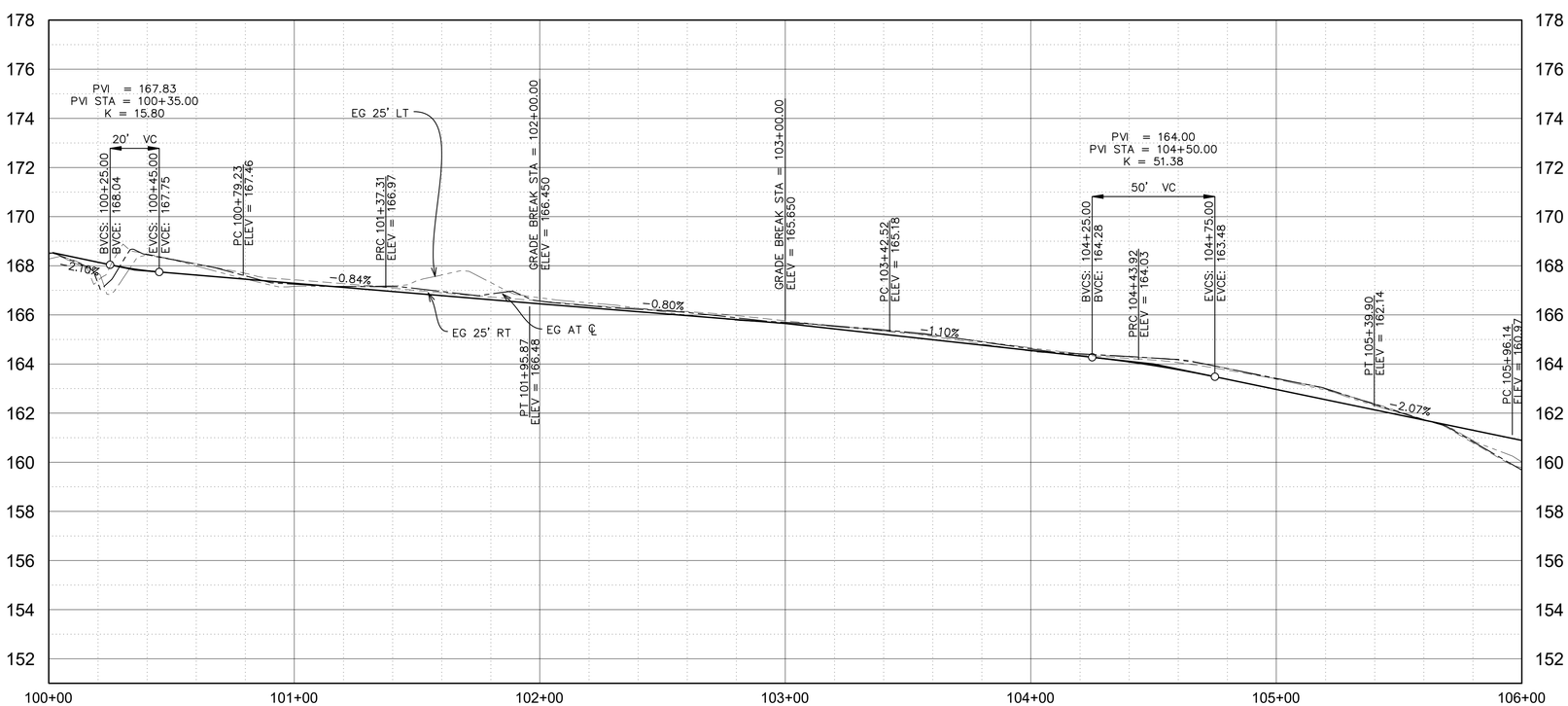


MEADOWS DR. PLAN

1" = 30'



MEADOWS DR. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

MEADOWS DRIVE PLAN & PROFILE 100+00 – 106+00

DRAWING
ST-10

JOB NUMBER
2940.3000.0

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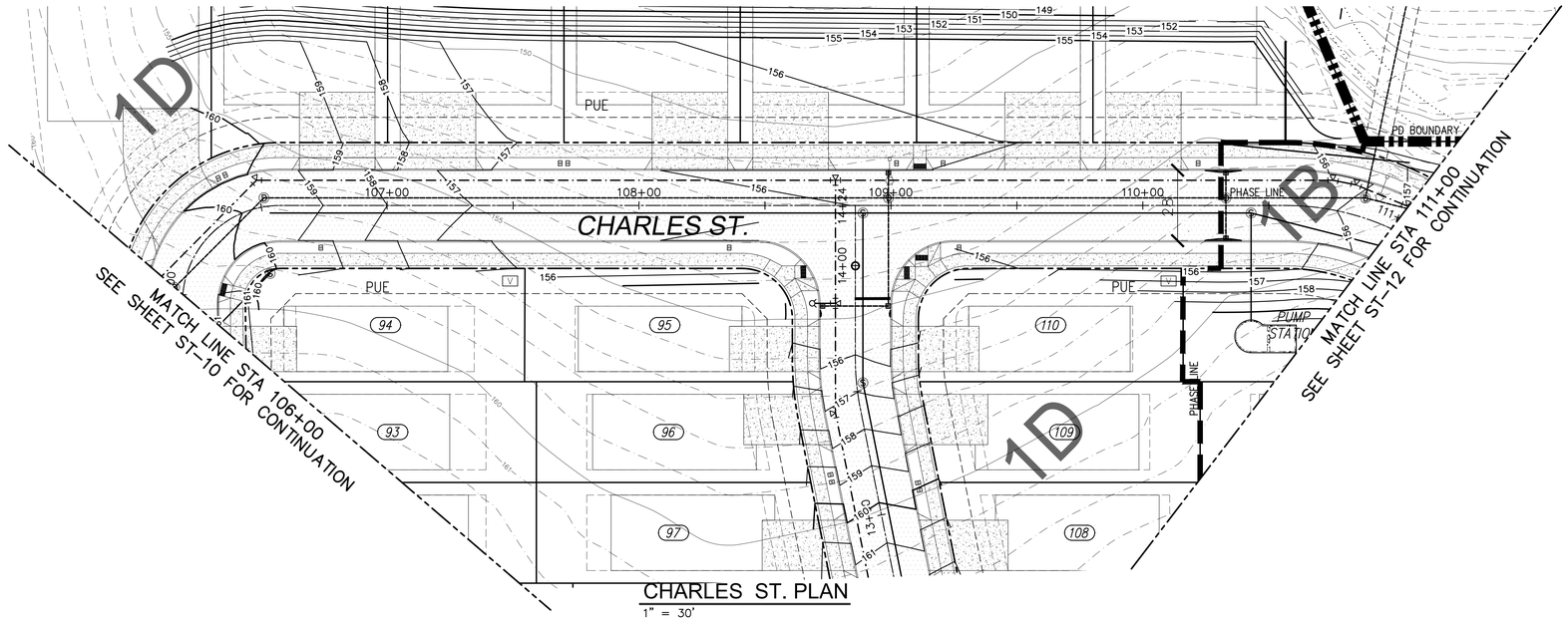
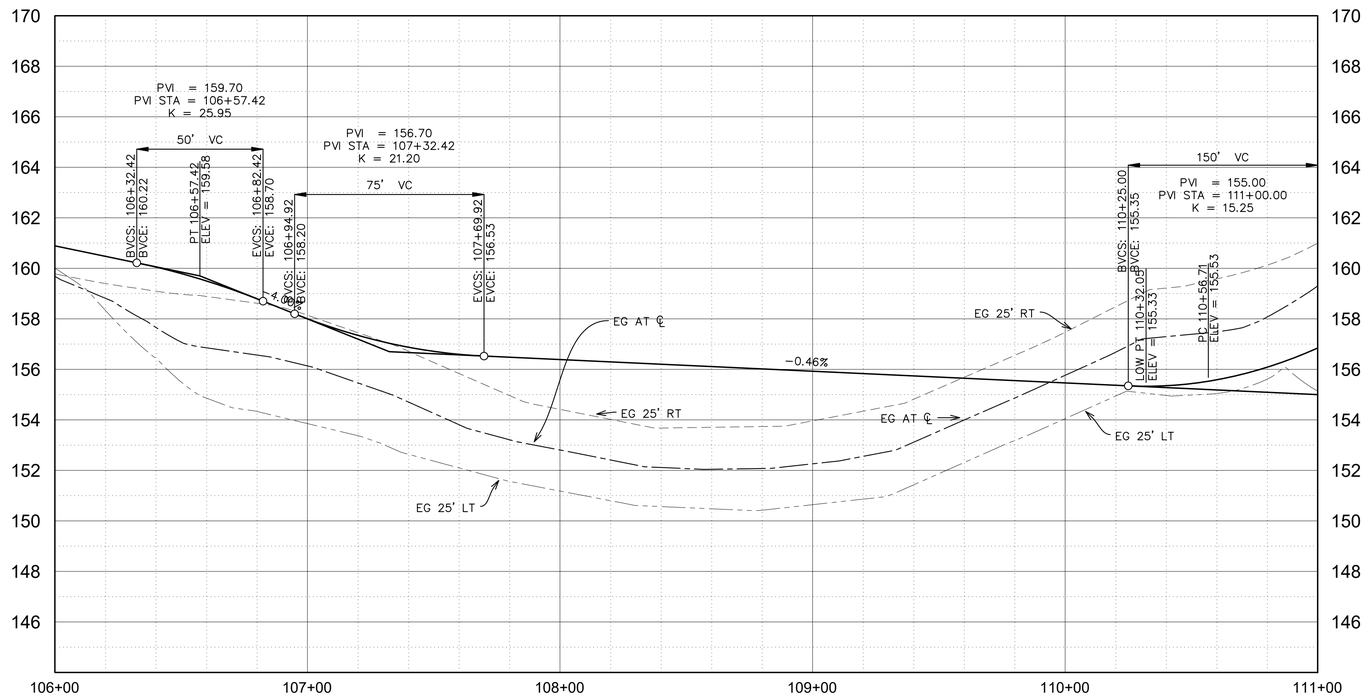


CHARLES ST. PLAN

1" = 30'



CHARLES ST. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
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0 1"
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CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

CHARLES STREET PLAN & PROFILE 106+00 – 111+00

DRAWING
ST–11

JOB NUMBER
2940.3000.0

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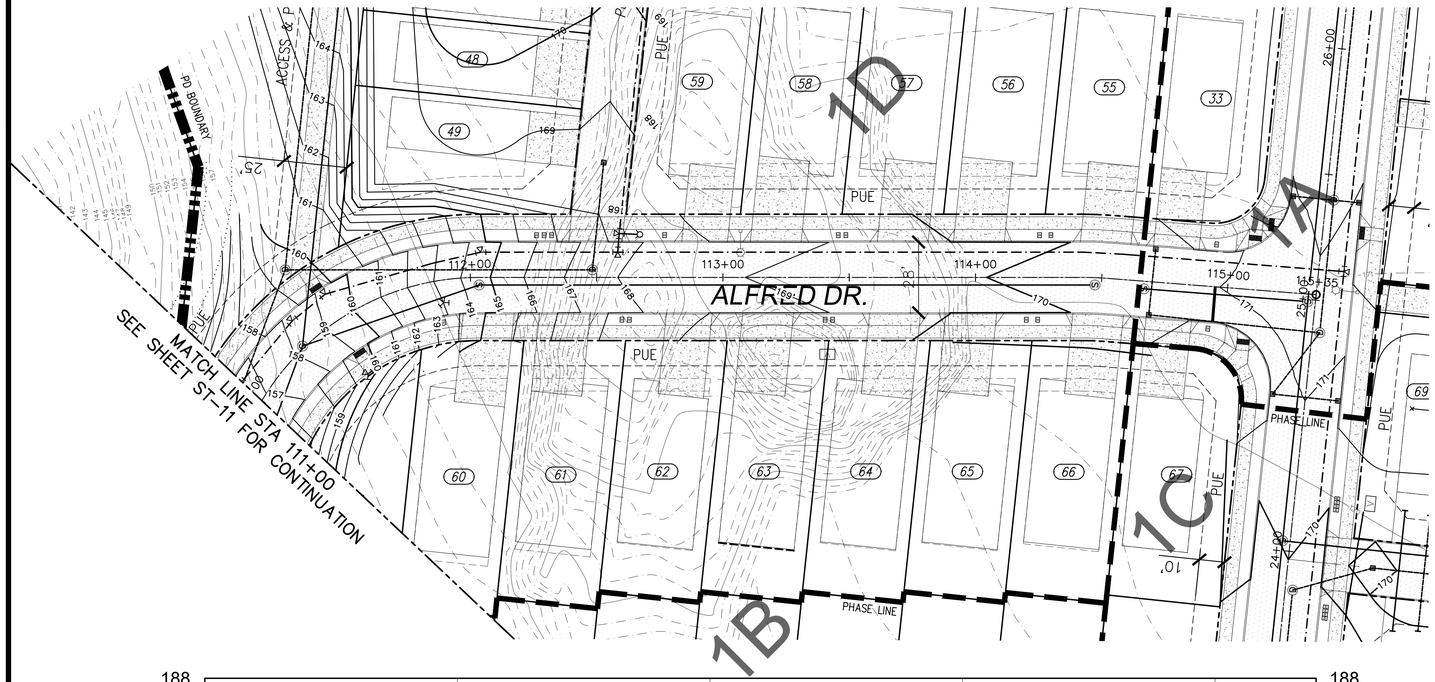
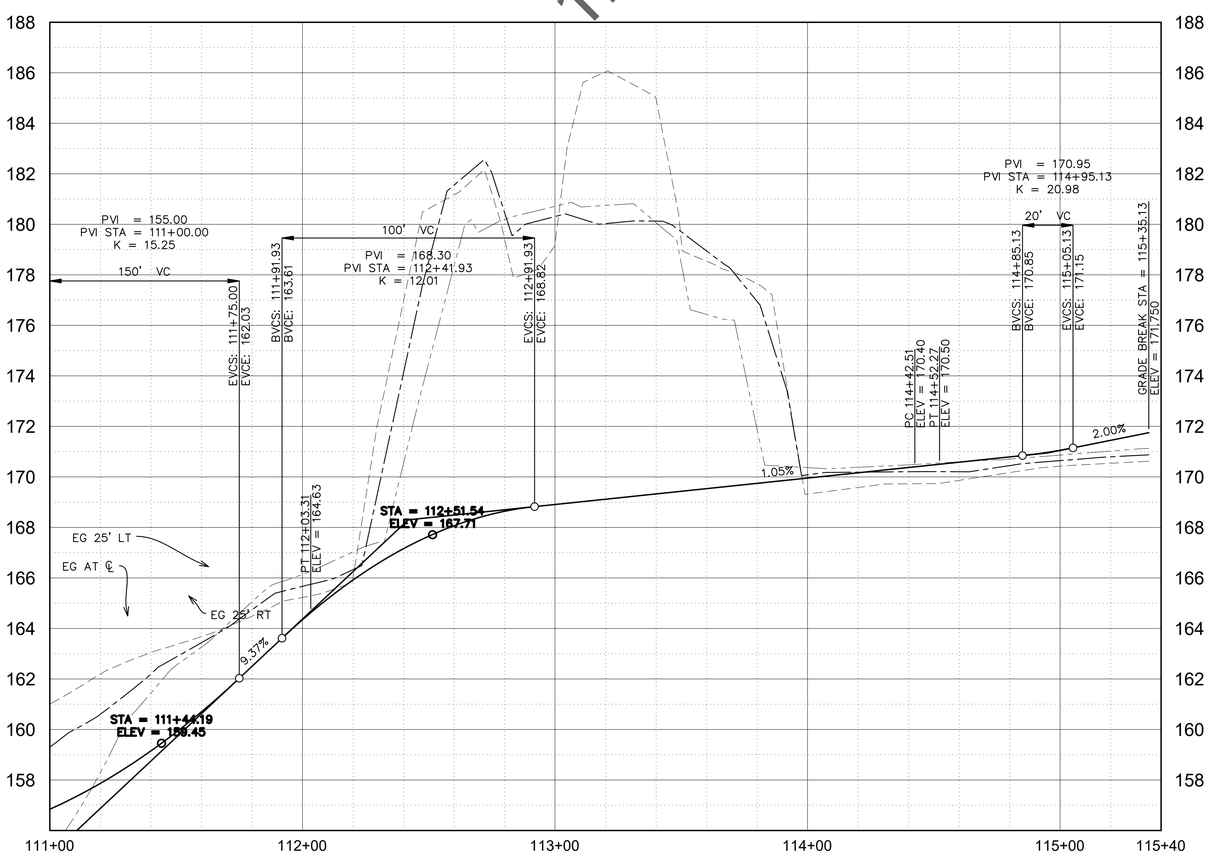


ALFRED DR. PLAN
1" = 30'



ALFRED DR. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DSN. JW
DRN. RS
CKD. JW
DATE: 11/2019

REVIEW REVIEW

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

ALFRED DRIVE PLAN & PROFILE 111+00 – END

DRAWING
ST-12

JOB NUMBER
2940.3000.0

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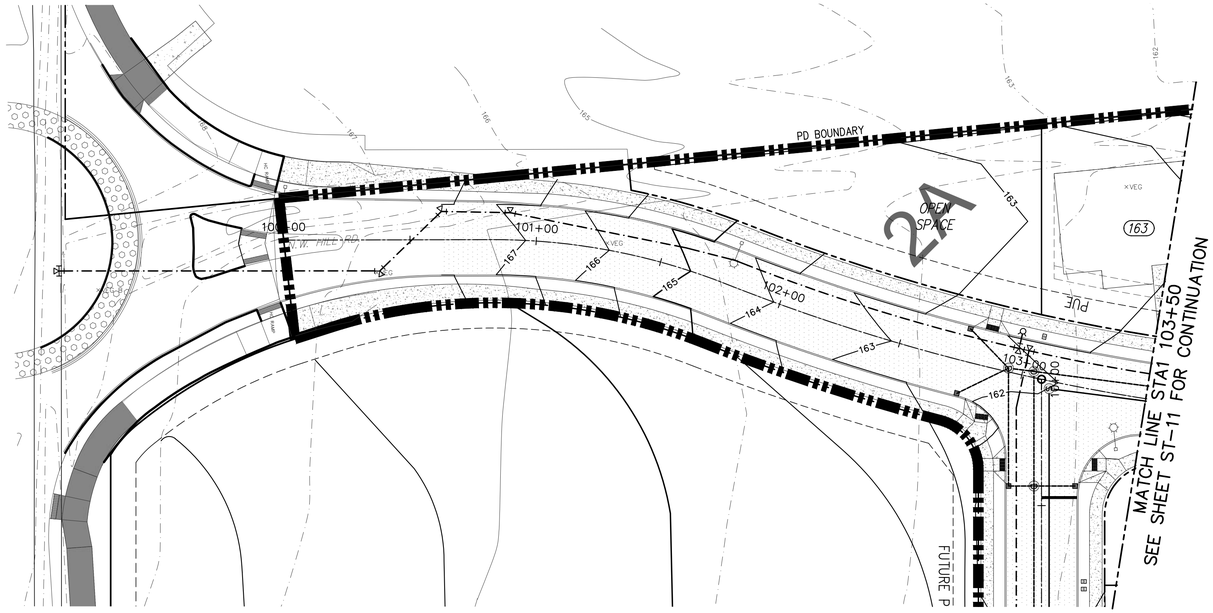
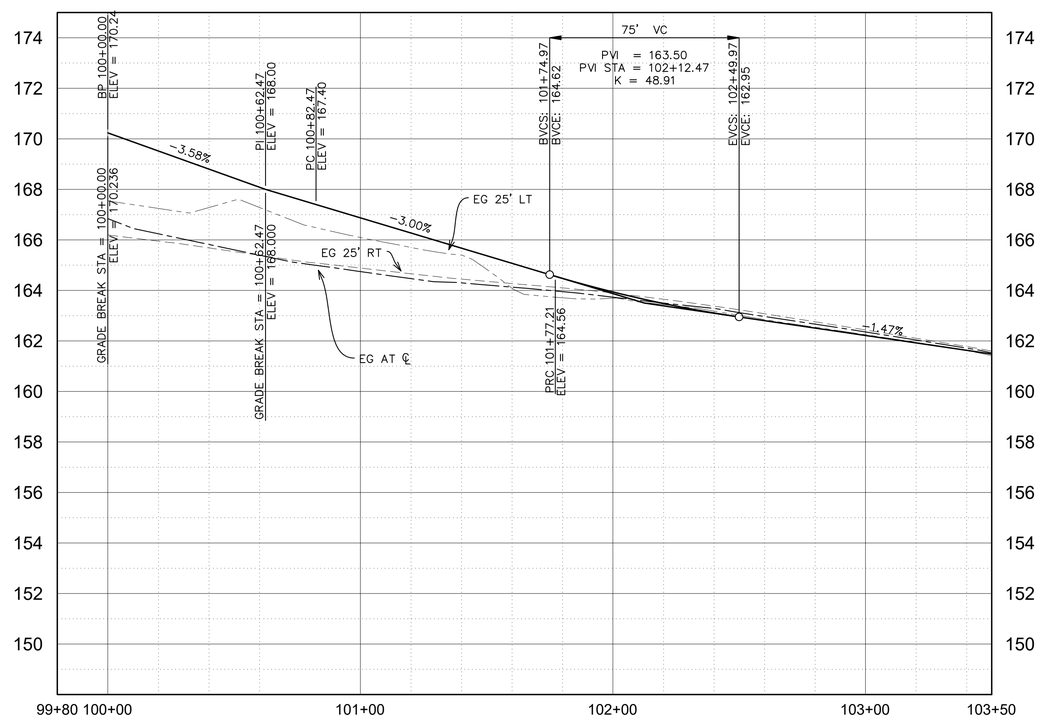
820



HILL LN. PLAN
1" = 30'



HILL LN. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

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HILL LANE PLAN & PROFILE
100+00 – 103+50

DRAWING
ST-13

JOB NUMBER
2940.3000.0

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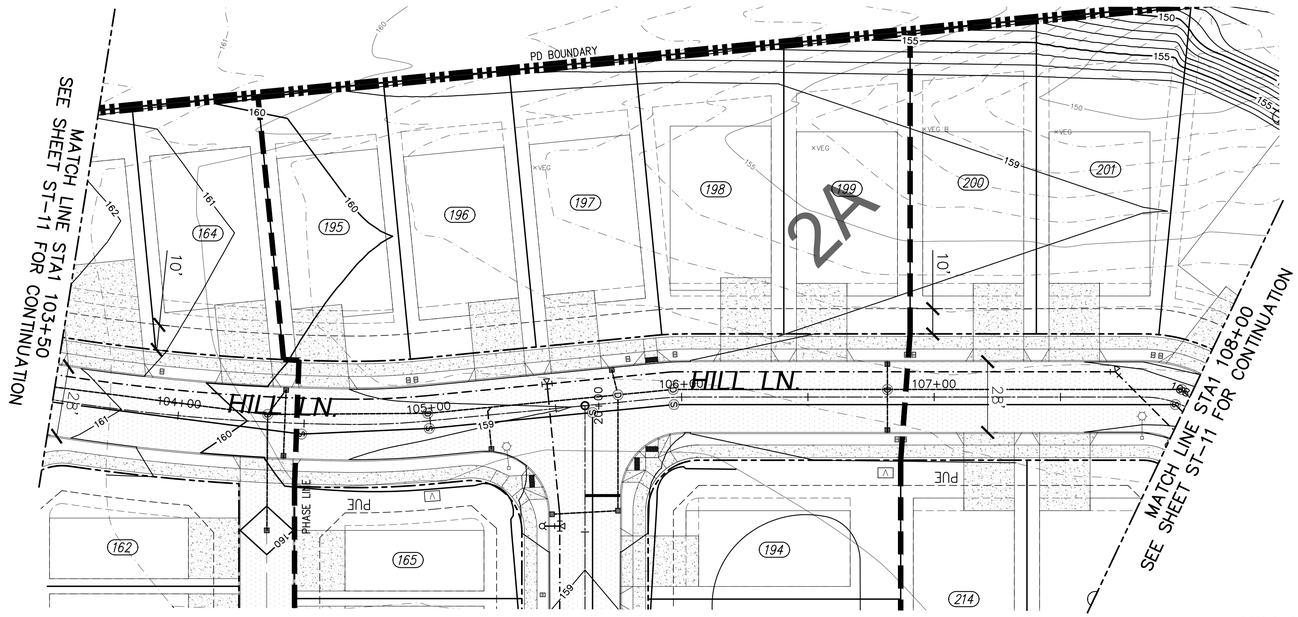

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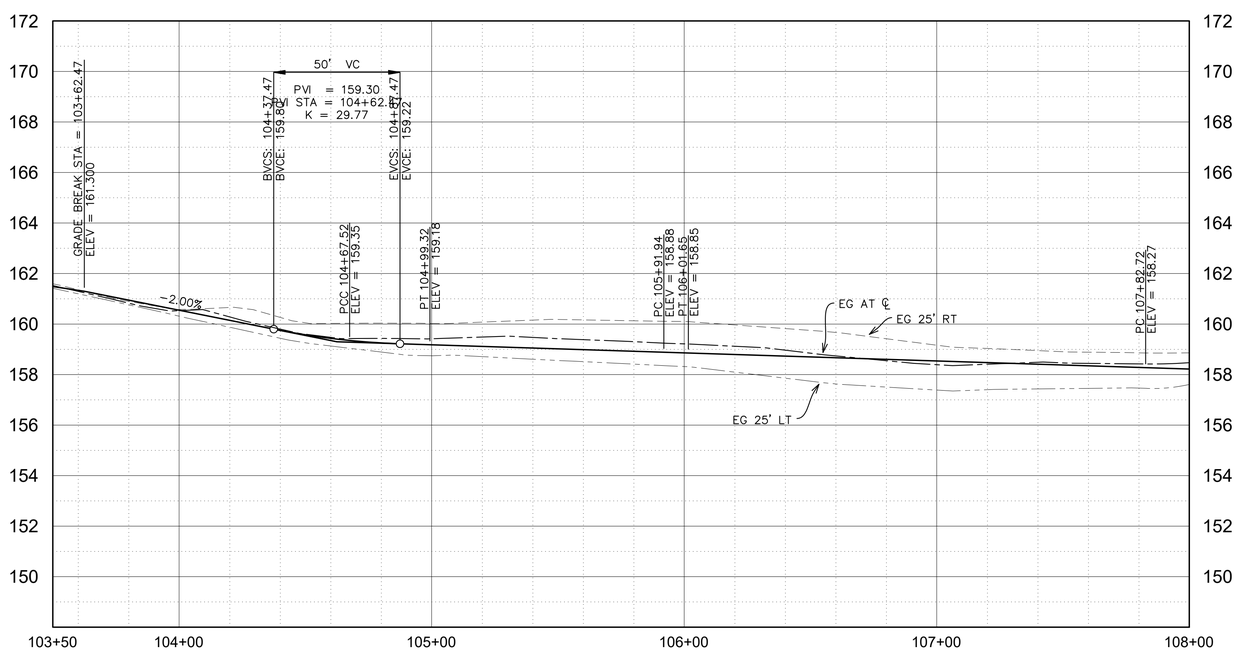
1" = 30'



HILL LN. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

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HILL LANE PLAN & PROFILE 103+50 – 108+00

DRAWING
ST-14

JOB NUMBER
2940.3000.0

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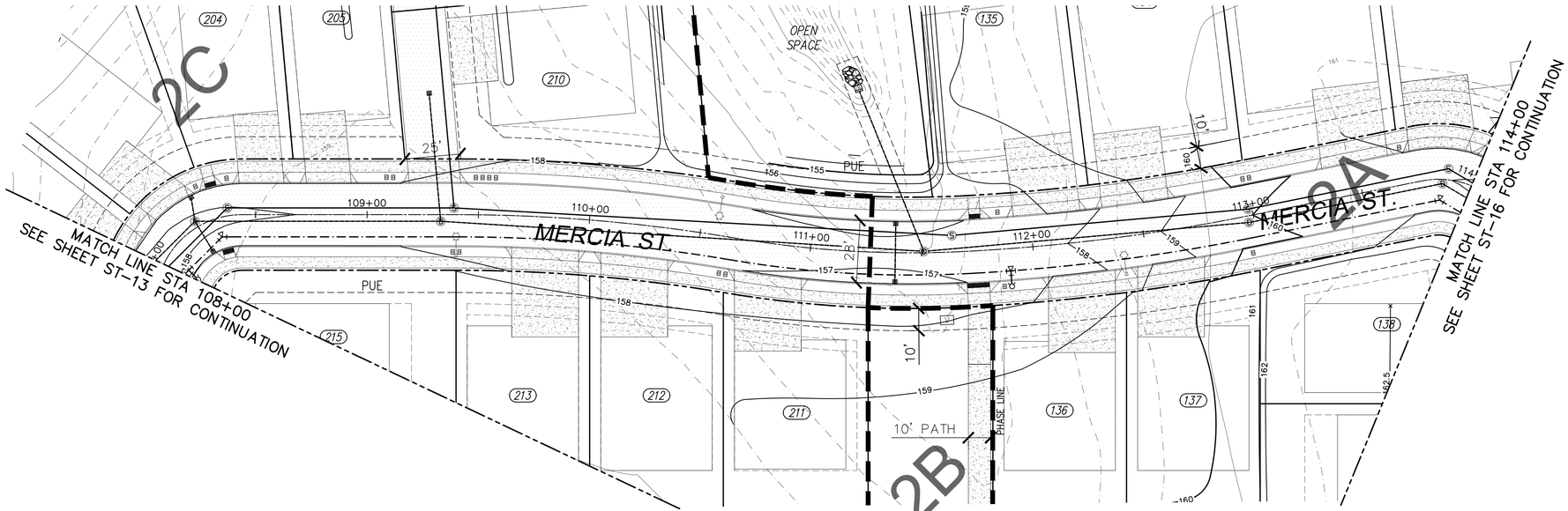
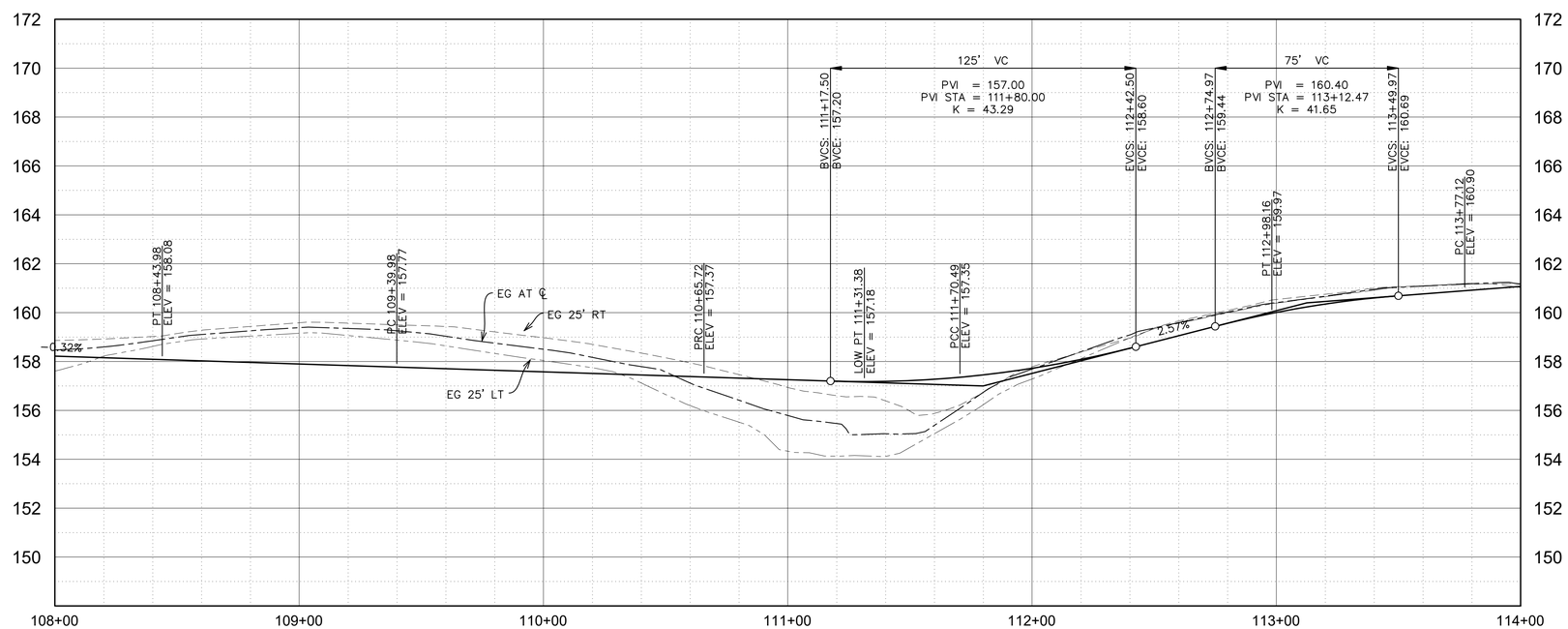


MERCIA ST. PLAN
1" = 30'



MERCIA ST. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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MERCIA STREET PLAN & PROFILE 108+00 – 114+00

DRAWING
ST-15

JOB NUMBER
2940.3000.0

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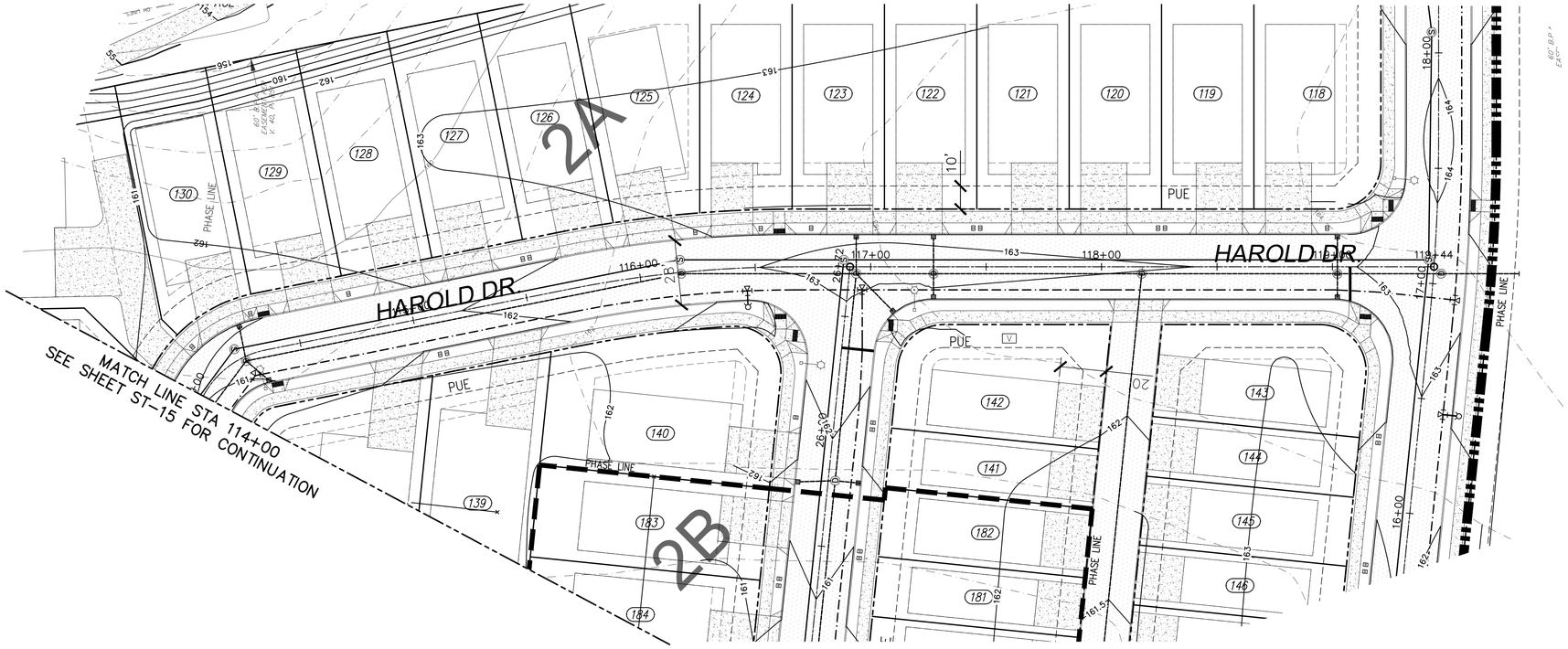
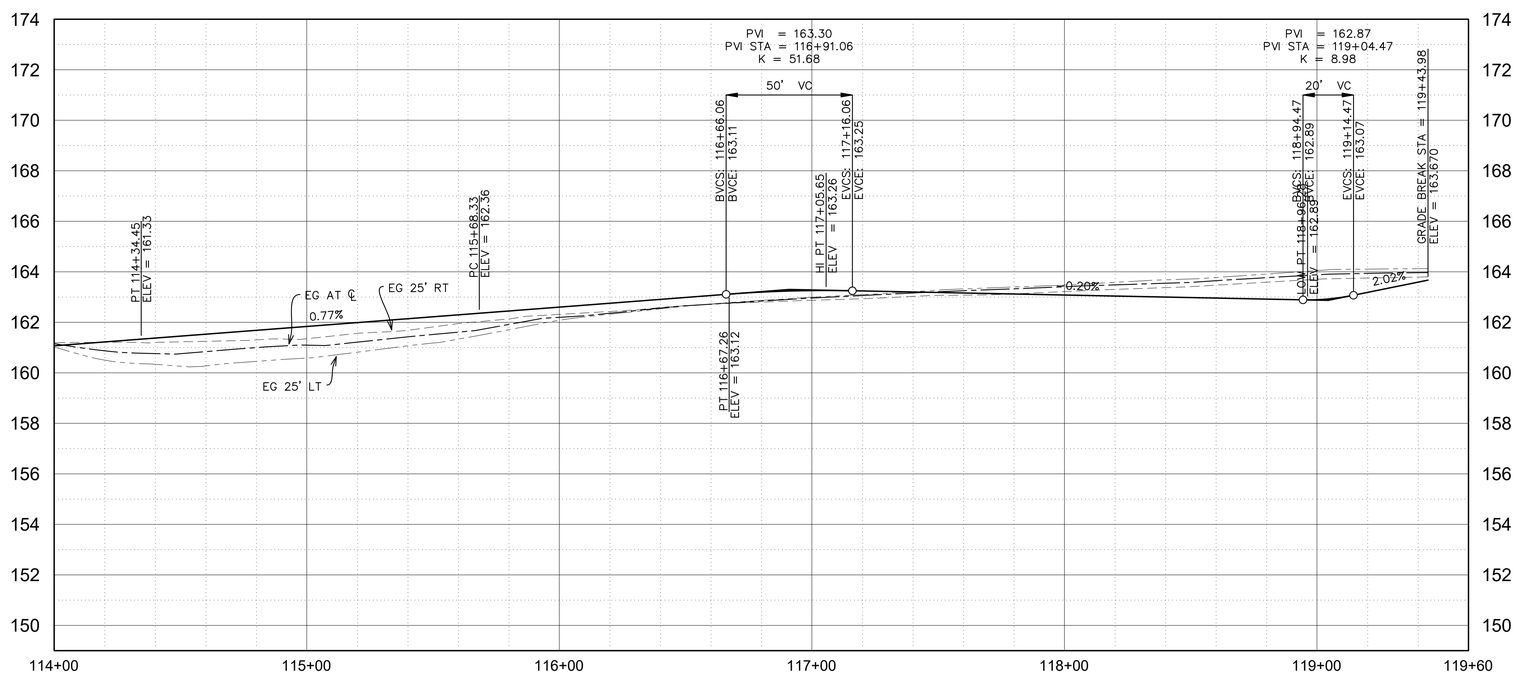
823



HAROLD DR. PLAN
1" = 30'



HAROLD DR. PROFILE
H: 1" = 30' V: 1" = 3'

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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HAROLD DRIVE PLAN & PROFILE 114+00 – END

DRAWING
ST–16

JOB NUMBER
2940.3000.0

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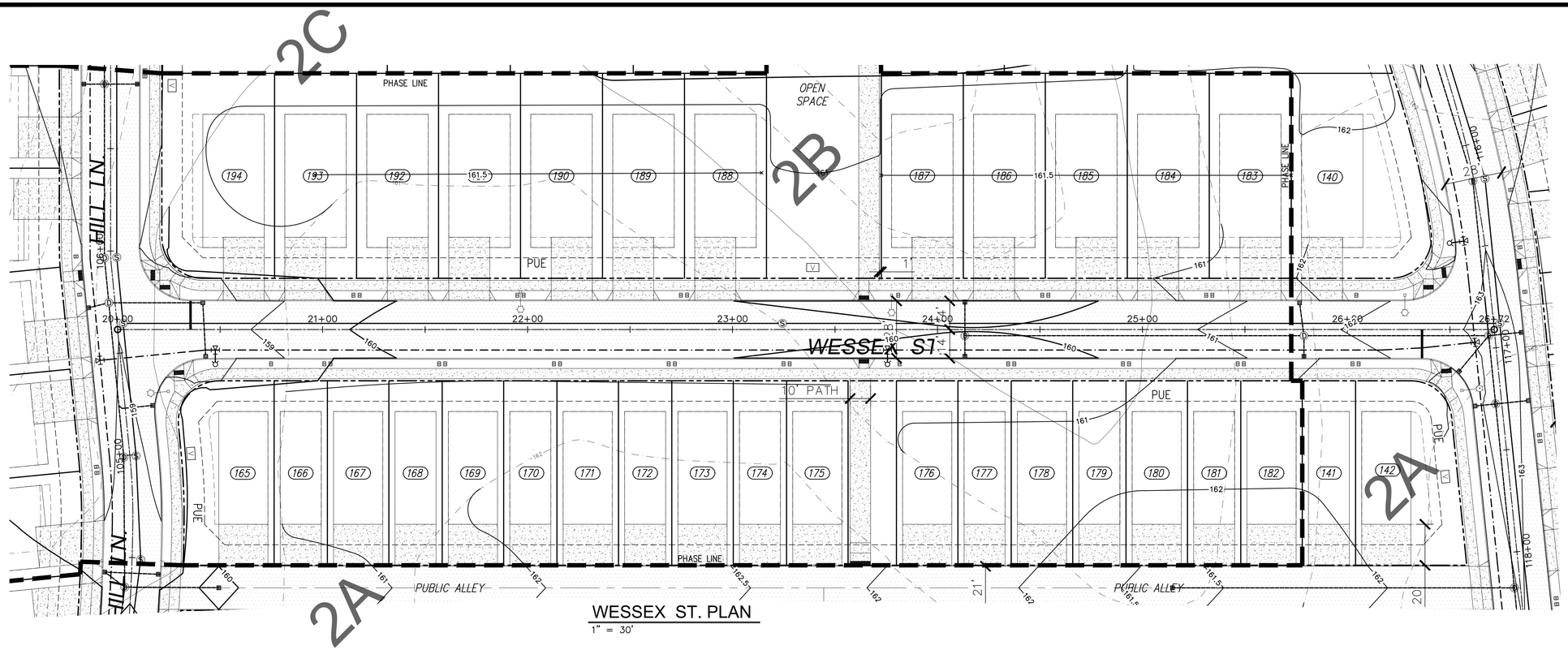
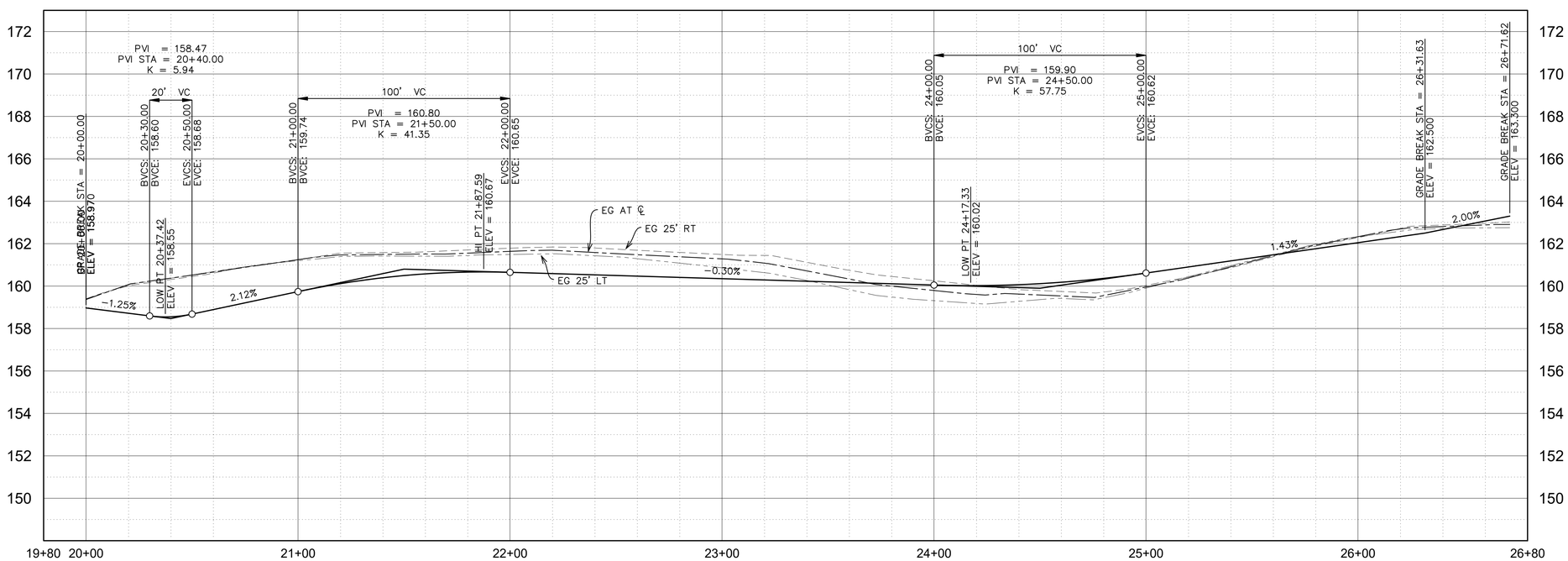
824



WESSEX ST. PLAN

1" = 30'



WESSEX ST. PROFILE

H: 1" = 30' V: 1" = 3'

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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DRN. RS
CKD. JW
DATE: 11/2019

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

WESSEX STREET PLAN & PROFILE

DRAWING
ST-17

JOB NUMBER
2940.3000.0

11/8/2019 2:08:24 PM
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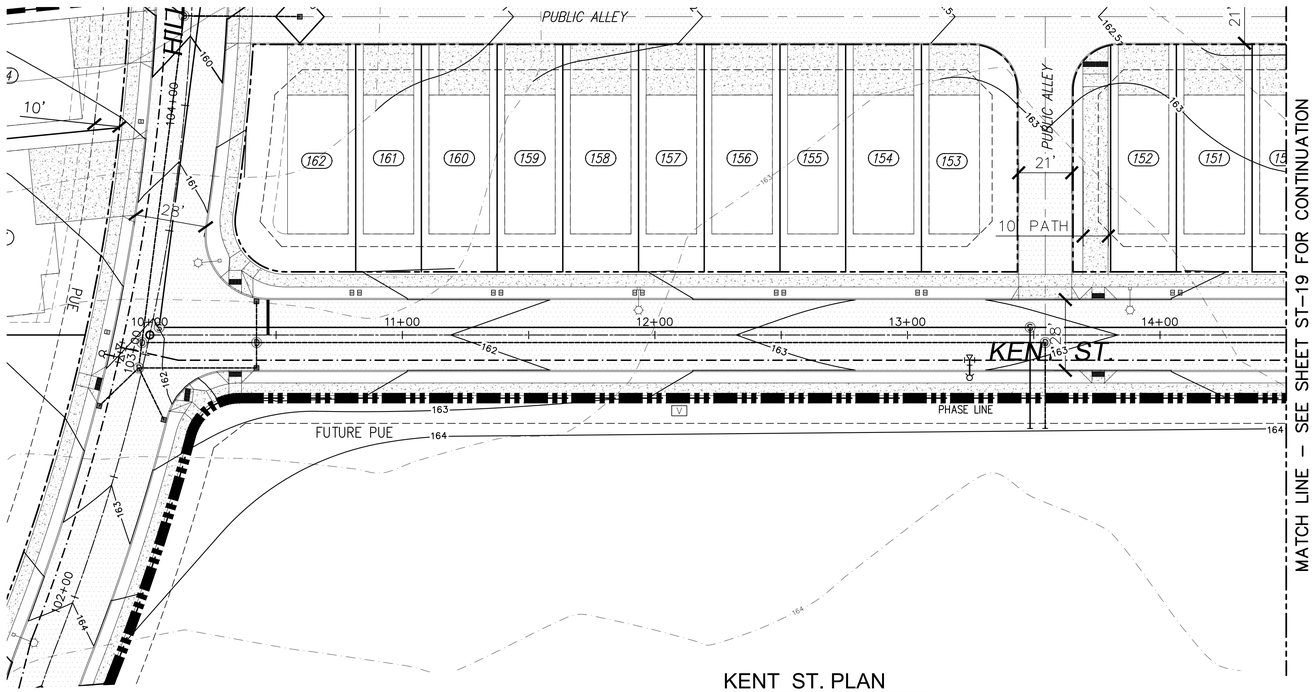
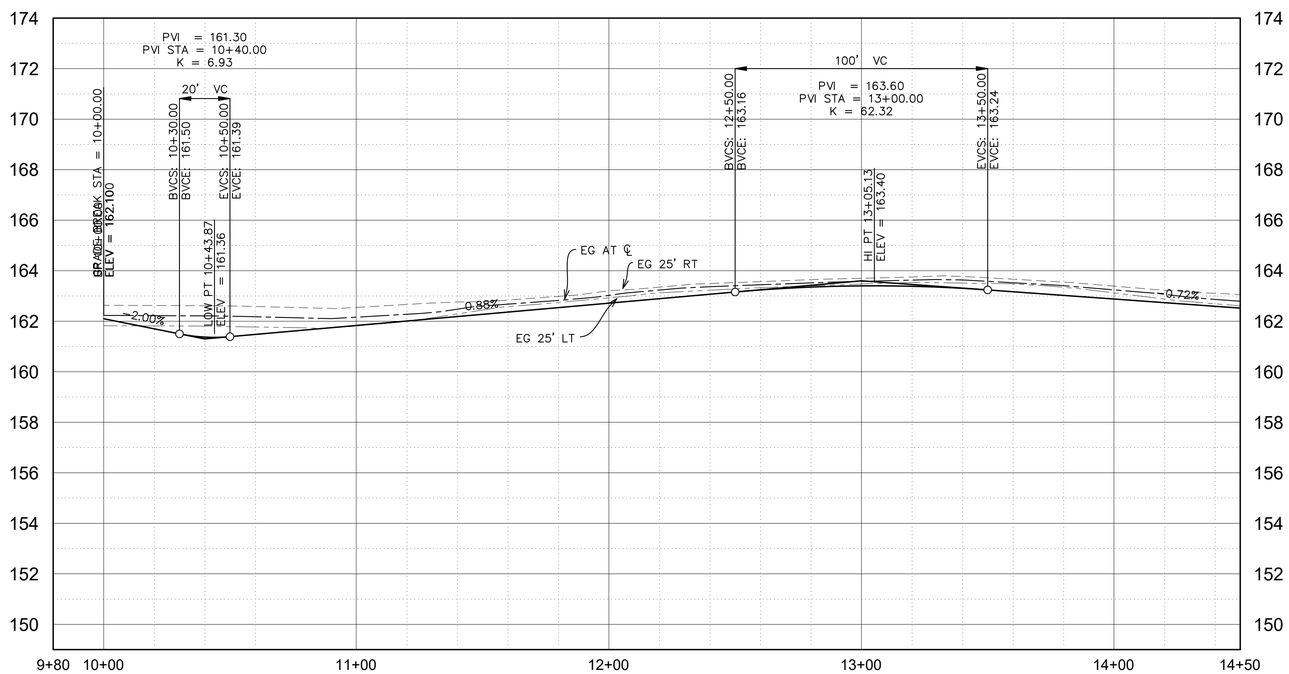
825



KENT ST. PLAN
1" = 30'



KENT ST. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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STAFFORD DEVELOPMENT COMPANY
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KENT STREET PLAN & PROFILE 10+00 – 14+50

DRAWING
ST-18

JOB NUMBER
2940.3000.0

11/8/2019 2:08:39 PM
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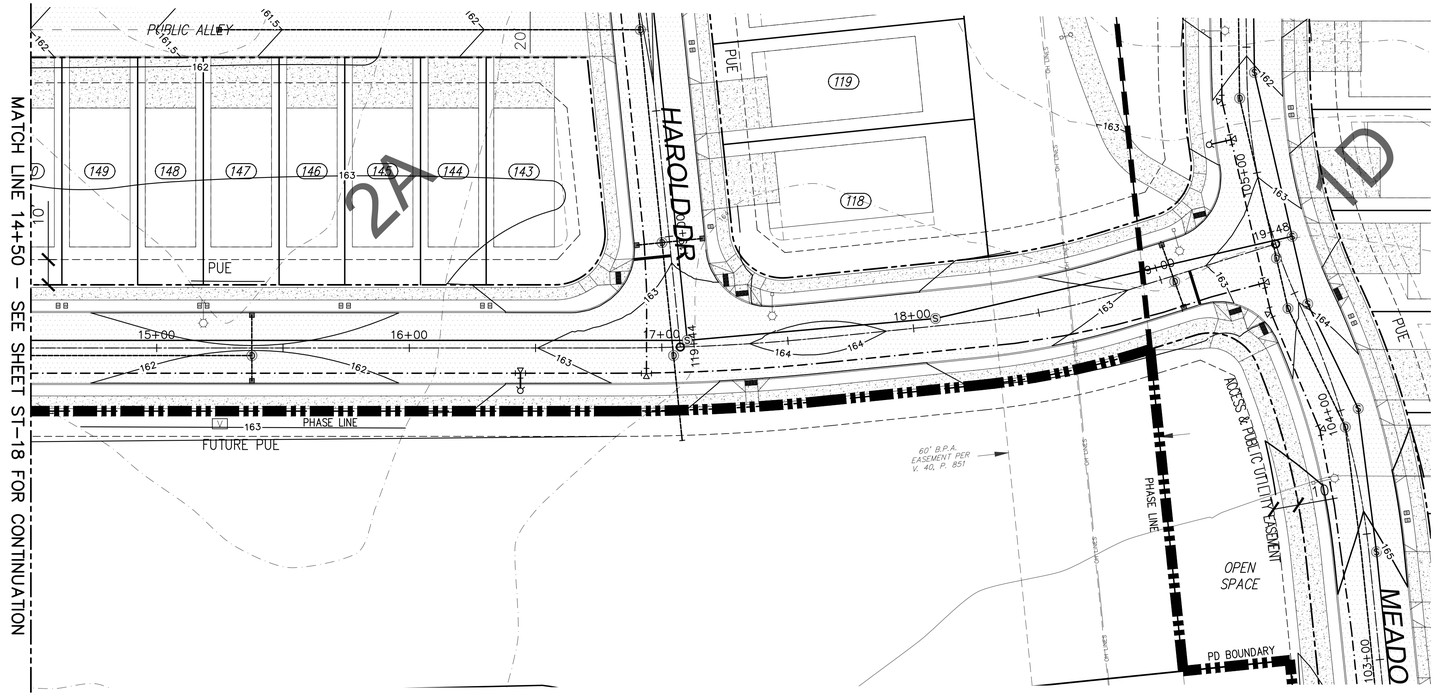
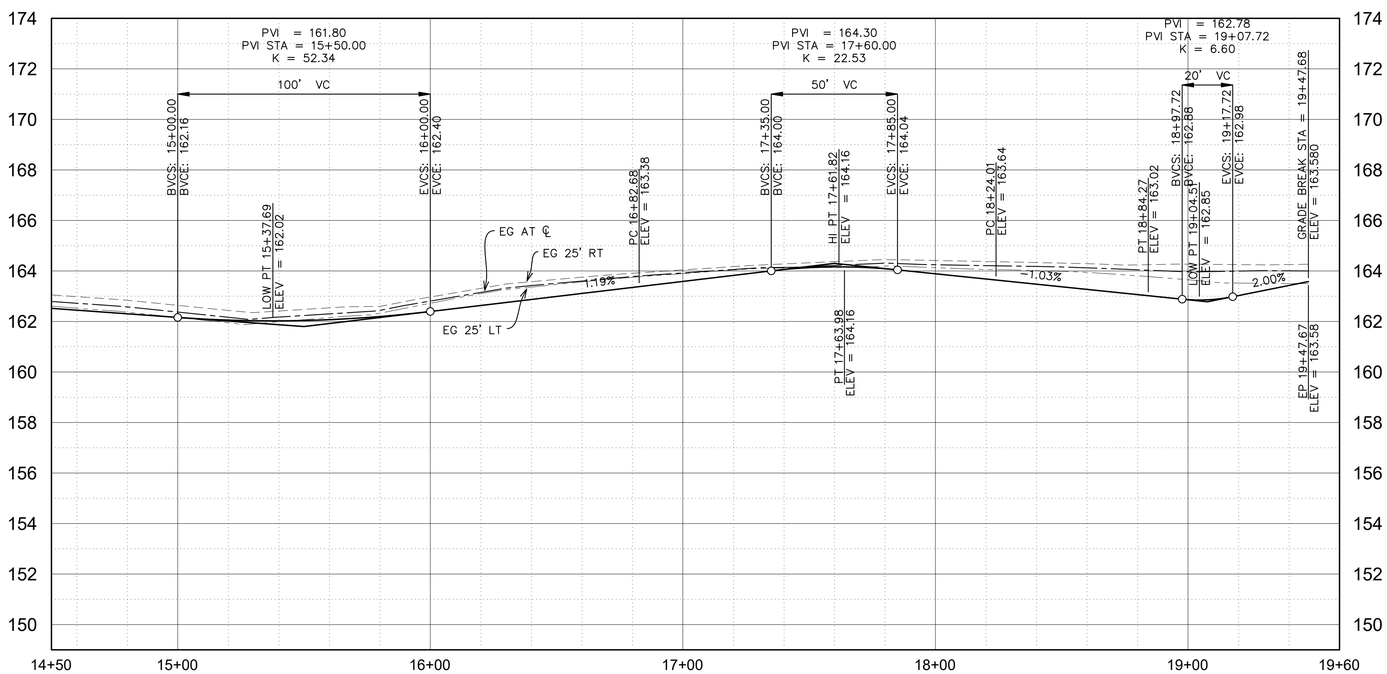


KENT ST. PLAN

1" = 30'



KENT ST. PROFILE

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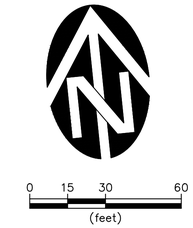

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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0 1"
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DRN. RS
CKD. JW
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BAKER CREEK NORTH SUBDIVISION

KENT STREET PLAN & PROFILE 14+50 – END

DRAWING
ST–19

JOB NUMBER
2940.3000.0

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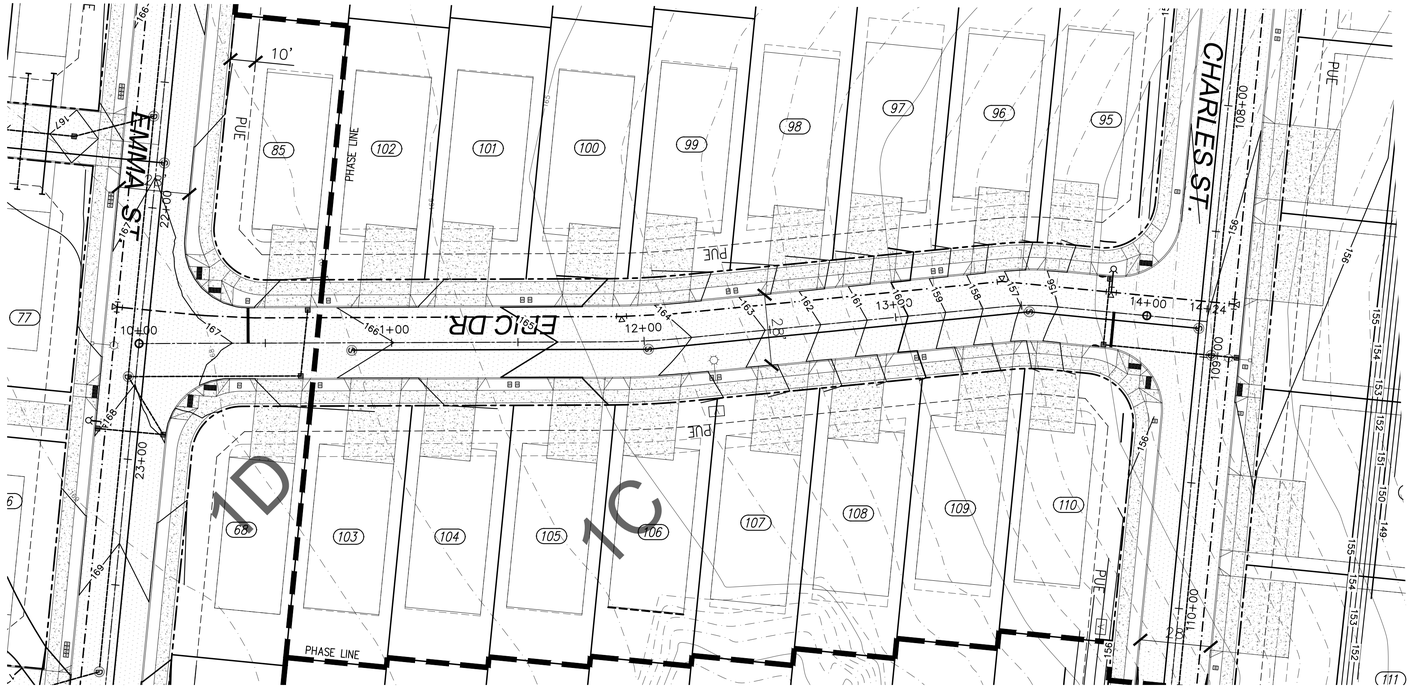
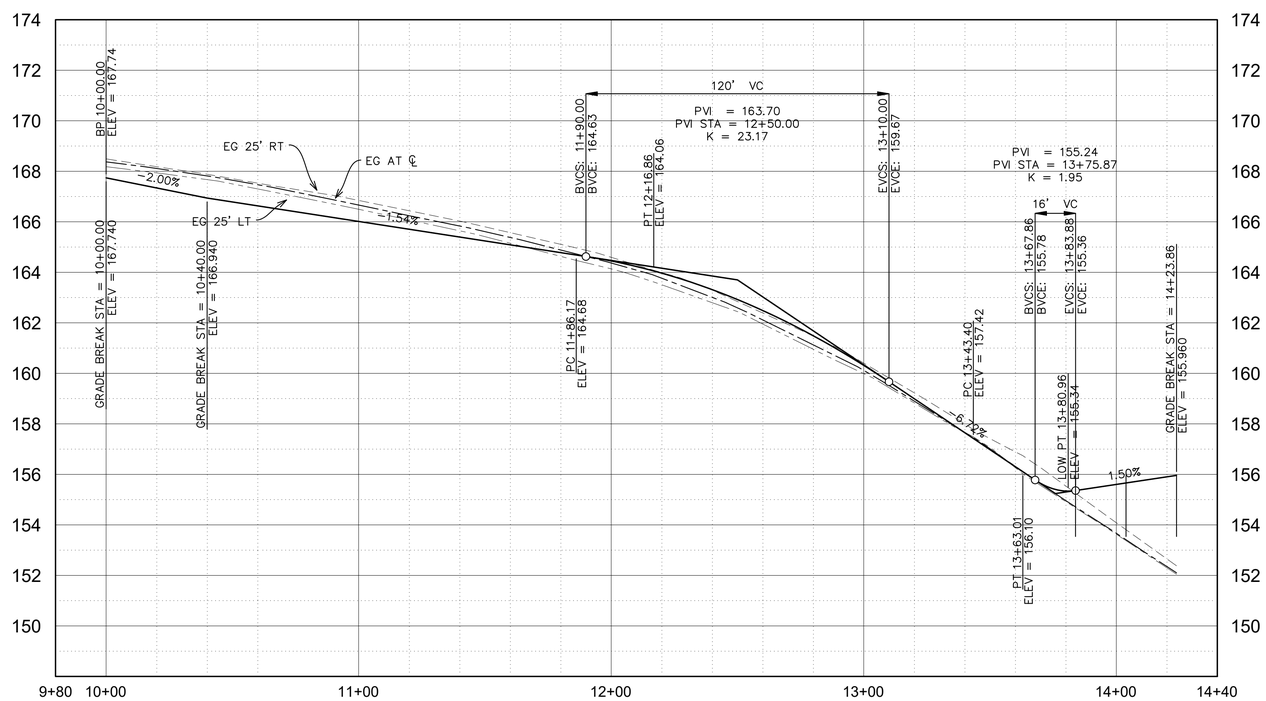


ERIC DR. PLAN

1" = 30'



ERIC DR. PROFILE

H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

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ERIC DRIVE PLAN & PROFILE

DRAWING
ST-20

JOB NUMBER
2940.3000.0

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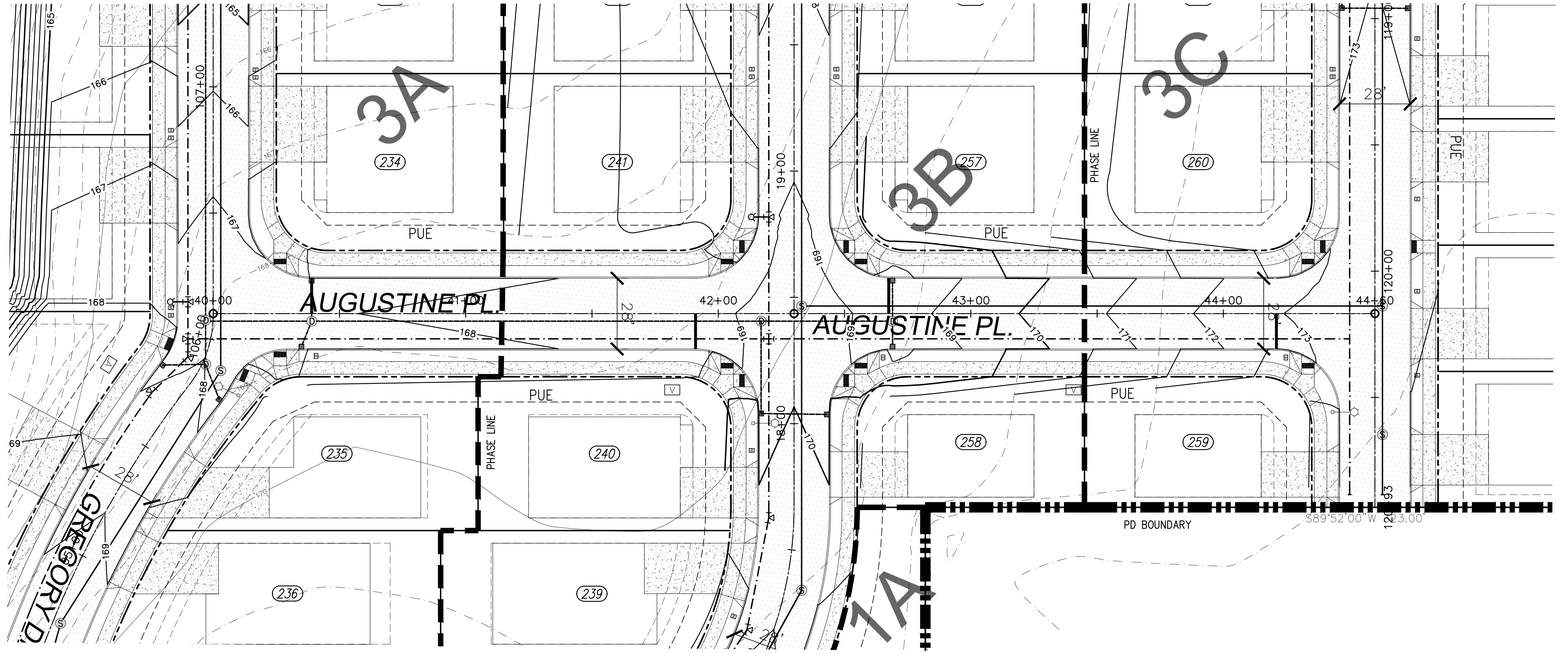
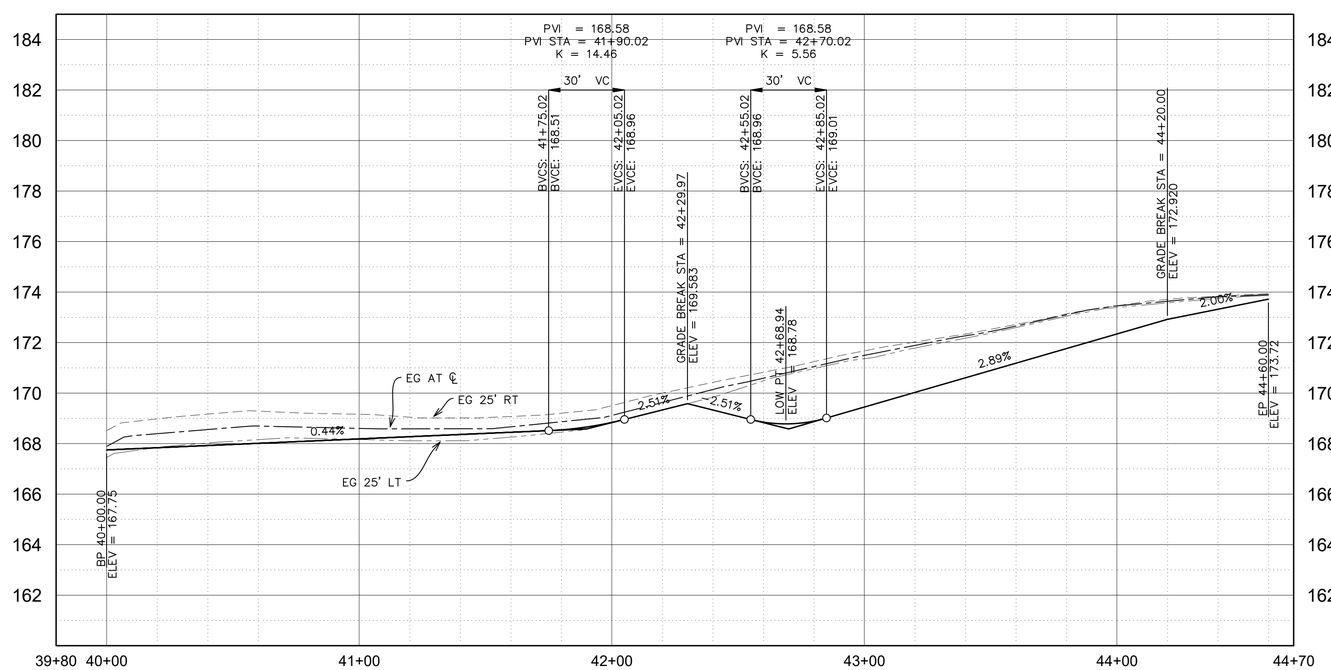


AUGUSTINE PL. PLAN
1" = 30'



AUGUSTINE PL. PROFILE
H: 1" = 30' V: 1" = 3'

NO.	DATE	DESCRIPTION	BY
1			

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BAKER CREEK NORTH SUBDIVISION

AUGUSTINE PLACE PLAN & PROFILE

DRAWING
ST-21

JOB NUMBER
2940.3000.0

11/8/2019 2:09:24 PM
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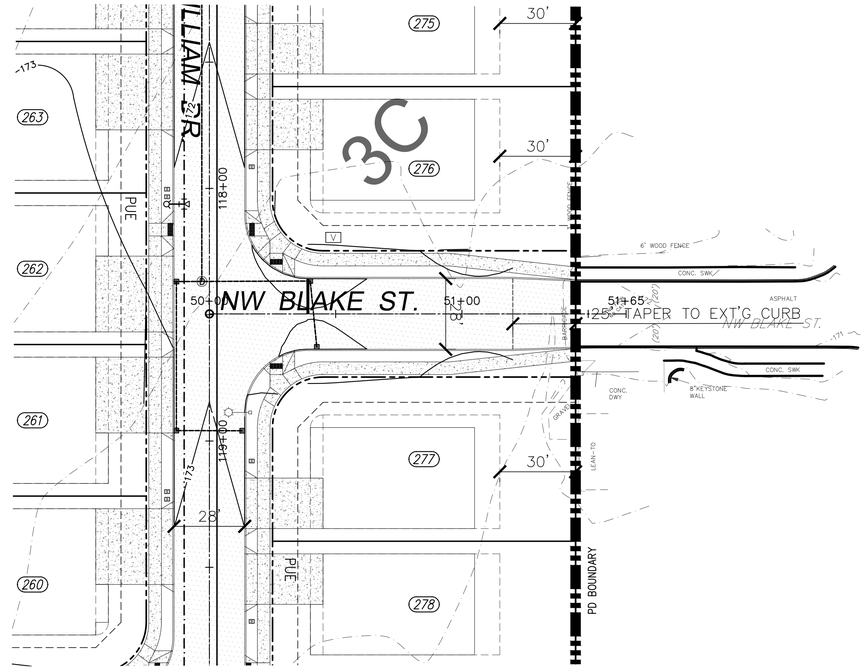
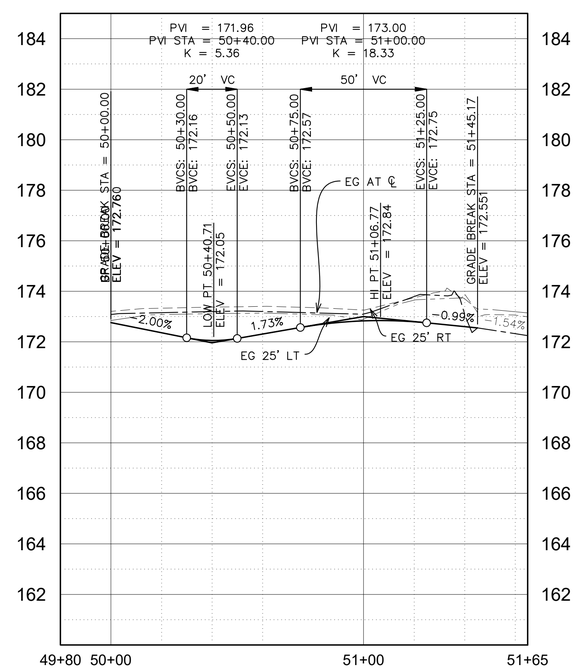


BLAKE ST. PLAN
1" = 30'



BLAKE ST. PROFILE
H: 1" = 30' V: 1" = 3'

0 15 30 60
(feet)

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

BLAKE STREET PLAN & PROFILE

DRAWING
ST-22

JOB NUMBER
2940.3000.0

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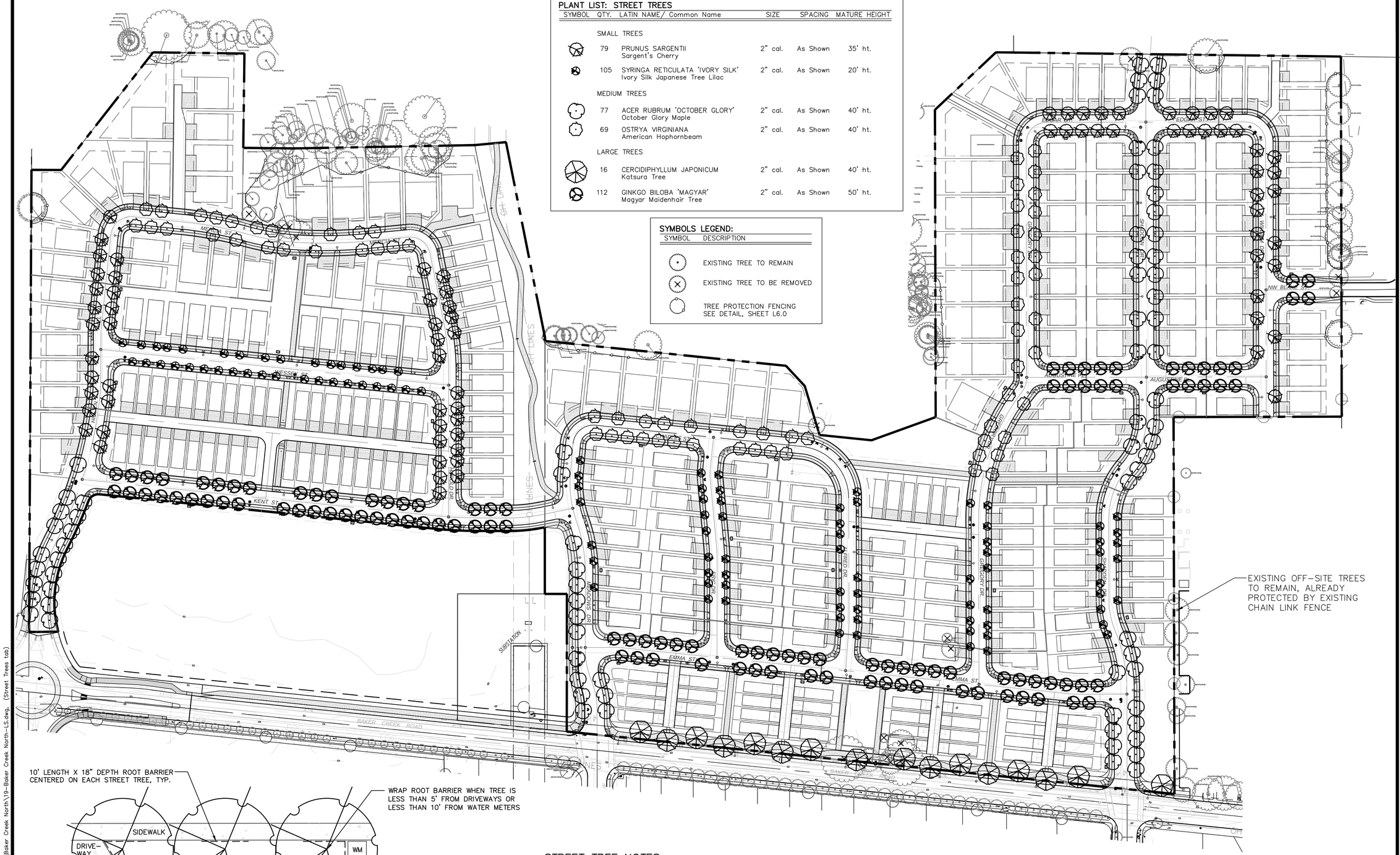
830

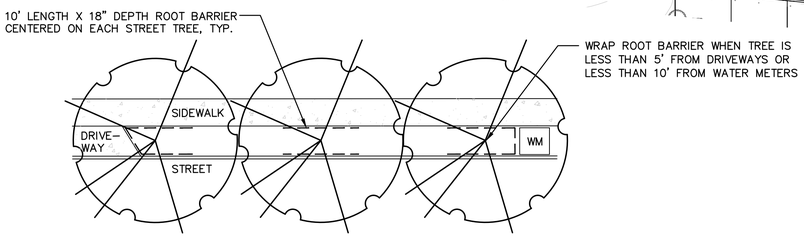
PLANT LIST: STREET TREES

SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING	MATURE HEIGHT
		SMALL TREES			
	79	PRUNUS SARGENTII Sargent's Cherry	2" cal.	As Shown	35' ht.
	105	SYRINGA RETICULATA 'IVORY SILK' Ivory Silk Japanese Tree Lilac	2" cal.	As Shown	20' ht.
		MEDIUM TREES			
	77	ACER RUBRUM 'OCTOBER GLORY' October Glory Maple	2" cal.	As Shown	40' ht.
	69	OSTRYA VIRGINIANA American Hophornbeam	2" cal.	As Shown	40' ht.
		LARGE TREES			
	16	CERCIDIPHYLLUM JAPONICUM Katsura Tree	2" cal.	As Shown	40' ht.
	112	GINKGO BILOBA 'MAGYAR' Magyar Maidenhair Tree	2" cal.	As Shown	50' ht.

SYMBOLS LEGEND:

SYMBOL	DESCRIPTION
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	TREE PROTECTION FENCING SEE DETAIL, SHEET L6.0





ROOT BARRIER DETAIL

NOT TO SCALE

STREET TREE NOTES:

1. Street trees shall not be planted within ten feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines; twenty feet of street lights or street intersections; or five feet from a private driveway or alley, except as approved with approprate root barrier.
2. Root barrier shall be installed for any street trees planted less than five feet form a curb, sidewalk, or driveway, and less than 10' from a water meter.
3. Lawn shall be planted in all street planting areas by adjacent property owner at time of home construction.

TREE PLAN

SCALE 1" = 90'-0"

NO.	DATE	DESCRIPTION	BY
		REVISIONS	

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH, ADJUST THIS SHEET, ADJUST SCALES ACCORDINGLY

DSN. EH
DRN. EH
CKD. EH
DATE: 11/8/2019

OTTEN & Associates
Landscape Architecture, LLC
3933 SW Kelly Avenue, Suite B
Portland, Oregon 97239
Phone: (503) 972-0311
www.ottenla.com

REGISTERED LANDSCAPE ARCHITECT
LA793
ERIN HOLSONBACK
OREGON
8/10/2013
EXP. 5/31/20

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

STAFFORD DEVELOPMENT COMPANY, LLC

BAKER CREEK NORTH SUBDIVISION

STREET TREE PLAN

DRAWING
L1.0

JOB NUMBER
2940.3000.0

11/8/2019 11:49:41 AM
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831

MATCHLINE: SEE SHEET L5.0

MATCHLINE: SEE SHEET L3.0

CHARLES ST.

ERIC DR.

PHASE LINE

ALFRED DR.

GREGORY DR.

GREGORY DR.

PHASE LINE

SHARDEN DR.

EMMA ST.

EMMA ST.

TRACT 'E'

TRACT 'C'

TRACT 'B'

TRACT 'A'

LAWN TO BE INSTALLED IN ALL STREET PLANTERS

MONUMENT SIGN

3' WHITE RAIL FENCE

BAKER CREEK ROAD

MONUMENT SIGN

WHITE RAIL FENCE

SEE ENLARGED TRACT VIEWS (SHEETS L7.0 & L8.0)

LANDSCAPE PLAN

SCALE 1" = 40'-0"

NO.	DATE	DESCRIPTION	BY
		REVISIONS	

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING

0 1"

IF NOT ONE INCH, ON THIS SHEET, ADJUST SCALES ACCORDINGLY

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DRN. EH

CKD. EH

DATE: 11/8/2019

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www.ottenla.com

REGISTERED LA793 ERIN HOLSONBACK OREGON 5/10/2013 EXP. 5/31/20 LANDSCAPE ARCHITECT

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STAFFORD DEVELOPMENT COMPANY, LLC

BAKER CREEK NORTH SUBDIVISION

LANDSCAPE PLAN

DRAWING L2.0

JOB NUMBER 2940.3000.0

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MATCHLINE: SEE SHEET L4.0

WESSEX ST.

HIGHLAND DR.

PHASE LINE

KENT ST.

HAROLD DR.

TRACT 'K'

TRACT 'L'

TRACT 'J'

TRACT 'O'

EXISTING NATURAL VEGETATION TO REMAIN

SEE ENLARGED TRACT VIEWS, SHEET L8.0

MATCHLINE: SEE SHEET L2.0

MEADOWS DR.

SUBSTATION

FOR REFERENCE ONLY

BAKER CREEK ROAD

LANDSCAPE PLAN

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		REVISIONS	

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REGISTERED LANDSCAPE ARCHITECT
LA733
ERIN HOLSONBACK
OREGON
5/10/2013
EXP. 5/31/20

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STAFFORD DEVELOPMENT COMPANY
BAKER CREEK NORTH SUBDIVISION

LANDSCAPE PLAN

DRAWING
L3.0

JOB NUMBER
2940.3000.0

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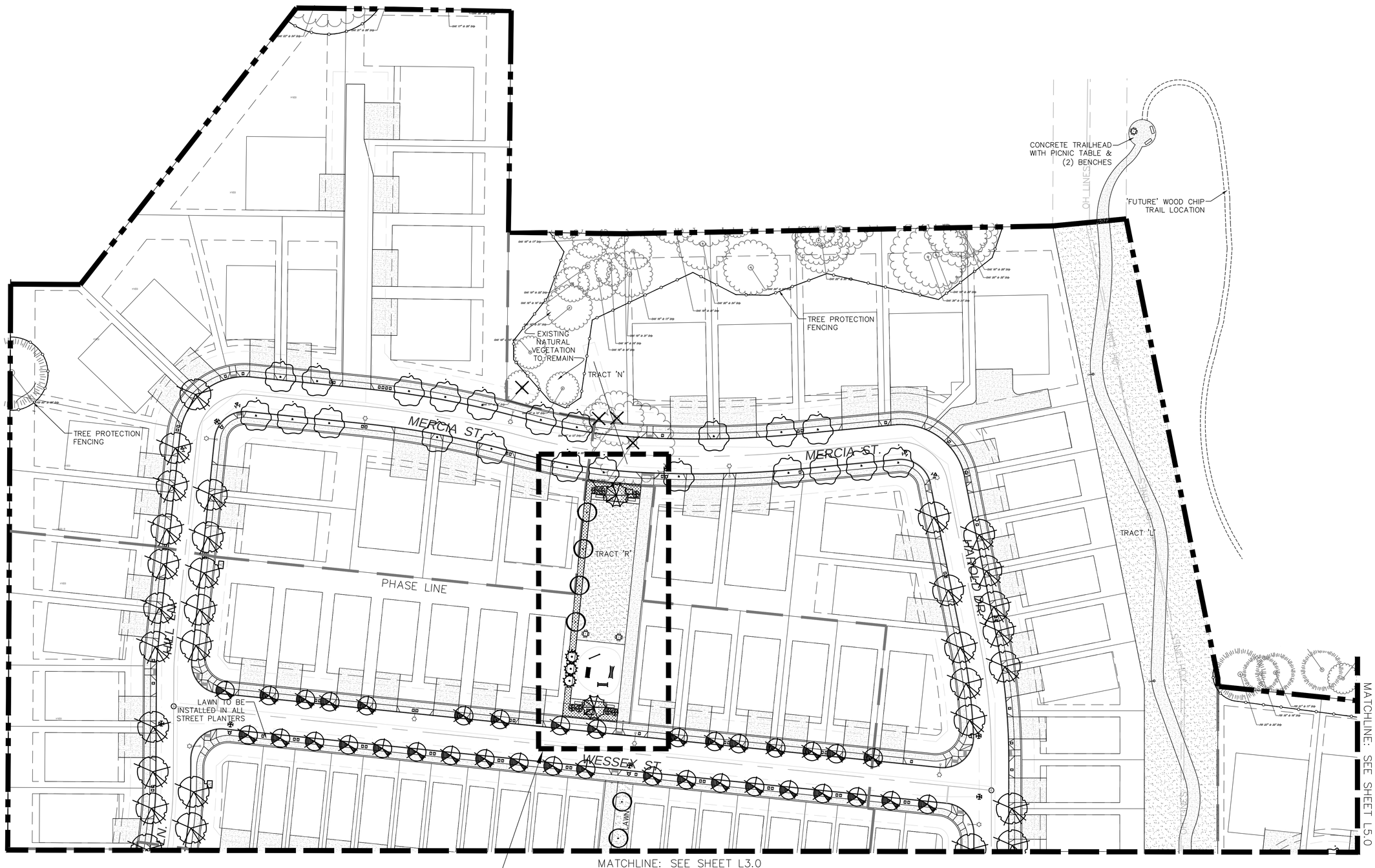

LANDSCAPE PLAN

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BAKER CREEK NORTH SUBDIVISION

LANDSCAPE PLAN

DRAWING
L4.0

JOB NUMBER
2940.3000.0

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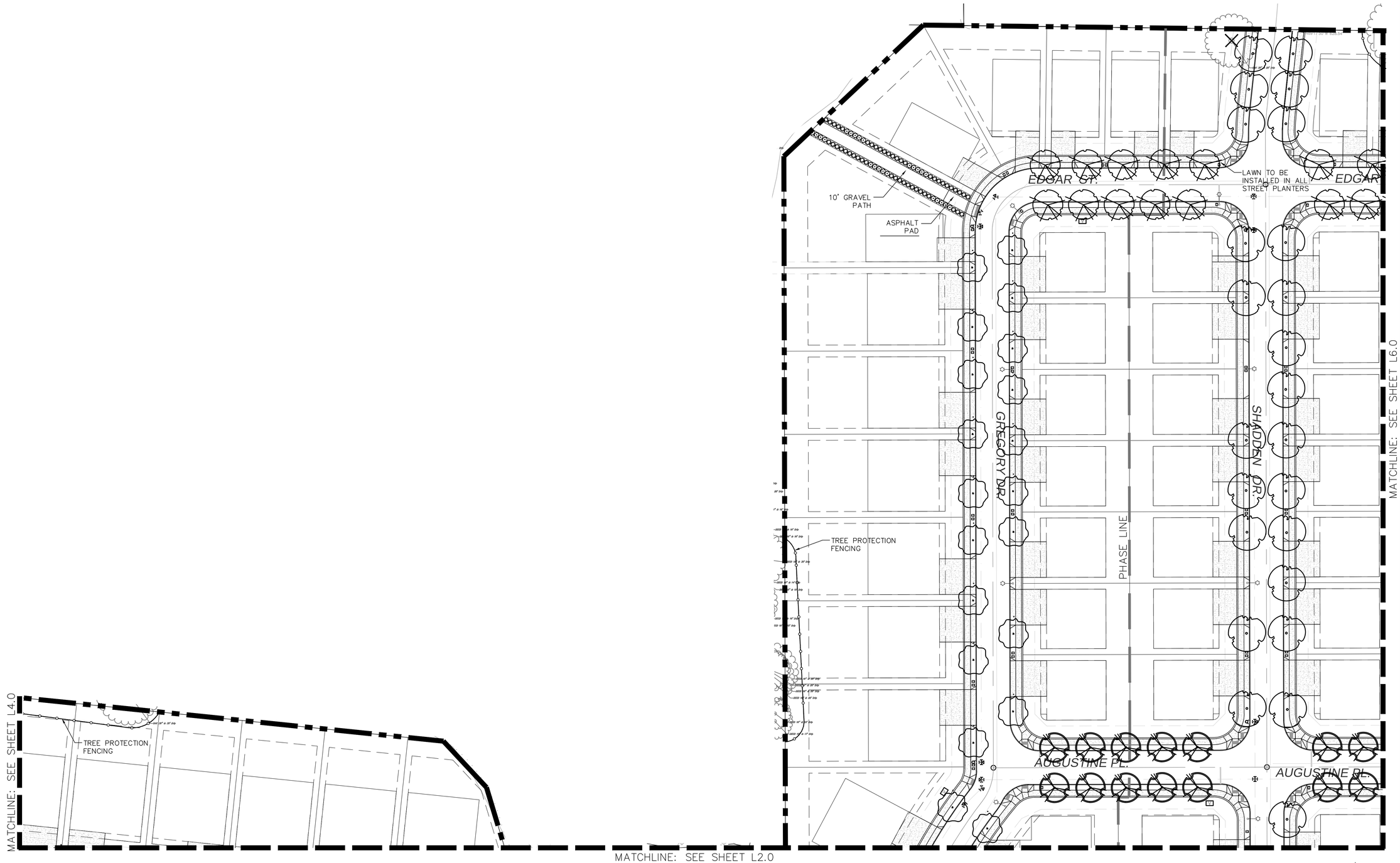

LANDSCAPE PLAN

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LANDSCAPE PLAN

DRAWING
L5.0

JOB NUMBER
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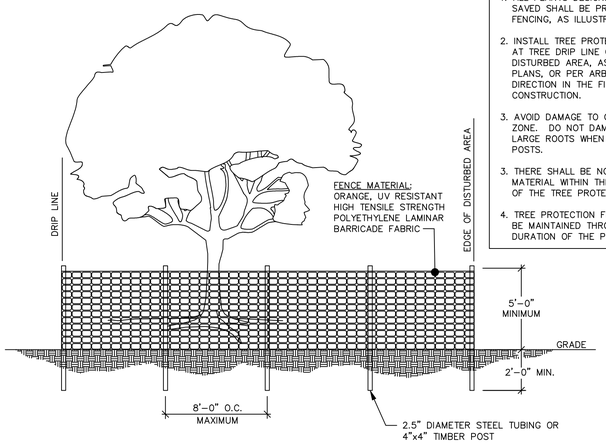
GENERAL NOTES:

1. Landscape Plan is diagramatic only and does not provide construction details for any hardscape elements. Contractor(s) shall be experienced and skilled in the required scope of work, and assume all responsibility for the work contained herein.
2. Tree protection fencing shall be installed for all existing trees to be preserved prior to the commencement of any construction activity.
3. Adjust plantings in the field as necessary.
4. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. See Irrigation Plan for meter location and mainline layout. Individual zones and sprinkler layout are to be design/build by Landscape Contractor. Guarantee system for a minimum one year.
5. All plants are to be fully foliaged, well branched and true to form.
6. Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
7. Contractor shall notify the Landscape Architect if specified materials or methods are not consistent with local climate and/or practices.



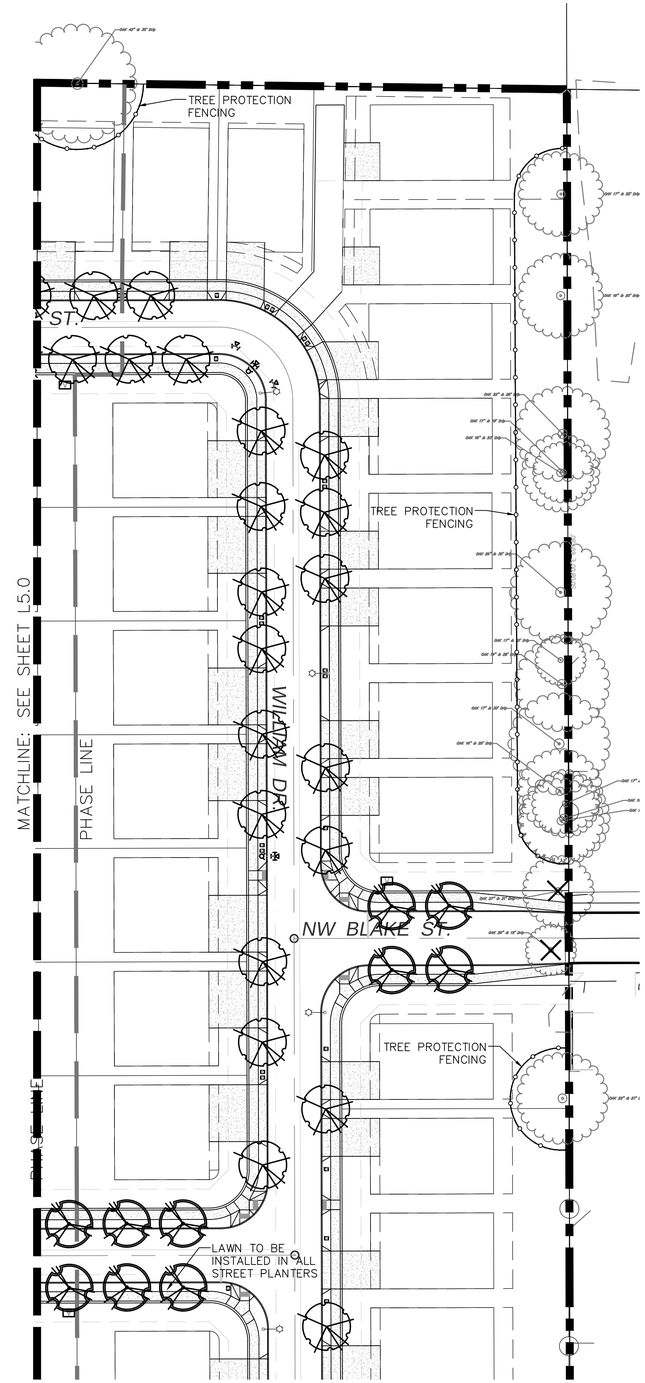
NOTES:
1. ALL PLANTS DESIGNATED TO BE SAVED SHALL BE PROTECTED BY FENCING, AS ILLUSTRATED.
2. INSTALL TREE PROTECTION FENCE AT TREE DRIP LINE OR AT EDGE OF DISTURBED AREA, AS SHOWN ON PLANS, OR PER ARBORIST DIRECTION IN THE FIELD PRIOR TO CONSTRUCTION.
3. AVOID DAMAGE TO CRITICAL ROOT ZONE. DO NOT DAMGE OR SEVER LARGE ROOTS WHEN INSTALLING POSTS.
3. THERE SHALL BE NO STORAGE OF MATERIAL WITHIN THE BOUNDARIES OF THE TREE PROTECTION FENCING.
4. TREE PROTECTION FENCING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE PROJECT.

TREE PROTECTION FENCING

(OR AS REQUIRED BY THE CITY OF MCMINNVILLE) N.T.S

PLANT LIST: OPEN SPACE TRACTS

SYMBOL	QTY.	SUGGESTED PLANT MATERIAL	SIZE	SPACING
		SITE TREES		
	13	ACER CIRCINATUM Vine Maple	4–5' ht.	As Shown
	6	CALOCEDRUS DECURRENS Incense Cedar	6–7' ht.	As Shown
	34	CARPINUS BETULUS 'FRANS FONTAINE' Frans Fontaine Hornbeam	2" cal.	As Shown
	12	CERCIS CANADENSIS Eastern Redbud	2" cal.	As Shown
	9	GLEDITSIA TRIACANTHOS 'SUNBURST' Sunburst Honey Locust	2" cal.	As Shown
	17	MALUS 'ROYAL RAINDROPS' Royal Raindrops Flowering Crabapple	2" cal.	As Shown
	OR	AMELANCHIER ALNIFOLIA Pacific Serviceberry		
	10	PSEUDOTSUGA MENSIEZII Douglas Fir	7–8' ht.	As Shown
	7	RHAMNUS PURSHIANA Cascara	2" cal.	As Shown
		SHRUBS		
	10	ABELIA GRANDIFLORA 'KALEIDOSCOPE' Kaleidoscope Abelia	2 gal.	3' o.c.
	54	CORNUS ALBA 'ELEGANTISSIMA' Variegated Redtwig Dogwood	5 gal.	5' o.c.
	9	JUNIPERUS CHINENSIS 'BLUE POINT' Blue Point Juniper	4–5' ht.	5' o.c.
	8	LIGUSTRUM JAPONICUM 'TEXANUM' Waxleaf Privet	5 gal.	4' o.c.
	172	MAHONIA AQUIFOLIUM Tall Oregon Grape	2 gal.	4' o.c.
	36	MYRICA CALIFORNICA Pacific Wax Myrtle	5 gal.	6' o.c.
	24	ROSA NUTKANA Nootka Rose	2 gal.	4' o.c.
	16	SYRINGA PATULA 'MISS KIM' Miss Kim Korean Lilac	5 gal.	6' o.c.
	3	VIBURNUM TINUS 'SPRING BOUQUET' Spring Bouquet Viburnum	5 gal.	4' o.c.
	(3,760 SF)	ORNAMENTAL & NATIVE SHRUBS Lucky Lots Abelia Silver Queen Euonymus Kelsey Dogwood Creeping Mahonia Evergreen Huckleberry Gulf Stream Nandina Dwarf Alaska Blue Willow	2–5 gal.	2–6' o.c.
		GROUNDCOVER & PERENNIALS		
	341	ARCTOSTAPHYLOS UVA–URSI Kinnikinnick	1 gal.	3' o.c.
	60	HELICTOTRICHON SEMPERVIRENS Blue Oat Grass	1 gal.	2' o.c.
	10	HEMEROCALLIS 'STELLA D' ORO' Stella d' Oro Daylily	1 gal.	2' o.c.
	2	MISCANTHUS SINENSIS 'MORNING LIGHT' Morning Light Maiden Grass	2 gal.	3' o.c.
		SEEDED AREAS		
		FINE LAWN See Specifications	Seed	
		WATER QUALITY MIX See Specifications	Seed	



LANDSCAPE PLAN

SCALE 1" = 40'-0"

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REGISTERED LA793 ERIN HOLSONBACK OREGON 5/10/2013 EXP. 5/31/20 LANDSCAPE ARCHITECT

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STAFFORD DEVELOPMENT COMPANY, LLC
BAKER CREEK NORTH SUBDIVISION

LANDSCAPE PLAN

DRAWING
L6.0

JOB NUMBER
2940.3000.0

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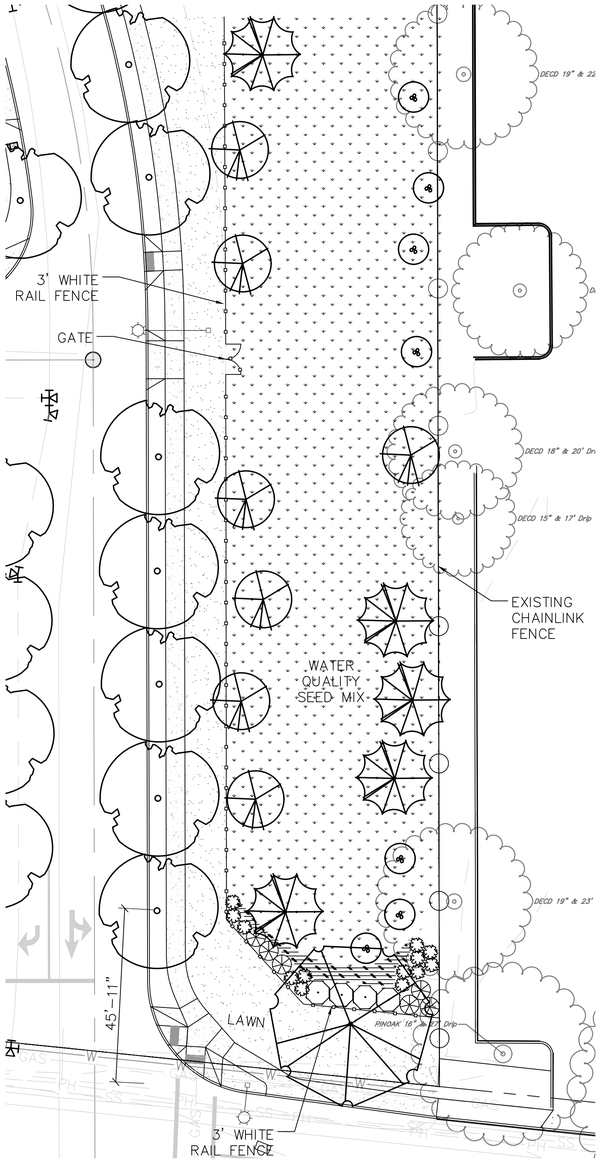
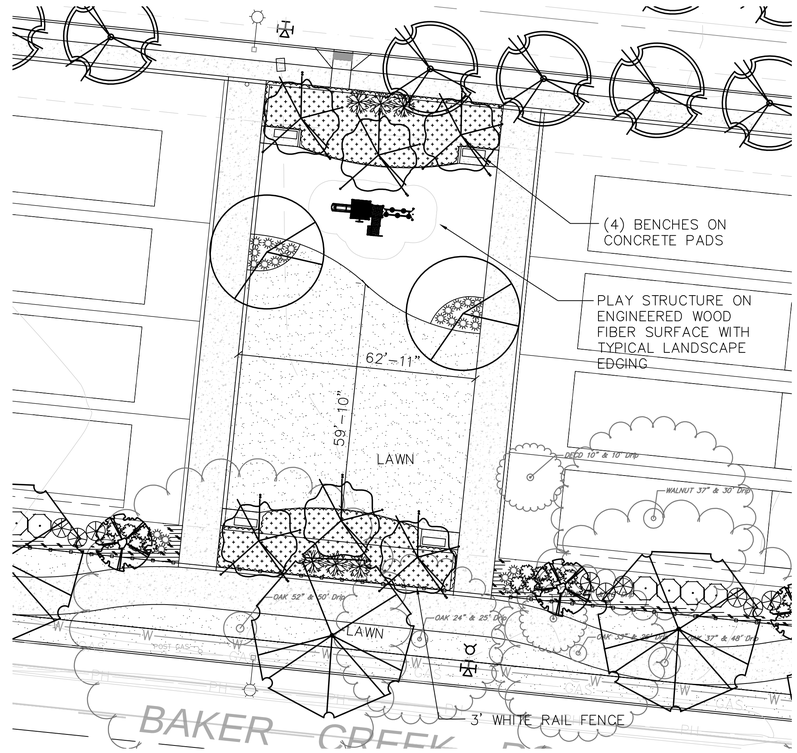


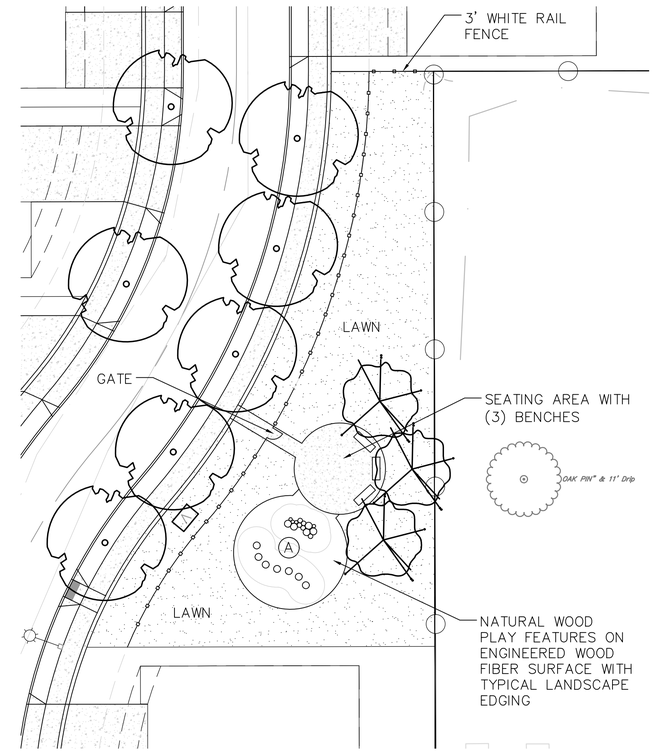
TRACT 'A' EXPANDED VIEW

SCALE 1" = 20'-0"



TRACT 'B' EXPANDED VIEW

SCALE 1" = 20'-0"



TRACT 'C' EXPANDED VIEW

SCALE 1" = 20'-0"

TRACT 'B' PROPOSED PLAY EQUIPMENT

NTS

(A) STUMP CLIMBER/TRAIL

TRACT 'C' PROPOSED PLAY EQUIPMENT

NTS

NOTE: Remove all rough areas, pointed edges and splinters, and strip bark to the greatest extent possible from all wood to be used for play features. Final design by contractor shall provide adequate footing to create a sturdy structure for climbing.

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BAKER CREEK NORTH SUBDIVISION

LANDSCAPE PLAN

DRAWING
L7.0

JOB NUMBER
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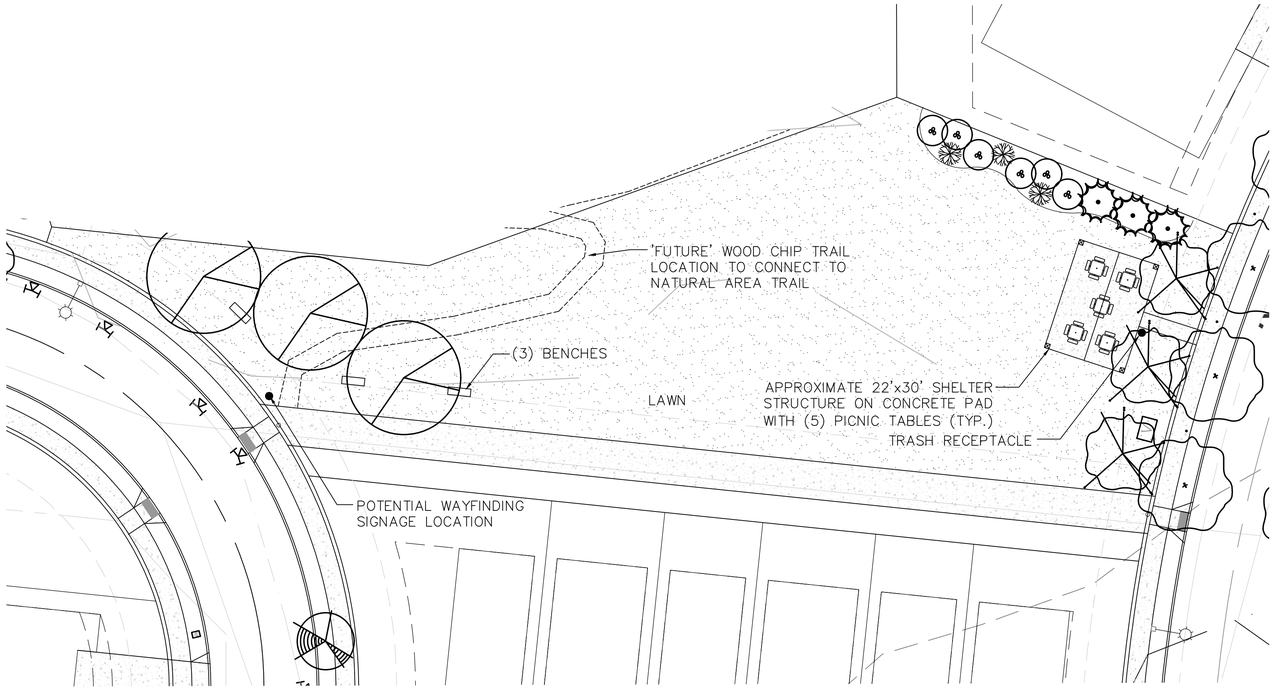
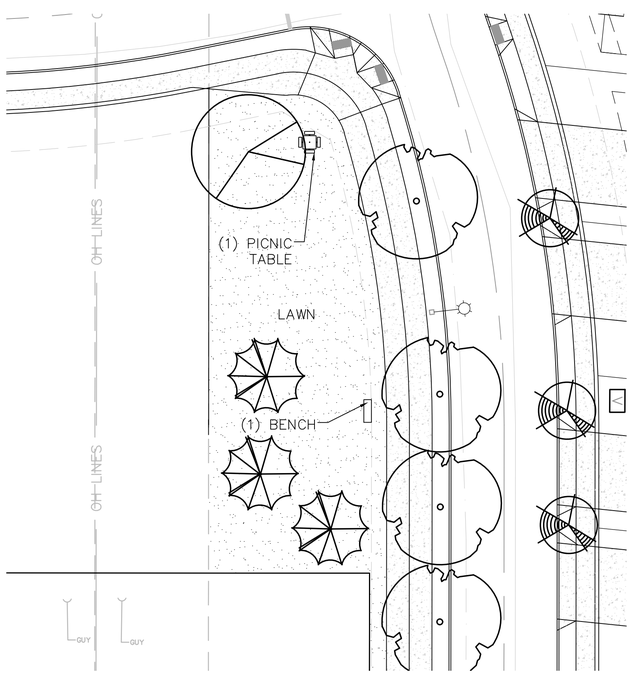


TRACT 'F' EXPANDED VIEW

SCALE 1" = 20'-0"



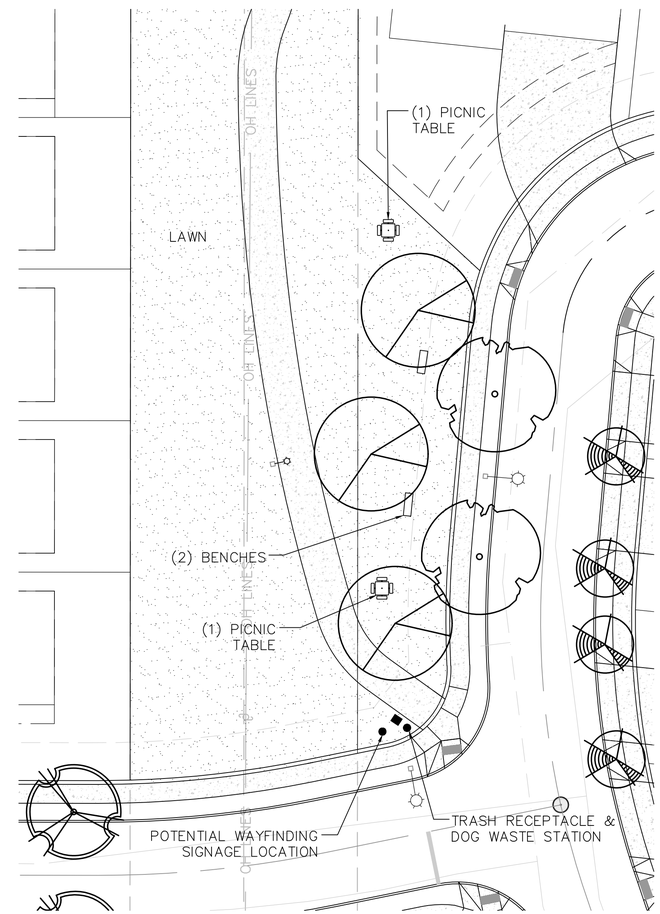
TRACT 'J' EXPANDED VIEW

SCALE 1" = 20'-0"

TYPICAL SHELTER STRUCTURE

DESIGN BY OTHERS

NTS



TRACTS 'K + L' EXPANDED VIEW

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LANDSCAPE PLAN

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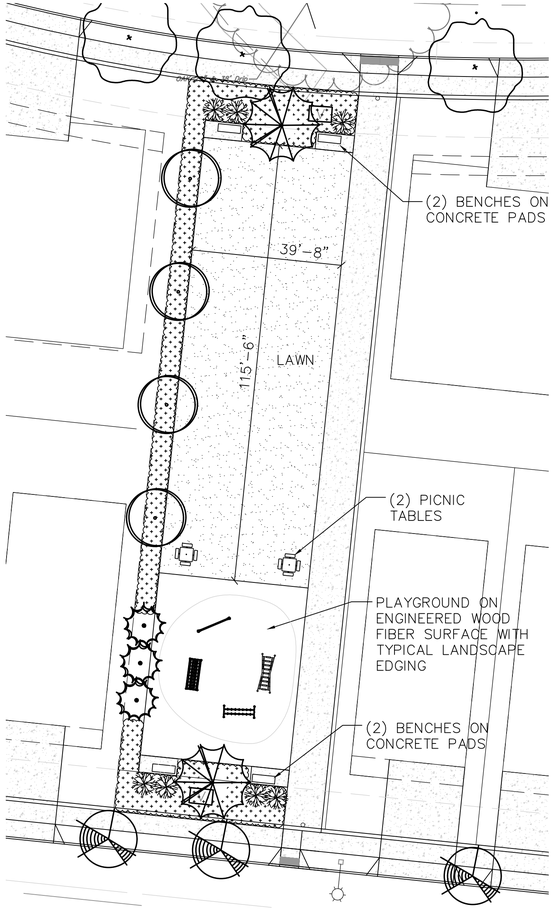


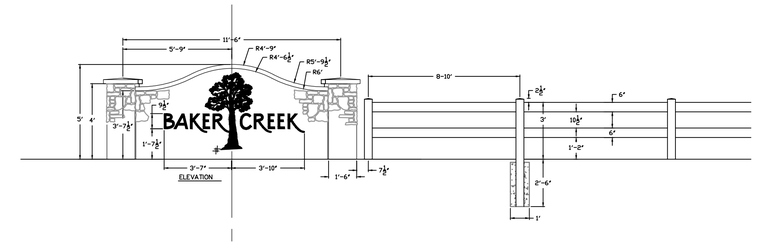
TRACT 'R' EXPANDED VIEW

SCALE 1" = 20'-0"

TYPICAL PARK BENCH

NTS

MANUFACTURER: SUPERIOR RECREATIONAL PRODUCTS
MODEL: STANDARD BENCH WITH BACK (B6WBPERF)



PROPOSED MONUMENT SIGN + RAIL FENCING

SCALE: 1/4"=1'-0"

TYPICAL PICNIC TABLE

NTS

MANUFACTURER: SUPERIOR RECREATIONAL PRODUCTS
MODEL: SQUARE PEDESTAL PICNIC TABLE (T46PERFS)

TYPICAL DOG WASTE BAG DISPENSER

MANUFACTURER: DOG-I-POT (OR OTHER APPROVED)

NTS

TRACT 'R' PROPOSED PLAY EQUIPMENT

NTS

TYPICAL WASTE RECEPTACLE

NTS

MANUFACTURER: SUPERIOR RECREATIONAL PRODUCTS
MODEL: PERFORATED TRASH RECEPTACLE (TR32PERF)

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NTS

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LANDSCAPE PLAN

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L9.0

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839

OUTLINE SPECIFICATIONS PLANTING AND SEEDING:

GENERAL: All plants shall conform to all applicable standards of the latest edition of the "American Association of Nurserymen Standards", A.N.S.I. Z60.1 – 1973. Meet or exceed the regulations and laws of Federal, State, and County regulations, regarding the inspection of plant materials, certified as free from hazardous insects, disease, and noxious weeds, and certified fit for sale in Oregon.

The apparent silence of the Specifications and Plans as to any detail, or the apparent omission from them of a detailed description concerning any point, shall be regarded as meaning that only the best general practice is to prevail and that only material and workmanship of first quality are to be used. All interpretations of these Specifications shall be made upon the basis above stated.

Landscape contractor shall perform a site visit prior to bidding to view existing conditions.

PERFORMANCE QUALITY ASSURANCE: Use adequate numbers of skilled workmen who are thoroughly trained and experienced in the necessary horticultural practices and who are completely familiar with the specified requirements and methods needed for the proper performance of the work of this section.

NOTIFICATION: Give Landscape Architect minimum of 2 days advance notice of times for inspections. Inspections at growing site does not preclude Landscape Architect's right of rejection of deficient materials at project site. Each plant failing to meet the above mentioned "Standards" or otherwise failing to meet the specified requirements as set forth shall be rejected and removed immediately from the premises by the Contractor and at his expense, and replaced with satisfactory plants or trees conforming to the specified requirements.

SUBSTITUTIONS: Only as approved by the Landscape Architect or the Owner's Representative.

GUARANTEE AND REPLACEMENT: All plant material shall be guaranteed from final acceptance for one full growing season or one year, whichever is longer. During this period the Contractor shall replace any plant material that is not in good condition and producing new growth (except that material damaged by severe weather conditions, due to Owner's negligence, normally unforeseen peculiarities of the planting site, or lost due to vandalism). Guarantee to replace, at no cost to Owner, unacceptable plant materials with plants of same variety, age, size and quality as plant originally specified. Conditions of guarantee on replacement plant shall be same as for original plant.

Landscape Contractor shall keep on site for Owner's Representative's inspection, all receipts for soil amendment and topsoil deliveries.

PROTECTION: Protect existing roads, sidewalks, and curbs, landscaping, and other features remaining as final work. Verify location of underground utilities prior to doing work. Repair and make good any damage to service lines, existing features, etc. caused by landscaping installation.

PLANT QUALITY ASSURANCE: Deliver direct from nursery. Maintain and protect roots of plant material from drying or other possible injury. Store plants in shade and protect them from weather immediately upon delivery, if not to be planted within four hours.

Nursery stock shall be healthy, well branched and rooted, formed true to variety and species, full foliaged, free of disease, injury, defects, insects, weeds, and weed roots. Trees shall have straight trunks, symmetrical tips, and have an intact single leader. Any trees with double leaders will be rejected upon inspection. All Plants: True to name, with one of each bundle or lot tagged with the common and botanical name and size of the plants in accordance with standards of practice of the American Association of Nurserymen, and shall conform to the Standardized Plant Names, 1942 Edition.

Container grown stock: Small container–grown plants, furnished in removable containers, shall be well rooted to ensure healthy growth. **Grow container plants in containers a minimum of one year** prior to delivery, with roots filling container but not root bound. Bare root stock: Roots well–branched and fibrous. Balled and burlapped (B&B): Ball shall be of natural size to ensure healthy growth. Ball shall be firm and the burlap sound. No loose or made ball will be acceptable.

TOPSOIL AND FINAL GRADES: Landscape Contractor is to verify with the General Contractor if the on site topsoil is or is not conducive to proper plant growth. Supply alternate bid for imported topsoil.

Landscape Contractor is to supply and place 12" of topsoil in planting beds and 6" in lawn areas. If topsoil stockpiled on site is not conducive to proper plant growth, the Landscape Contractor shall import the required amount. Landscape Contractor is to submit samples of the imported soil and/or soil amendments to the Landscape Architect. The topsoil shall be a sandy loam, free of all weeds and debris inimical to lawn or plant growth.

Landscaping shall include finished grades and even distribution of topsoil to meet planting requirements. Grades and slopes shall be as indicated. Planting bed grades shall be approximately 3" below adjacent walks, paving, finished grade lines, etc., to allow for bark application. Finish grading shall remove all depressions or low areas to provide positive drainage throughout the area.

PLAYGROUND AREAS: Play equipment shall be installed according to manufacturer's instructions. All playgrounds to have engineered wood fiber surfacing applied after installation of equipment to the depth recommended by the equipment manufacturer. Engineered wood fiber shall be maintained at the appropriate depth, which may require periodic placement of additional material.

SANDBOX AREA: Install 1–2 feet depth of sand over commercial–grade landscape fabric secured on compacted native or fill soil. Sand material shall be dust free, non–abrasive, double washed, Granite based (No Calcium or Limestone), free of silt and clay, tan colored, sub angular particle shape, with a particle size between .5mm and 1mm.

PLANTING SPECIFICATIONS:

HERBICIDES: Prior to soil preparation, all areas showing any undesirable weed or grass growth shall be treated with Round–up in strict accordance with the manufacturer's instructions.

SOIL PREPARATION: Work all areas by rototilling to a minimum depth of 8". Remove all stones (over 1½" size), sticks, mortar, large clumps of vegetation, roots, debris, or extraneous matter turned up in working. Soil shall be of a homogeneous fine texture. Level, smooth and lightly compact area to plus or minus .10 of required grades.

In groundcover areas add 2" of compost (or as approved) and till in to the top 6" of soil.

PLANTING HOLE: Lay out all plant locations and excavate all soils from planting holes to 2 1/2 times the root ball or root system width. Loosen soil inside bottom of plant hole. Dispose of any "subsoil" or debris from excavation. Check drainage of planting hole with water, and adjust any area showing drainage problems.

SOIL MIX: Prepare soil mix in each planting hole by mixing:
2 part native topsoil (no subsoil)
1 part compost (as approved)

Thoroughly mix in planting hole and add fertilizers at the following rates:
Small shrubs – 1/8 lb./ plant
Shrubs – 1/3 to 1/2 lb./ plant
Trees – 1/3 to 1 lb./ plant

FERTILIZER: For trees and shrubs use Commercial Fertilizer "A" Inorganic (5–4–3) with micro–nutrients and 50% slow releasing nitrogen. For initial application in fine seed lawn areas use Commercial Fertilizer "B" (8–16–8) with micro–nutrients and 50% slow–releasing nitrogen. For lawn maintenance use Commercial Fertilizer "C" (22–16–8) with micro–nutrients and 50% slow–releasing nitrogen. DO NOT apply fertilizer to Water Quality Swale.

PLANTING TREES AND SHRUBS: Plant upright and face to give best appearance or relationship to adjacent plants and structures. Place 6" minimum, lightly compacted layer of prepared planting soil under root system. Loosen and remove twine binding and burlap from top 1/2 of root balls. Cut off cleanly all broken or frayed roots, and spread roots out. Stagger Plants in rows. Backfill planting hole with soil mix while working each layer to eliminate voids.

When approximately 2/3 full, water thoroughly, then allow water to soak away. Place remaining backfill and dish surface around plant to hold water. Final grade should keep root ball slightly above surrounding grade, not to exceed 1". Water again until no more water is absorbed. Initial watering by irrigation system is not allowed.

STAKING OF TREES: Stake or guy all trees. Stakes shall be 2" X 2" (nom.) quality tree stakes with point. They shall be of Douglas Fir, clear and sturdy. Stake to be minimum 2/3 the height of the tree, not to exceed 8'–0". Drive stake firmly 1'–6" below the planting hole. Tree ties for deciduous trees shall be "Chainlock" (or better). For Evergreen trees use "Gro–Strait" Tree Ties (or a reinforced rubber hose and guy wires) with guy wires of a minimum 2 strand twisted 12 ga. wire. Staking and guying shall be loose enough to allow movement of tree while holding tree upright.

MULCHING OF PLANTINGS: Mulch planting areas with dark, aged, medium grind fir or hemlock bark (aged at least 6 months) to a depth of 2" in ground cover areas and 2½" in shrub beds. Apply evenly, not higher than grade of plant as it came from the nursery, and rake to a smooth finish. Water thoroughly, then hose down planting area with fine spray to wash leaves of plants.

FINE LAWN AREAS: In fine lawn area apply Commercial Fertilizer Mix "B" at 4.5 lbs. Per 1,000 sq.ft. and rake into soil surface. Establish an even, fine textured seedbed meeting grades, surfaces and texture. Sow seed with a mechanical spreader at the uniform rates as noted below. Rake seed lightly to provide cover.

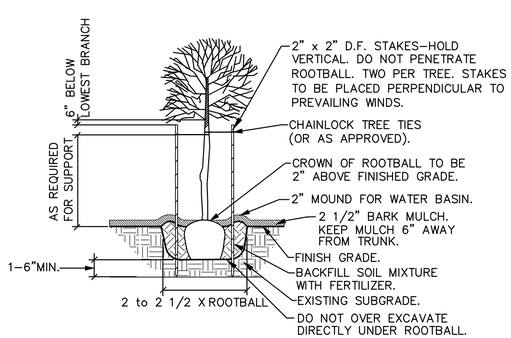
ROUGH SEED AREA: In rough seeded area, establish an evenly graded seedbed. Sow seed with a mechanical spreader at the uniform rates as noted below. Rake seed lightly to provide cover.

SEED: Bluetag grass seed conforming to applicable State laws. No noxious weed seeds. Submit Guaranteed analysis.
Fine Lawn Seed Mix: To contain 50% Top Hat Perennial Ryegrass, 30% Derby Supreme Ryegrass, 20% Longfellow Chewings Fescue (Hobbs and Hopkins Pro–Time 303 Lawn Mix or as approved) Sow Seed at 5 lbs. per 1,000 sq. ft.
Water Quality Facility Mix: To contain 40% Dwarf Tall Fescue, 30% Dwarf Perennial Rye, 25% Creeping Red Fescue and 5% Colonial Bent Grass. Sow seed at 3 lbs. per 1,000 sq. ft..

MAINTENANCE OF SEEDED AREAS:
Fine Lawn Areas: The lawn areas shall be maintained by watering, mowing, reseeding, and weeding for a minimum of 60 days after seeding. After 30 days, or after the second mowing, apply Commercial Fertilizer Mix "C" at 5 lbs. per 1,000 sq. ft. Mow and keep at 1½" to 2" in height. Remove clippings and dispose of off site.

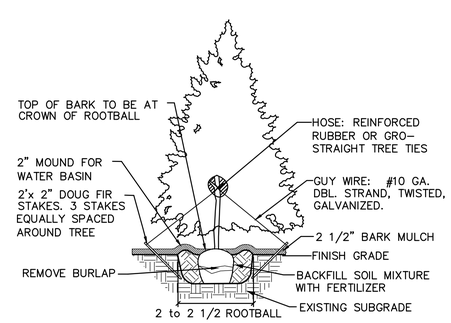
GENERAL MAINTENANCE: Protect and maintain work described in these specifications against all defects of materials and workmanship, through final acceptance. Replace plants not in normal healthy condition at the end of this period. Water, weed, cultivate, mulch, reset plants to proper grade or upright position, remove dead wood and do necessary standard maintenance operations. Irrigate when necessary to avoid drying out of plant materials, and to promote healthy growth.

CLEAN–UP: At completion of each division of work all extra material, supplies, equipment, etc., shall be removed from the site. All walks, paving, or other surfaces shall be swept clean, mulch areas shall have debris removed and any soil cleared from surface. All areas of the project shall be kept clean, orderly and complete.

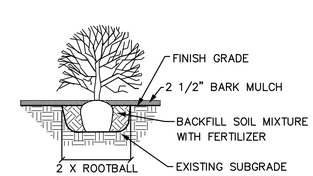


NOTE: ANY PROPOSED CHANGES TO OUR SPECIFICATION OR DETAIL SHOULD BE APPROVED BY THE LANDSCAPE ARCHITECT. LIKEWISE, IN ACCORDANCE WITH BEST PRACTICES OF LOCAL LANDSCAPE INSTALLATION, SHOULD THE LANDSCAPE CONTRACTOR FIND A PREFERRED ALTERNATE METHOD, THE LANDSCAPE ARCHITECT MAY BE SO ADVISED.

GENERAL DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



EVERGREEN TREE STAKING DETAIL
NOT TO SCALE



SHRUB PLANTING DETAIL
NOT TO SCALE

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		REVISIONS	

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CKD.
DATE: 11/8/2019

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REGISTERED LA793 ERIN HOLSONBACK OREGON 5/10/2013 EXP. 5/31/20 LANDSCAPE ARCHITECT

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STAFFORD DEVELOPMENT COMPANY, LLC
BAKER CREEK NORTH SUBDIVISION

LANDSCAPE SPECIFICATIONS & DETAILS

DRAWING
L10.0

JOB NUMBER
2940.3000.0

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GENERAL NOTES:

1. This irrigation plan is schematic only and shall be verified by Landscape Contractor. Valve quantity and locations shown are estimated only and based on the use of the recommended sprinkler heads. Individual zones shall be design/build by the Landscdape Contractor. Maximum flow per zone for a 2" mainline size shall be 35 gallons per minute.

2. The City of McMinnville Water & Light has specified a general area water pressure of 95 psi in the Winter and 70–75 psi in the Summer. Pressure reducing valves shall be installed at each water meter.

3. The Contractor shall examine the site and familiarize himself with all conditions pertinent to this work. Contractor will coordinate with other contractors to ensure timely placing of necessary sleeves and piping under walks, curbs, and paving.

4. Contractor is to keep his work area clean during installation of his contract, and is to remove at his expense all excess materials, soil, debris, and equipment.

5. It will be the Contractor's responsibility to determine the location of all underground utilities and existing irrigation and avoid damage to the same. All damage to be repaired at Contractor's expense.

6. Piping shown is diagramatic. Contractor shall locate piping in landscdape areas, except where pipe passes through sleeving under hardscape surfaces. Route piping to avoid conflict with existing conditions or improvements.

7. Contractor to notify Landscape Architect of any conditions that may affect the design or installation of this irrigation system.

8. All mainlines to be a minimum of 18" below grade. Lateral lines are to be a minimum of 12" below grade.

9. Group valve boxes for ease of maintenance and locate in groundcover beds where possible.

10. Install spray heads minimum 3" from adjacent curbs, pavement and planting bed edges; 6" from curbs in parking lots unless directed otherwise by Owner's Reprentative.

11. Control wires shall be two–wire decoder system.

12. Install 3/4" brass manual drain valves at low points or end of mainline. Valve to be installed with a valve marker and cover.

13. A tracer wire shall be installed along the top of mainlines. Tape to piping at 10' intervals with standard black 3/4" electrical tape.

14. Point of Connection is shown in approximate location.

15. Sleeving for mainline, wires, and laterals must be placed prior to paving. Sleeving pipe will be Schedule 40 PVC. All sleeving will be placed in the trench, on top of rock free soil, and backfilled with rock free soil. Sleeves for mainline will be 6". All sleeving for laterals will be twice the size of the lateral. Sleeving as shown on the plan is schematic. Contractor is to verify count & placement. Sleeves are to be 24" depth under drives & roadways, 18" depth under walkways.

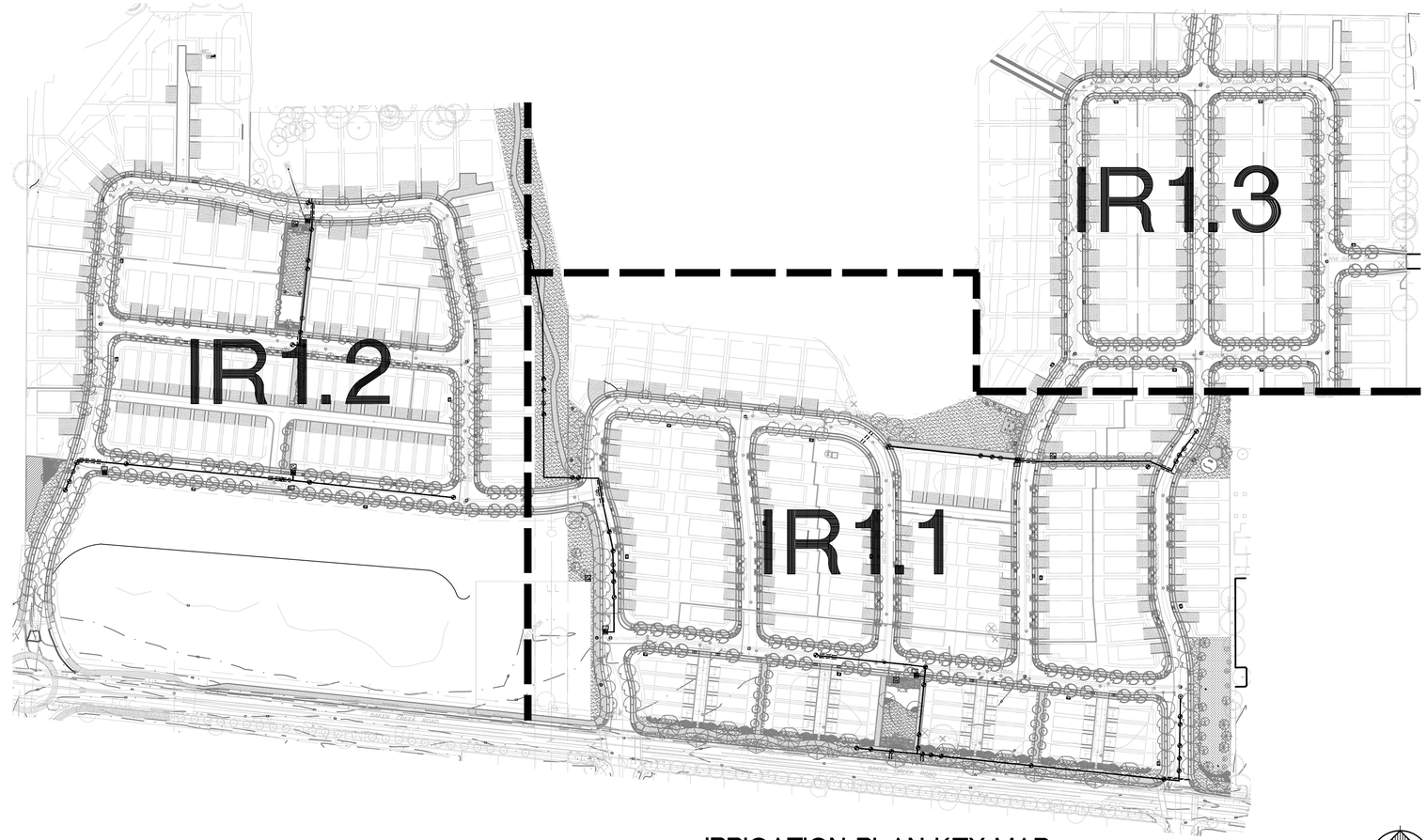
16. Size lateral pipe according to following:
    1–18 GPM 1"
    19–40 GPM 1.5"
    41–60 GPM 2"

17. Install manual drain valves at all low points in mainline. Provide adequate number of drain valves to fully drain system for winterization.

18. Adjust spray heads as necessary to minimize overspray. Radius reduction shall not affect full and even water coverage.

19. GUARANTEE: All Material and labor used in construction of the irrigation system shall be fully guaranteed for one year beginning at the time of acceptance by the owner's representative.

20. Project is to be built in phases. Irrigation system has been designed so that mainline and lateral lines may be extended into the next phase(s) as construction progresses.



IRRIGATION PLAN KEY MAP

SCALE 1" = 130'-0"

IRRIGATION SYMBOLS LEGEND:

SYMBOL	RECOMMENDED SPRINKLERS: MANUFACTURER/MODEL	PSI	GPM	DISTANCE
	SPRAY HEADS: HUNTER PRO–SPRAY PRS40 POP–UP BODY POP–UP HEIGHT: SHRUBS 12", LAWN 6"			
	HUNTER, MP1000 NOZZLE – 360, 270, 180, 90, 45 HUNTER, MP2000 NOZZLE – 360, 270, 180, 90 HUNTER, MP800SR NOZZLE – 360, 210, 180, 90 HUNTER, MPLC515/MPRC515, SS530 NOZZLE	40 40 40 40	.75, .57, .37, .19, .19 1.47, 1.1, .74, .40 .78, .43, .42 ,.23 .22, .44	8–12' RAD. 13–21' RAD. 8' RAD. 5'x15', 5'x30'
	ROTORS: HUNTER PGP ULTRA / PGP–04–CV	50	1.6	22'–30'

WM	WATER METER – SIZE AS NOTED ON DRAWING
POC	APPROXIMATE POINT OF CONNECTION
C_1	HUNTER CONTROLLER I–CORE SERIES: VERIFY LOCATION WITH OWNER'S REPRESENTATIVE.
	HUNTER RAIN–CLIK SENSOR(OPTIONAL): VERIFY LOCATION WITH OWNER'S REPRESENTATIVE.
	HUNTER ICV SERIES AUTOMATIC CONTROL VALVE – SIZE AS NOTED ON PLAN
	QUICK COUPLING VALVE (INSTALL THROUGHOUT SITE, LOCATION AND QUANTITY DETERMINED IN FIELD BY OWNERS REP.)
	LATERAL, CLASS 200 PVC – SIZE AS INDICATED
	MAINLINE, CLASS 200 PVC – SIZE = 2"
	SLEEVE, SCHEDULE 40 PVC – SIZE: MAINLINE=3", LATERALS=TWICE THE SIZE OF THE PIPE

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CKD. EH
DATE: 11/8/2019

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REGISTERED LA793 ERIN HOLSONBACK OREGON 8/10/2013 EXP. 5/31/20 LANDSCAPE ARCHITECT

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STAFFORD DEVELOPMENT COMPANY, LLC
BAKER CREEK NORTH SUBDIVISION

IRRIGATION PLAN

DRAWING
IR1.0

JOB NUMBER
2940.3000.0

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MATCHLINE: SEE SHEET IR1.2

MATCHLINE: SEE SHEET IR1.3

PHASE 3A

PHASE 3B

PHASE 3C

AUGUSTINE PL

AUGUSTINE PL

ONLY GRASS SURROUNDING WALKWAY & SHELTER TO BE IRRIGATED

CHARLES ST.

3/4" WATER METER

2" MAINLINE

MAINLINE PIPE SHOWN SCHEMATICALLY, ACTUAL LOCATION IN LANDSCAPE AREA

PHASE 1D

PHASE 1A

MAINLINE PIPE SHOWN SCHEMATICALLY, ACTUAL LOCATION IN LANDSCAPE AREA AT BACK OF CURB

ERIC DR.

FRED DR.

GREGORY DR.

SHADDEN DR.

PHASE 1B

PHASE LINE

MAINLINE PIPE SHOWN SCHEMATICALLY, ACTUAL LOCATION IN LANDSCAPE AREA AT BACK OF CURB

1" WATER METER

3/4" WATER METER

EMMA ST.

2" MAINLINE

EMMA ST.

PHASE 1C

PHASE 1A

TEMPORARY, ABOVE GROUND IRRIGATION

BAKER CREEK ROAD

IRRIGATION PLAN

SCALE 1" = 50'-0"

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IRRIGATION PLAN

DRAWING
IR1.1

JOB NUMBER
2940.3000.0

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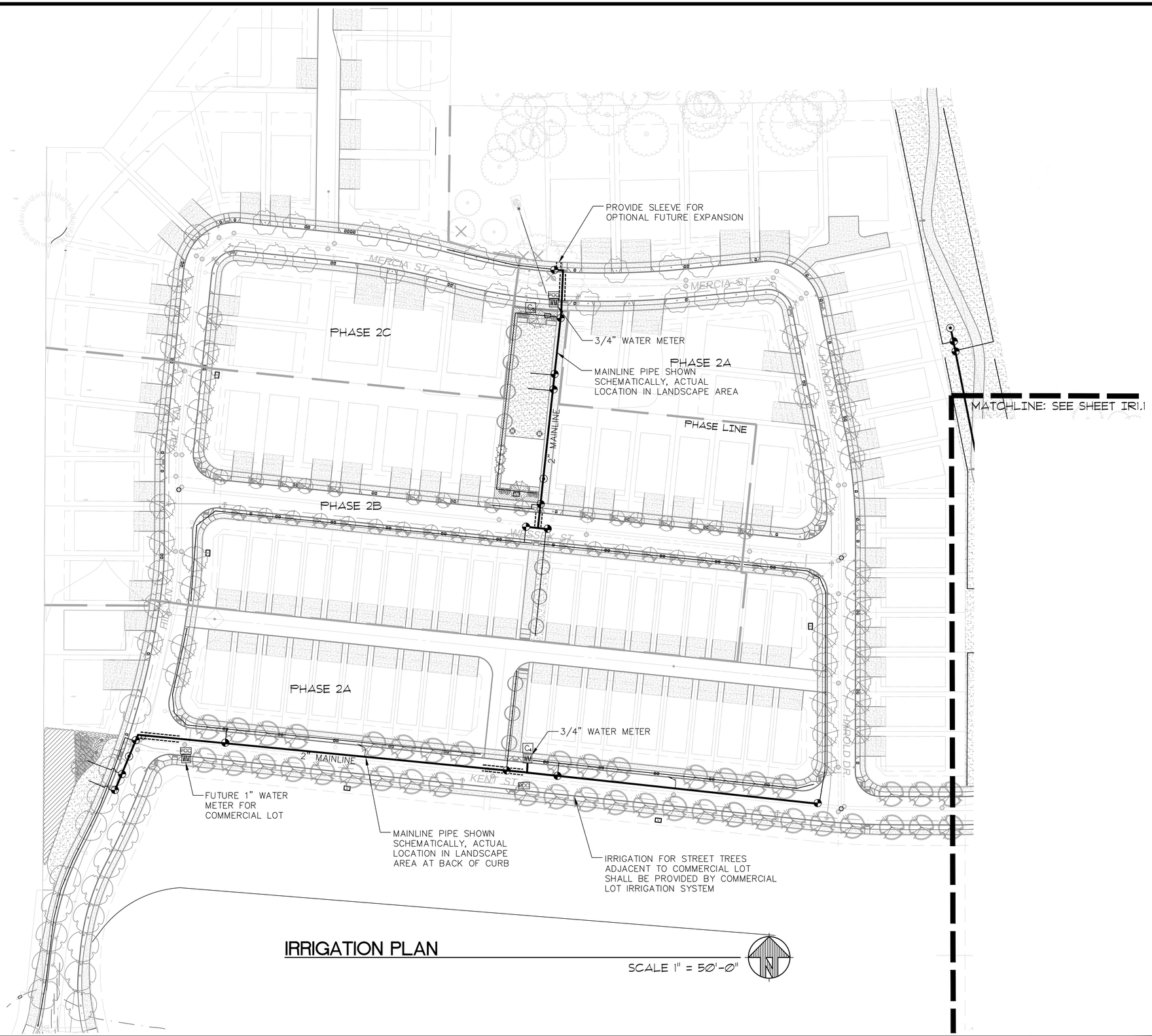

IRRIGATION PLAN

SCALE 1" = 50'-0"

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IRRIGATION PLAN

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JOB NUMBER
2940.3000.0

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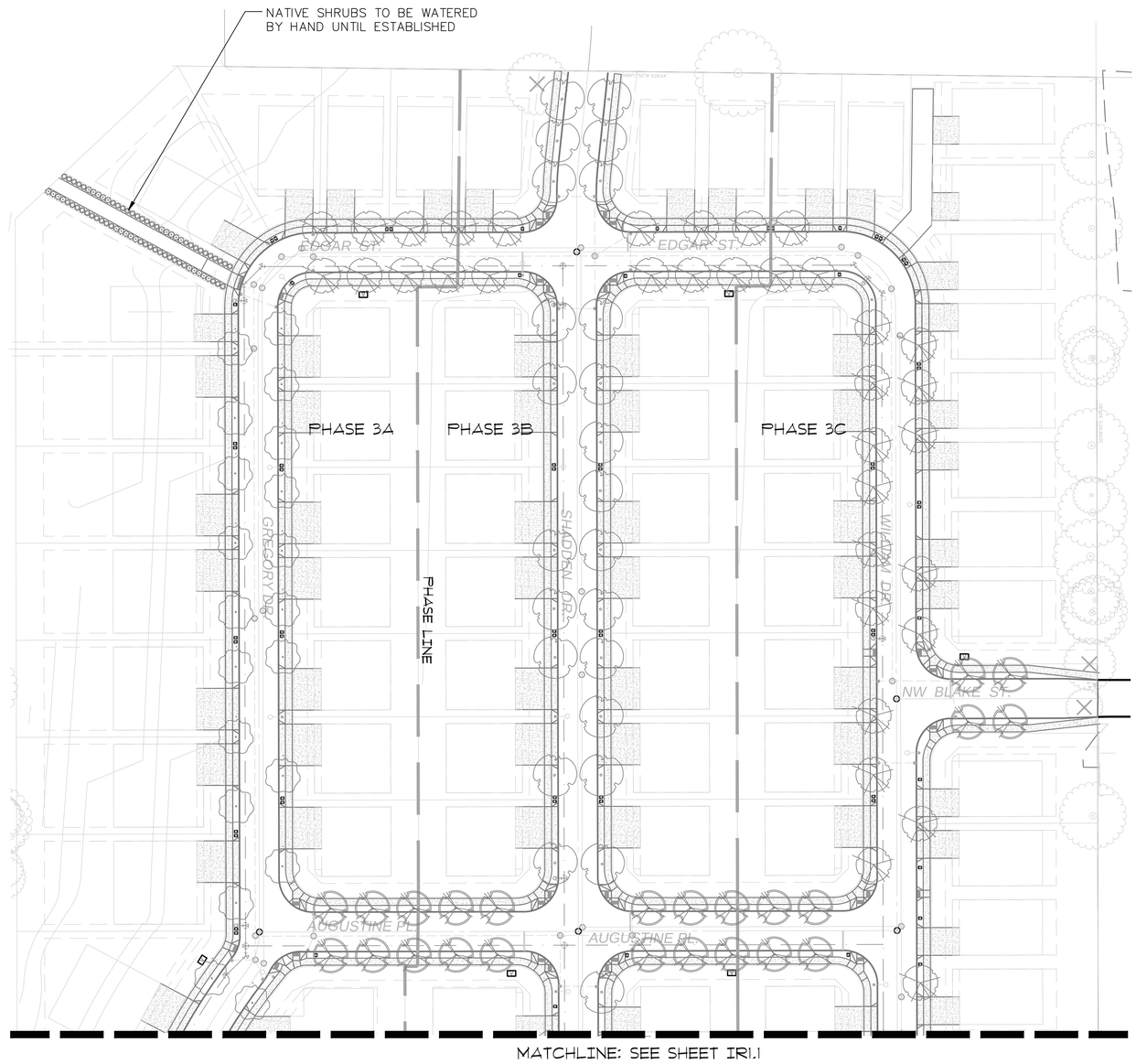
843

* NO AUTOMATIC IRRIGATION SYSTEM IS PROPOSED FOR PHASE 3



IRRIGATION PLAN

SCALE 1" = 50'-0"

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IRRIGATION PLAN

DRAWING
IR1.3

JOB NUMBER
2940.3000.0

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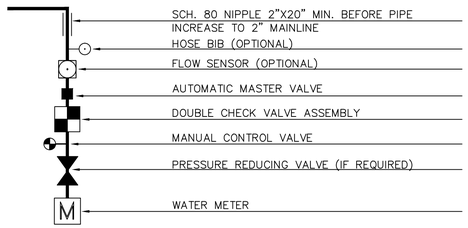

POINT OF CONNECTION DETAIL

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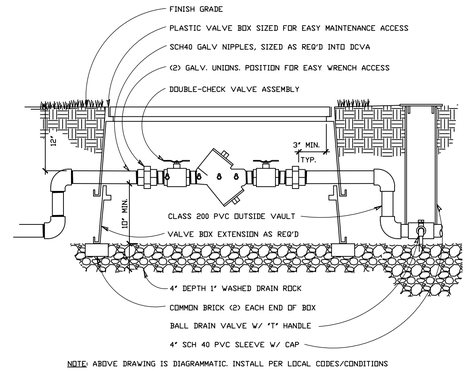

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DOUBLE CHECK VALVE

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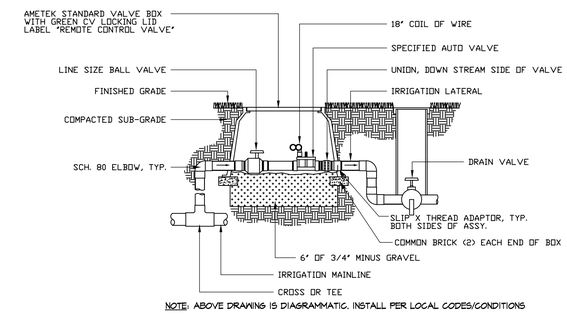

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REMOTE CONTROL VALVE

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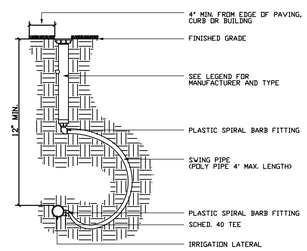
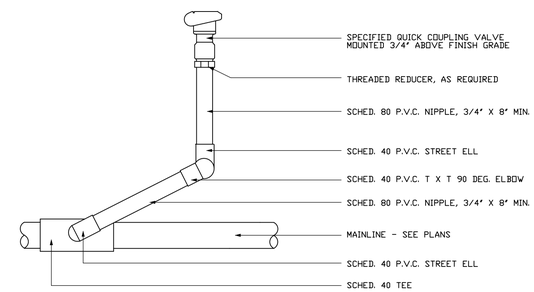


SPRINKLER HEAD W/ SWING PIPE

NTS



QUICK COUPLER

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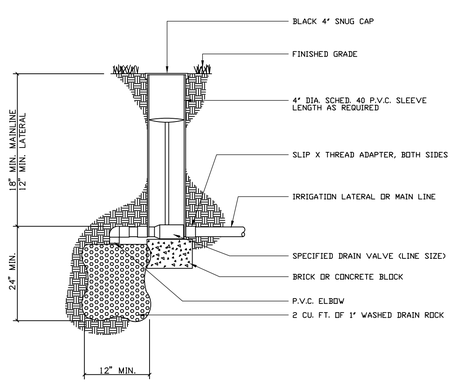

DRAIN VALVE

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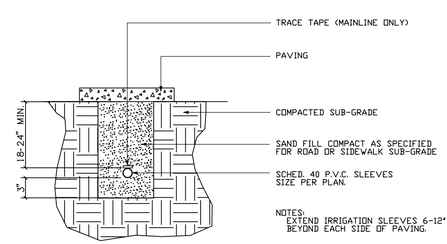
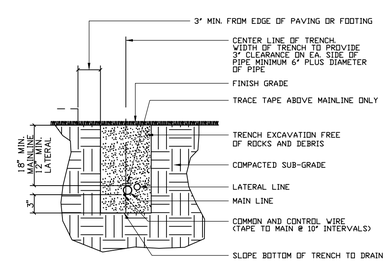


NOTES:
EXTEND IRRIGATION SLEEVES 6-12" BEYOND EACH SIDE OF PAVING.

SLEEVES BENEATH PAVEMENT

NTS



TRENCHING DETAIL

NTS

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STAFFORD DEVELOPMENT COMPANY, LLC
BAKER CREEK NORTH SUBDIVISION

IRRIGATION PLAN

DRAWING
IR2.0

JOB NUMBER
2940.3000.0

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GeoPacific Engineering, Inc.

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

Preliminary Geotechnical Engineering Report

Baker Creek North Subdivision

1755 NW Baker Creek Road
McMinnville, Oregon 97128

GeoPacific Engineering, Inc. Job No. 17-4694
October 2, 2017

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October 2, 2017
Project No. 17-4694

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SUBJECT: **PRELIMINARY GEOTECHNICAL ENGINEERING REPORT**
BAKER CREEK NORTH SUBDIVISION
1755 NW BAKER CREEK ROAD
MCMINNVILLE, OREGON 97128

1.0 PROJECT INFORMATION

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site, and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-6185, dated August 16, 2017, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

Site Location:	1755 NW Baker Creek Road McMinnville, Oregon 97128 (see Figures 1 through 3)
Developer:	Stafford Land Company 485 South State Street Lake Oswego, Oregon 97034 Phone: (503) 305-7647
Jurisdictional Agency:	Yamhill County, Oregon
Geotechnical Engineer:	GeoPacific Engineering, Inc 14835 SW 72nd Avenue Portland, Oregon 97224 Tel (503) 598-8445 Fax (503) 941-9281

2.0 SITE AND PROJECT DESCRIPTION

As indicated on Figures 1 through 3, the subject site is located at 1755 NW Baker Creek Road, in McMinnville, Oregon. The approximate site latitude and longitude are 45.228042, -123.222922, and the legal description is a portion of Section 18, T4S, R4W, Willamette Meridian. The regulatory jurisdictional agency is Yamhill County, Oregon. The property consists of Yamhill County Parcel No. 100 and 105 totaling approximately 55.05-acres in size, and is irregular in shape.

The site is bordered by NW Baker Creek Road to the south, by a church and existing residential properties to the east, by undeveloped wetland area and Baker Creek to the north, and by existing agricultural properties to the west. An electrical substation is present at the south central portion of the property between the two tax parcels. Review of available historical aerial photography indicates that the property has primarily been utilized for farming and agricultural purposes, however a residence was once present on tax lot 105 adjacent to Baker Creek Road in the southern portion of the property. Vegetation at the site primarily consists of grasses, native plants, and some trees. The majority of the site has been regularly plowed and currently consists of open space. Topography within the area proposed for development at the site is relatively flat to gently sloping to the north with site elevations ranging from approximately 145 to 170 feet above mean sea level (amsl). However, the northern margin of the site includes a moderately to steeply sloping bluff which extends north to the wetland. The bluff contains areas sloping from approximately 15 to 65 percent with elevations ranging from approximately 132 to 155 feet amsl. The bluff area is designated as a *moderate* to *high* risk for landslide hazard by the Oregon Department of Geology and Mineral Industries (DOGAMI), though no landslides have been mapped or identified at the subject site.

Based upon communication with the client and review of preliminary project plans (see Figures 3 and 3a), GeoPacific understands that site development will consist of a phased subdivision which will create 241 new residential building lots for single-family homes, new public streets, parks, stormwater facilities, and associated underground utility installations. Approximately 4.40-acres of tax lot 100 will include multi-family development with a single-story pavilion building, a three-story senior living facility, and parking and drive aisles. Approximately 3.76-acres of tax lot 100 will also include a commercial development with four single-story buildings, and parking and drive aisles. The project will also include a playground, a pump station, and a nature park. It is our understanding that the homes will be constructed with typical spread foundations and crawl spaces. We anticipate that maximum structural loading on column footings and continuous strip footings of the homes will be on the order of 35 kips, and 4 to 7 kips respectively. At this time, no information has been provided to GeoPacific regarding the potential foundation types or structural loading of the commercial or multi-family buildings. At this time, a grading plan for the project has not been provided to GeoPacific for review, however the client has indicated that development will include significant engineered fill placement along the steep bluff area to the north which has been identified as a potential landslide hazard area. Based upon review of the proposed development layout (Figure 3), we understand that several residential homes and public streets will be constructed in the noted area.

3.0 REGIONAL GEOLOGIC SETTING

Regionally, the subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

The *Generalized Geologic Map of the Willamette Lowland, Marshall W. Gannett and Rodney R. Caldwell, (U.S. Department of the Interior, U.S. Geological Survey, 1998)*, indicates that the site is underlain by Pleistocene-aged (approximately 2.6 million to 11,000 years ago) silt, sand, and gravel deposited primarily by late Pleistocene glacial outburst flooding commonly referred to as the Missoula Flood Events, but also including glaciofluvial sediments derived from wreathing of the Cascade Range located to the east (Qs).

The *Web Soil Survey (United States Department of Agriculture, Natural Resource Conservation Service (USDA NRCS 2017 Website)*, indicates that near-surface soils consist of the Willamette silt loam, and Woodburn silt loam soil series. Willamette series soils generally consist of very deep, well-drained soils that formed in silty glaciolacustrine deposits. Woodburn series soils generally consist of very deep, moderately well drained soils that formed in silty, stratified, glaciolacustrine deposits. The Web Soil Survey soil map for the subject site is presented as an attachment to this report.

4.0 REGIONAL SEISMIC SETTING

At least three major fault zones capable of generating damaging earthquakes are thought to exist in the vicinity of the subject site. These include the Portland Hills Fault Zone, the Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone.

4.1 Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults reportedly vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills Fault occurs along the Willamette River at the base of the Portland Hills, and is located approximately 32.75 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills, and is located approximately 30 miles northeast of the site. The East Bank Fault occurs along the eastern margin of the Willamette River, and is located approximately 34 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000).

According to the USGS Earthquake Hazards Program, the fault was originally mapped as a down-to-the-northeast normal fault, but has also been mapped as part of a regional-scale zone of right-lateral, oblique slip faults, and as a steep escarpment caused by asymmetrical folding above a south-west dipping, blind thrust fault. The Portland Hills fault offsets Miocene Columbia River Basalts, and Miocene to Pliocene sedimentary rocks of the Troutdale Formation. No fault scarps

on surficial Quaternary deposits have been described along the fault trace, and the fault is mapped as buried by the Pleistocene aged Missoula flood deposits. No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

4.2 Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies about 12 miles northeast of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek Fault or Newberg Fault (the fault closest to the subject site); however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner et al. 1992; Geomatrix Consultants, 1995).

According to the USGS Earthquake Hazards Program, the Mount Angel fault is mapped as a high-angle, reverse-oblique fault, which offsets Miocene rocks of the Columbia River Basalts, and Miocene and Pliocene sedimentary rocks. The fault appears to have controlled emplacement of the Frenchman Spring Member of the Wanapum Basalts, and thus must have a history that predates the Miocene age of these rocks. No unequivocal evidence of deformation of Quaternary deposits has been described, but a thick sequence of sediments deposited by the Missoula floods covers much of the southern part of the fault trace.

4.3 Cascadia Subduction Zone

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). A growing body of geologic evidence suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred seismogenic portion of the plate interface lies approximately along the Oregon Coast at depths of between 20 and 40 kilometers below the surface.

5.0 FIELD EXPLORATION AND SUBSURFACE CONDITIONS

Our site-specific explorations for this report were conducted on September 6, 2017. A total of eighteen exploratory test pits (TP-1 through TP-18) were excavated at the site using a track-mounted excavator subcontracted by GeoPacific to a depth of approximately 13 feet bgs. Explorations were conducted under the full-time observation of GeoPacific personnel. During the explorations, GeoPacific observed and recorded pertinent soil information such as color, stratigraphy, strength, and soil moisture content. Soil samples obtained from the explorations were placed in relatively air-tight plastic bags. Pertinent information including soil sample depths, stratigraphy, soil engineering characteristics, and groundwater occurrence was recorded. Soils were classified in accordance with the Unified Soil Classification System (USCS). At the completion of each exploration, the test pits were backfilled loosely with onsite soil.

The approximate locations of the explorations are indicated on Figures 2 and 3. It should be noted that exploration locations were located in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate. Summary exploration logs are attached. The stratigraphic contacts shown on the individual subsurface logs represent the approximate boundaries between soil types. The actual transitions may be more gradual. The soil and groundwater conditions depicted are only for the specific dates and locations reported, and therefore, are not necessarily representative of other locations and times. Soil and groundwater conditions encountered in the explorations are summarized below.

5.1 Soil Descriptions

Fill Stockpiles: As shown on Figure 2, various piles of soil and debris fill were observed to be present in the approximate area noted on the figure. The piles appeared to be remnant soil stockpiles, various agricultural piles, and various remnant house debris piles. A home once was present in the southern portion of the noted area. An old gravel drive is still present in the noted area. The piles in the northern portion of the site were the largest observed, and were heavily vegetated with blackberries. It is anticipated that the piles will not be suitable for re-use as engineered fill at the site, though the determination for suitability for use as engineered fill should be determined in the field when conditions may be exposed.

Topsoil/Till Zone: The ground surface at the locations of test pits TP-1 through TP-18 was typical surfaced with grasses or blackberries, with organic SILT soils containing fine grass roots extending to maximum observed depths of 4 to 12 inches. In our experience, it is likely that large roots may be present extending to up to 2 feet where trees are present. Underlying the topsoil at the locations of our test pit explorations, an agricultural till zone was observed to be present, typically extending to depths of 18 inches bgs. Pocket penetrometer measurements recorded in the till zone of the ground surface indicated unconfined compressive strengths on the order of 3.5 tons/ft^2. The till zone has created disturbed soil conditions in the upper 18 inches of the majority of the site, which is likely to soften during periods of wet weather.

Elastic SILT: Underlying the topsoil and till zone at the locations of our test pits, subsurface soils were observed to consist of very stiff to hard, damp to moist, moderately plastic, light brown, Elastic SILT (MH). The soil type typically was observed to extend to depths ranging from

approximately 6 to 8 feet bgs within our test pits, with the exceptions of test pits TP-2, and TP-9, which were excavated in the wetland. Pocket penetrometer measurements recorded in the upper four to five feet of native undisturbed soils typically indicated unconfined compressive strengths on the order of 3.5 to greater than 4.5 tons/ft^2.

Soils laboratory testing conducted on representative samples collected from test pit TP-1 indicated approximately 98 to 99 percent by weight passing the U.S. No. 200 sieve, and a moisture content ranging from 30 to 33 percent. Atterberg limit testing indicated a liquid limit ranging from 49 to 62, and a plasticity index ranging from 19 to 29. The soil type classified as Elastic SILT (MH) according to the USCS soil classification system, and as A-7-5(25), and A-7-5(36) according to AASHTO standards.

Possible Hydric Soils, Elastic SILT: Underlying the light brown Elastic SILT at the locations of test pits TP-2, and TP-9, which were excavated outside of the site development boundaries, at the base of the northern slope, within the wetland area, subsurface soils were observed to consist of very stiff, damp to moist, moderately plastic, dark gray, brown, orange, and bluish, Elastic SILT (MH). The soil type was observed to extend to the maximum depth of exploration within the noted test pits. The noted soil layers displayed distinct mottling and hydric soil texture. It appears that the soil layers are natural, historic wetland soils. Although the soils appeared to be hydric, the consistency was very stiff to hard, and no groundwater seepage was observed as the excavations were done near the end of the dry season when the water table is at its low point.

SILT: Underlying the Elastic SILT at the locations of test pits TP-1, TP-3 through TP-8, and TP-10 through TP-18, subsurface soils were observed to consist of very stiff, moist, moderately plastic, brown, SILT (ML). The soil type typically was observed to extend to the maximum depth of exploration within the noted test pits. The soil type is typically referred to as the Willamette Formation.

Soils laboratory testing conducted on a representative sample collected from test pit TP-1 indicated approximately 99 percent by weight passing the U.S. No. 200 sieve, and a moisture content of 36.7 percent. Atterberg limit testing indicated a liquid limit of 43, and a plasticity index of 15 to 29. The soil type classified as SILT (ML) according to the USCS soil classification system, and as A-7-6(18) according to AASHTO standards.

5.2 Groundwater and Soil Moisture

On September 6, 2017, observed soil moisture conditions were generally damp to moist. Groundwater seepage was not encountered within the test pit explorations which extended to a maximum depth of 13 feet bgs. Based on our review of available well logs from the vicinity of the subject site (see *Site Research*-report appendix), we expect that groundwater may be encountered at depths ranging from approximately 30 to 40 feet bgs, depending on ground surface elevation. Based upon the proximity of the site to Baker Creek and the wetland to the north, we estimate that during the wet season the depth to groundwater corresponds to the elevation of the wetland, or an elevation of approximately 135 feet amsl in the northern portion of the site. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors. Perched groundwater may be encountered in localized areas. Seeps and springs may exist in areas not explored, and may become evident during site grading.

If the seasonal fluctuation of the static groundwater table underlying the subject site require detailed understanding, piezometers may be installed and periodically monitored.

6.0 PRELIMINARY CONCLUSIONS AND RECOMMENDATIONS

Our understanding of the proposed development at the site is currently preliminary. Our site investigation indicates that the proposed construction appears to be geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. However, additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed near slopes extending to the wetland.

The primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed. Based upon our review of preliminary project plans prepared by Westtech Engineering, Inc., entitled Baker Creek North Subdivision, Drawing H, Overall Utility Plan, dated July 2017, specific areas which appear to be located within the DOGAMI hazard zone include Lots 1-16, 162-172, 192-200, 203-206, 211, C Street, and the pump station (see Figure 3). GeoPacific should be consulted to review the grading plan when it becomes available, and to conduct a slope stability analysis of the northern portion of the site with the proposed grading. The soils observed in the test pits in the northern portion of the site appeared to display moderate plasticity, and moderate to high shear strength, which typically indicates relatively stable sloping conditions under normal loading. The degree of engineered fill proposed in the area will impact stability of the slopes and should be studied further. It appears likely that placement of engineered fill may be accomplished in the area with installation of keyways, subdrains, and benching. However, slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the propose surcharge loading of the engineered fill. A static factor of safety of 1.5, and a psuedostatic factor of safety of 1.1 against potential slope instability are considered to be the minimum factors of safety for placement of engineered fill and construction of homesites and roadways near a slope.

In addition, structural loading information for the commercial, and multi-family residential developments shown on Figure 3a have not been provided to GeoPacific at this time. After final site planning is completed, GeoPacific should be provided with structural plans and proposed foundation loading information so that recommendations can be provided for the proposed structures.

The recommendations presented below are currently applicable to portions of the site located outside of the potential landslide hazard zone, and include the following areas within the proposed subdivision without additional study (reference Westtech Engineering, Inc. Baker Creek North Subdivision, Drawing H, Overall Utility Plan, dated July 2017):

- Lots 17-161, 173-191, 201-202, 207-210, and 212-241;
- Proposed public streets except C Street

6.1 Site Preparation Recommendations

Areas of proposed construction and areas to receive fill should be cleared of any organic and inorganic debris, and loose stockpiled soils. Inorganic debris and organic materials from clearing should be removed from the site. Organic-rich soils and root zones should then be stripped from construction areas of the site or where engineered fill is to be placed. Depth of stripping of existing topsoil and debris fill is estimated to be approximately 4 to 12 inches across the majority of the site, however depth of organic soil layers may increase in areas where deep till zones are soft; and soil stockpiles, trees, and vegetation are present. The final depth of soil removal will be determined because of a site inspection after the stripping/excavation has been performed. Stripped topsoil should be removed from areas proposed for placement of engineered fill. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

If encountered, undocumented fills and any subsurface structures (dry wells, basements, driveway and landscaping fill, old utility lines, septic leach fields, etc.) should be completely removed and the excavations backfilled with engineered fill.

We recommend that areas proposed for placement of engineered fill are scarified to a minimum depth of 12 inches and recompacted prior to placement of structural fill. Prior to placement of engineered fill, the underlying soils be over-excavated, ripped, aerated to optimum moisture content, and recompacted to project specifications for engineered fill as determined by the Standard Proctor (ASTM D698).

Areas proposed to be left at grade may require additional over-excavation of foundation areas in order to reach soils which will provide adequate bearing support for the proposed foundations. Site earthwork may be impacted by shallow groundwater. Stabilization of subgrade soils will require aeration and recompaction. If subgrade soils are found to be difficult to stabilize, over-excavation, placement of granular soils, or cement treatment of subgrade soils may be feasible options. GeoPacific should be onsite to observe preparation of subgrade soil conditions prior to placement of engineered fill.

6.2 Keyways, Benching, and Subdrains for Fill Slopes

Engineered fill placed on existing sloped areas inclining steeper than an approximately fifteen percent grade should be constructed on a keyway and benches in accordance with the typical designs shown in the attached Fill Slope Detail (Figure 5). Keyways should have a minimum depth of three feet, and a minimum width of ten feet. Additional removal of weakened or soft soils may be required depending on the conditions observed during construction. Benches and keyways should be roughly horizontal in the down slope direction, by may slope up to a 10 percent grade along a topographic contour. Keyways sloping more than a fifteen percent grade along a topographic contour should be benched or configured as approved by the geotechnical engineer or his designated representative.

If groundwater seepage is observed during excavation, keyways should include a subdrain consisting of a minimum 4-inch-diameter, ADS Heavy Duty Grade (or equivalent), perforated plastic pipe enveloped in a minimum of 4 cubic feet per lineal foot of 2”- ½”, open-graded gravel

drain rock wrapped with geotextile filter fabric (Mirafi 140N or equivalent). A minimum 0.5 percent gradient should be maintained throughout all subdrain pipes and outlets. GeoPacific should inspect keyways, subdrains and benching prior to fill placement. Subdrains may be eliminated at the discretion of the geotechnical engineer.

6.3 Engineered Fill

All grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at the time of construction with the exceptions and additions noted herein. Site grading should be conducted in accordance with the requirements outlined in the 2015 International Building Code (IBC), Chapter 18 and Appendix J. Areas proposed for fill placement should be prepared as described in the *Site Preparation Recommendations* section. Surface soils should then be scarified and recompacted prior to placement of structural fill. Site preparation, soil stripping, and grading activities should be observed and documented by a geotechnical engineer or his representative. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill.

Onsite native soils consisting of Elastic SILT and SILT appear to be suitable for use as engineered fill. Soils containing greater than 5 percent organic content should not be used as structural fill. Imported fill material must be approved by the geotechnical engineer prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 12 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95 percent of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or his representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd^3, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Site earthwork may be impacted by shallow groundwater, soil moisture and wet weather conditions. Earthwork in wet weather would likely require extensive use of additional crushed aggregate, cement or lime treatment, or other special measures, at considerable additional cost compared to earthwork performed under dry-weather conditions.

6.4 Excavating Conditions and Utility Trench Backfill

We anticipate that onsite soils can generally be excavated using conventional heavy equipment. Bedrock was not encountered within our subsurface explorations which extended to a maximum depth of 13 feet bgs. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soils classify as Type B Soil and temporary excavation side slope

inclinations as steep as 1H:1V may be assumed for planning purposes. These cut slope inclinations are applicable to excavations above the water table only.

Shallow, perched groundwater may be encountered during the wet weather season and should be anticipated in excavations and utility trenches. Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

Underground utility pipes should be installed in accordance with the procedures specified in ASTM D2321 and City of McMinnville/Yamhill County standards. We recommend that structural trench backfill be compacted to at least 95 percent of the maximum dry density obtained by the Standard Proctor (ASTM D698) or equivalent. Initial backfill lift thicknesses for a ¾”-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, at least one density test is taken for every 4 vertical feet of backfill on each 100-lineal-foot section of trench.

6.5 Erosion Control Considerations

During our field exploration program, we observed soil conditions that may be considered highly susceptible to erosion, primarily located in the sloping portions of the site. In our opinion, the primary concern regarding erosion potential will occur during construction in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing the project erosion control plan, which should include judicious use of straw waddles, fiber rolls, and silt fences. If used, these erosion control devices should remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

6.6 Wet Weather Earthwork

Soils underlying the site are likely to be moisture sensitive and will be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical when performed under dry weather conditions. Earthwork performed during the wet-weather season will require expensive measures such as cement treatment or imported granular material to compact areas where fill may be proposed to the recommended engineering specifications. If

earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;
- The ground surface within the construction area should be graded to promote run-off of surface water and to prevent the ponding of water;
- Material used as engineered fill should consist of clean, granular soil containing less than 5 percent passing the No. 200 sieve. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;
- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and placement of fill should be observed by the geotechnical engineer to verify that all unsuitable materials are removed and suitable compaction and site drainage is achieved; and
- Geotextile silt fences, straw waddles, and fiber rolls should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, GeoPacific should be contacted to provide additional recommendations and field monitoring.

6.7 Spread Foundations

Based upon communication with the client and review of preliminary project plans (see Figures 3 and 3a), GeoPacific understands that site development will consist of a phased subdivision which will create 241 new residential building lots for single-family homes, new public streets, parks, stormwater facilities, and associated underground utility installations. Approximately 4.40-acres of tax lot 100 will include multi-family development with a single-story pavilion building, a three-story senior living facility, and parking and drive aisles. Approximately 3.76-acres of tax lot 100 will also include a commercial development with four single-story buildings, and parking and drive aisles. The project will also include a playground, a pump station, and a nature park. It is our understanding that the homes will be constructed with typical spread foundations and crawl spaces. We anticipate that maximum structural loading on column footings and continuous strip footings of the homes will be on the order of 35 kips, and 4 to 7 kips respectively. At this time, no information has been provided to GeoPacific regarding the potential foundation types or structural loading of the commercial or multi-family buildings.

The recommendations presented below are currently applicable to portions of the site located outside of the potential landslide hazard zone, and include the following areas within the proposed subdivision without additional study (reference Westtech Engineering, Inc. Baker Creek North Subdivision, Drawing H, Overall Utility Plan, dated July 2017):

For the homes located outside of the potential landslide hazard zone (Lots 17-161, 173-191, 201-202, 207-210, and 212-241), the proposed structures may be supported on shallow foundations bearing on stiff, native soils and/or engineered fill, appropriately designed and constructed as recommended in this report. We understand that much of the site proposed for construction of residential homes will be left at existing grades, and that the majority of the proposed engineered fill will be located in the southwestern portion of the site. Areas where homes are to be constructed where no engineered fill will be placed should either be prepared as recommended for roadway areas; or the foundation envelopes of the proposed homes should be over-excavated to expose native soils on a lot by lot basis. (See *Site Preparation Recommendations* section).

Foundation design, construction, and setback requirements should conform to the applicable building code at the time of construction. For maximization of bearing strength and protection against frost heave, spread footings should be embedded at a minimum depth of 18 inches below exterior grade. If soft soil conditions are encountered at footing subgrade elevation, they should be removed and replaced with compacted crushed aggregate.

The anticipated allowable soil bearing pressure is 2,000 lbs/ft^2 for footings bearing on competent, native soil and/or engineered fill. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. For loads heavier than 35 kips, the geotechnical engineer should be consulted. If heavier loads than described above are proposed, it may be necessary to over-excavate point load areas and replace with additional compacted crushed aggregate. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.42, which includes no factor of safety. The maximum anticipated total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and ¾ inch over a span of 20 feet, respectively. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied. Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Footing excavations should penetrate through topsoil and any disturbed soil to competent subgrade that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom prior to placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require over-excavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for residential construction incorporating raised wood floors and conventional spread footing foundations. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

6.8 Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation Recommendations* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock.

For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 150 kcf (87 pci) should be assumed for the medium stiff, fine-grained soils anticipated to be present at foundation subgrade elevation following adequate site preparation as described above. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of 8 inches of 1½”-0 crushed aggregate beneath the slab. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 95 percent of its maximum dry density as determined by ASTM D1557 (Modified Proctor) or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection and mold prevention issues, which are outside GeoPacific’s area of expertise.

6.9 Footing and Roof Drains

Construction should include typical measures for controlling subsurface water beneath the structure, including positive crawlspace drainage to an adequate low-point drain exiting the foundation, visqueen covering the expose ground in the crawlspace, and crawlspace ventilation (foundation vents). The client should be informed and educated that some slow flowing water in the crawlspaces is considered normal and not necessarily detrimental to the home given these other design elements incorporated into its construction. Appropriate design professionals should be consulting regarding crawlspace ventilation, building material selection and mold prevention issues, which are outside GeoPacific’s area of expertise.

Down spouts and roof drains should collect roof water in a system separate from the footing drains to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point and storm system well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

If the proposed structure will have a raised floor, and no concrete slab-on-grade floors are used, perimeter footing drains may be eliminated at the discretion of the geotechnical engineer based on soil conditions encountered at the site and experience with standard local construction practices.

Where it is desired to reduce the potential for moist crawl spaces, footing drains may be installed. If concrete slab-on-grade floors are used, perimeter footing drains should be installed as recommended below.

Where necessary, perimeter footing drains should consist of 3 or 4-inch diameter, perforated plastic pipe embedded in a minimum of 1 ft^3 per lineal foot of clean, free-draining drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. Figure 4 presents a typical perimeter footing drain detail. In our opinion, footing drains may outlet at the curb, or on the back sides of lots where sufficient fall is not available to allow drainage to meet the street.

6.10 Permanent Below-Grade Walls

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained wall, an at-rest equivalent fluid pressure of 55 pcf should be used in design, again assuming level backfill against the wall. These values assume that the recommended drainage provisions are incorporated, and hydrostatic pressures are not allowed to develop against the wall.
During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe-Okabe equation and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures recommended above, plus an incremental rectangular-shaped seismic load of magnitude 6.5H, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 300 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and GeoPacific should be contacted for additional recommendations.

A coefficient of friction of 0.42 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added. Traffic surcharges may be estimated using an additional vertical load of 250 psf (2 feet of additional fill), in accordance with local practice.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build-up. This can be accomplished by placing a 12 to 18-inch wide zone of sand and gravel containing less than 5 percent passing the No. 200 sieve against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a suitable discharge point to remove water in this zone of sand and gravel. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging.

Wall drains are recommended to prevent detrimental effects of surface water runoff on foundations – not to dewater groundwater. Drains should not be expected to eliminate all potential sources of water entering a basement or beneath a slab-on-grade. An adequate grade to a low point outlet drain in the crawlspace is required by code. Underslab drains are sometimes added beneath the slab when placed over soils of low permeability and shallow, perched groundwater.

Water collected from the wall drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. Down spouts and roof drains should not be connected to the wall drains in order to reduce the potential for clogging. The drains should include clean-outs to allow periodic maintenance and inspection. Grades around the proposed structure should be sloped such that surface water drains away from the building.

GeoPacific should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Structures should be located a horizontal distance of at least 1.5H away from the back of the retaining wall, where H is the total height of the wall. GeoPacific should be contacted for additional foundation recommendations where structures are located closer than 1.5H to the top of any wall.

7.0 SEISMIC DESIGN

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2017 Statewide GeoHazards Viewer indicates that the site is in an area where *very strong* ground shaking is anticipated during an earthquake. Structures should be designed to resist earthquake loading in accordance with the methodology described in the 2015 International Building Code (IBC) with applicable Oregon Structural Specialty Code (OSSC) revisions (current 2014). We recommend Site Class D be used for design per the OSSC, Table 1613.5.2 and as defined in ASCE 7, Chapter 20, Table 20.3-1. Design values determined for the site using the USGS (United States Geological Survey) 2017 Seismic Design Maps Summary Report are summarized in Table 1, and are based upon existing soil conditions.

Table 1 - Recommended Earthquake Ground Motion Parameters (USGS 2017)

Parameter	Value
Location (Lat, Long), degrees	45.228, -123.221
Probabilistic Ground Motion Values, 2% Probability of Exceedance in 50 yrs	
Peak Ground Acceleration PGA_M	0.482 g
Short Period, S_s	1.014 g
1.0 Sec Period, S_1	0.481 g
Soil Factors for Site Class D:	
F_a	1.094
F_v	1.519
$SD_s = 2/3 \times F_a \times S_s$	0.740 g
$SD_1 = 2/3 \times F_v \times S_1$	0.487 g
Seismic Design Category	D

7.1 Soil Liquefaction

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2017 Statewide GeoHazards Viewer indicates that the site is in an area considered to be at *moderate* risk for soil liquefaction during an earthquake. Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to ground shaking caused by strong earthquakes. Soil liquefaction is generally limited to loose, sands and granular soils located below the water table, and fine-grained soils with a plasticity index less than 15. The upper 13 feet of the site was observed to be underlain by very stiff to hard, fine-grained soils with moderate plasticity. Groundwater was not encountered within our subsurface explorations. Based on our review of available well logs from the vicinity of the subject site (see *Site Research*-report appendix), we expect that groundwater may be encountered at depths ranging from approximately 30 to 40 feet bgs, depending on ground surface elevation. Based upon the results of our study, it is our opinion that the risk of soil liquefaction in the upper 13 feet of the ground surface during a seismic event at the subject site should be considered to be low.

If deemed necessary, quantitative liquefaction assessment, beyond the scope of this study, may be conducted at the subject site to determine whether or not liquefiable soil layers are present underneath the subject site beyond the depths explored. Cone penetrometer testing (CPT) would be conducted at a selected location within the site boundaries to explore deeper subsurface soil layers, and the data would be used to estimate anticipated dynamic settlement at the subject site during a seismic ground shaking event.

8.0 UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

REGISTERED OREGON BENJAMIN L COOK 2285 GEOLOGIST

Exp 12/31/17

Benjamin L. Cook, R.G.
Senior Geologist

REGISTERED PROFESSIONAL ENGINEER 14743PE OREGON JAN. 23, 1990 JAMES D. IMBRIE

EXPIRES: 06/30/2019

James D. Imbrie, G.E., C.E.G.
Principal Geotechnical Engineer

REFERENCES

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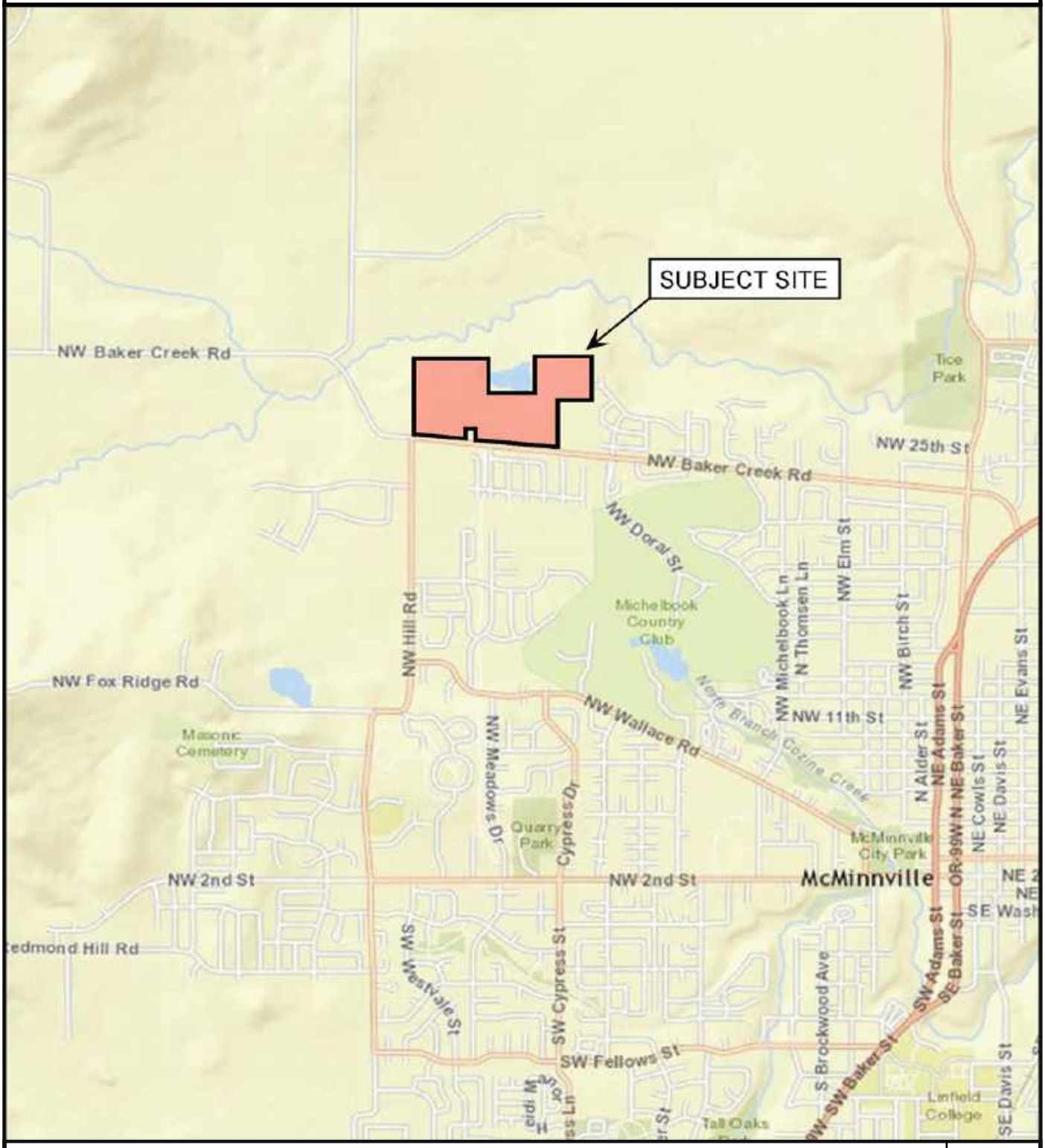
CHECKLIST OF RECOMMENDED GEOTECHNICAL TESTING AND OBSERVATION

Item No.	Procedure	Timing	By Whom	Done
1	Preconstruction meeting	Prior to beginning site work	Contractor, Developer, Civil and Geotechnical Engineers	
2	Fill removal from site or sorting and stockpiling	Prior to mass stripping	Soil Technician/ Geotechnical Engineer	
3	Stripping, aeration, and root-picking operations	During stripping	Soil Technician	
4	Compaction testing of engineered fill (95% of Standard Proctor)	During filling, tested every 2 vertical feet	Soil Technician	
5	Retaining Wall Keyway and Subbase	During Excavation	Soil Technician/ Geotechnical Engineer	
6	Retaining Wall Backfill and Geogrid Placement	During Construction	Soil Technician/ Geotechnical Engineer	
7	Compaction testing of trench backfill (95% of Standard Proctor)	During backfilling, tested every 4 vertical feet for every 200 linear feet	Soil Technician	
8	Street Subgrade Inspection (95% of Standard Proctor)	Prior to placing base course	Soil Technician	
9	Base course compaction (95% of Modified Proctor)	Prior to paving, tested every 200 linear feet	Soil Technician	
10	Asphalt Compaction (92% Rice Value)	During paving, tested every 100 linear feet	Soil Technician	
11	Final Geotechnical Engineer's Report	Completion of project	Geotechnical Engineer	

FIGURES

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

SITE VICINITY MAP



Base Map: DOGAMI HAZVU, 2017
Date: 9/22/2017
Drawn by: BLC

North

Project: Baker Creek North Subdivision 1755 NW Baker Creek Road McMinnville, Oregon 97128	Project No. 17-4694	FIGURE 1

GeoPacific Engineering, Inc.
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Portland, Oregon 97224
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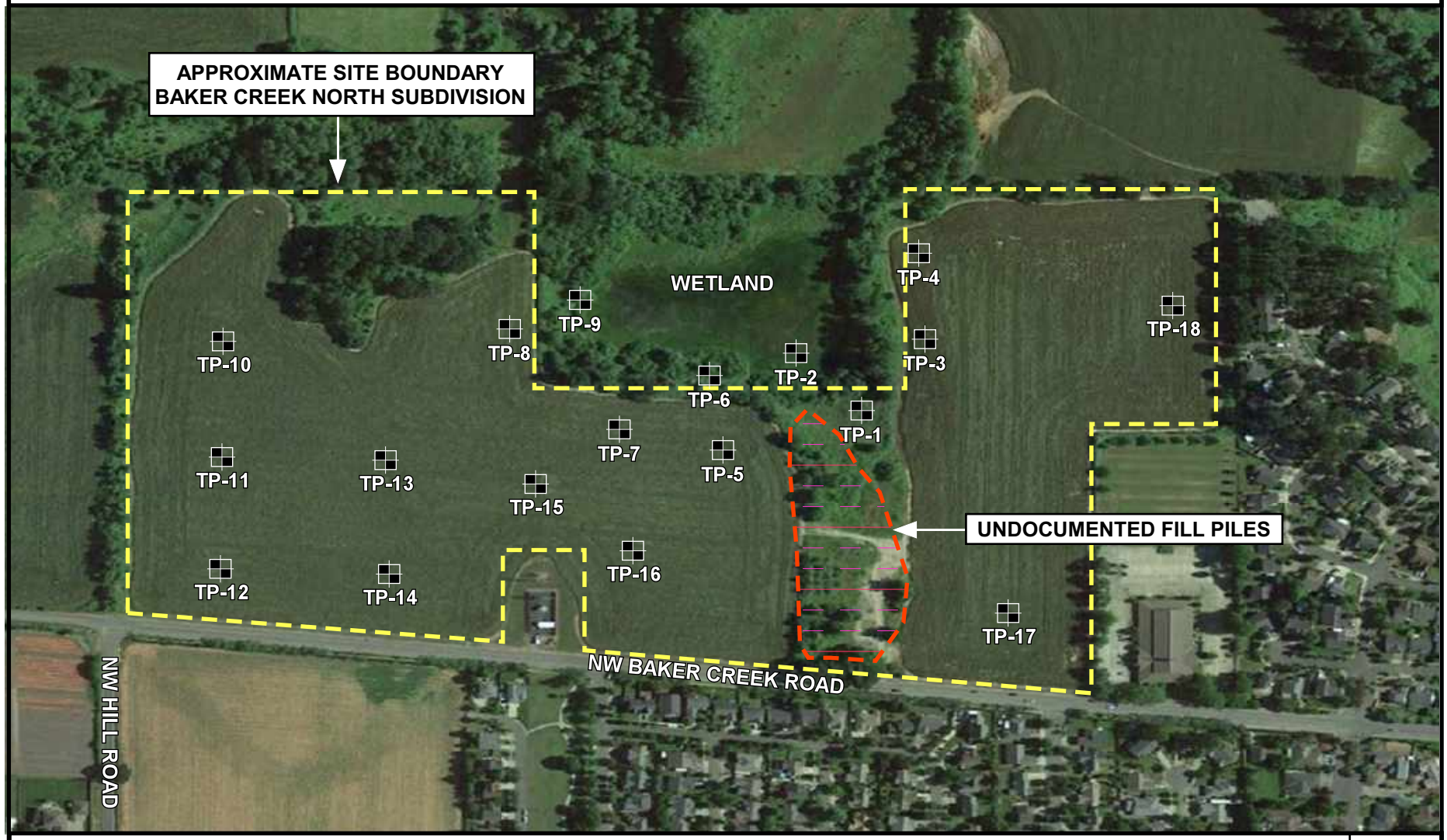
SITE AERIAL MAP AND EXPLORATION LOCATIONS



Legend: Base Map - Google Earth Pro 6/22/2017

Test Pit Designation and Approximate Location

APPROXIMATE SCALE (FEET)
175 0 175 350

Drawn by: BLC
Date: 9/22/2017

North

Project: Baker Creek North Subdivision
1755 NW Baker Creek Road
McMinnville, Oregon 97218

Project No. 17-4694

FIGURE 2

GeoPacific Engineering, Inc.
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Portland, Oregon 97224
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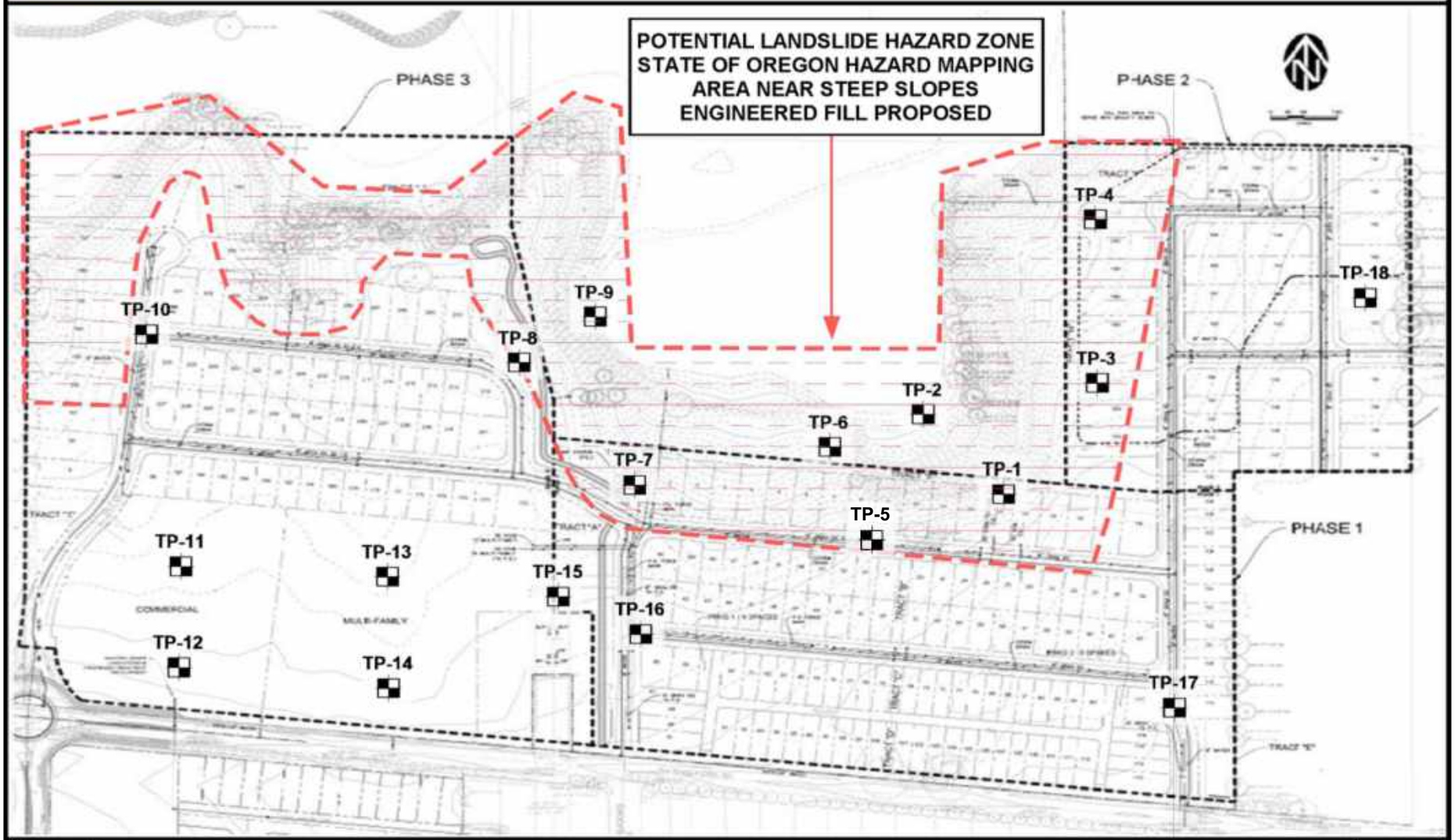
SITE PLAN MAP AND EXPLORATION LOCATIONS



Legend: Base Map - Westtech Engineering, Inc., Baker Creek North, Overall Utility Plan, Drawing H

Test Pit Designation and Approximate Location

Drawn by: BLC
Date: 9/22/2017

North

Project: Baker Creek North Subdivision
1755 NW Baker Creek Road
McMinnville, Oregon 97218

Project No. 17-4694

FIGURE 3

GeoPacific Engineering, Inc.
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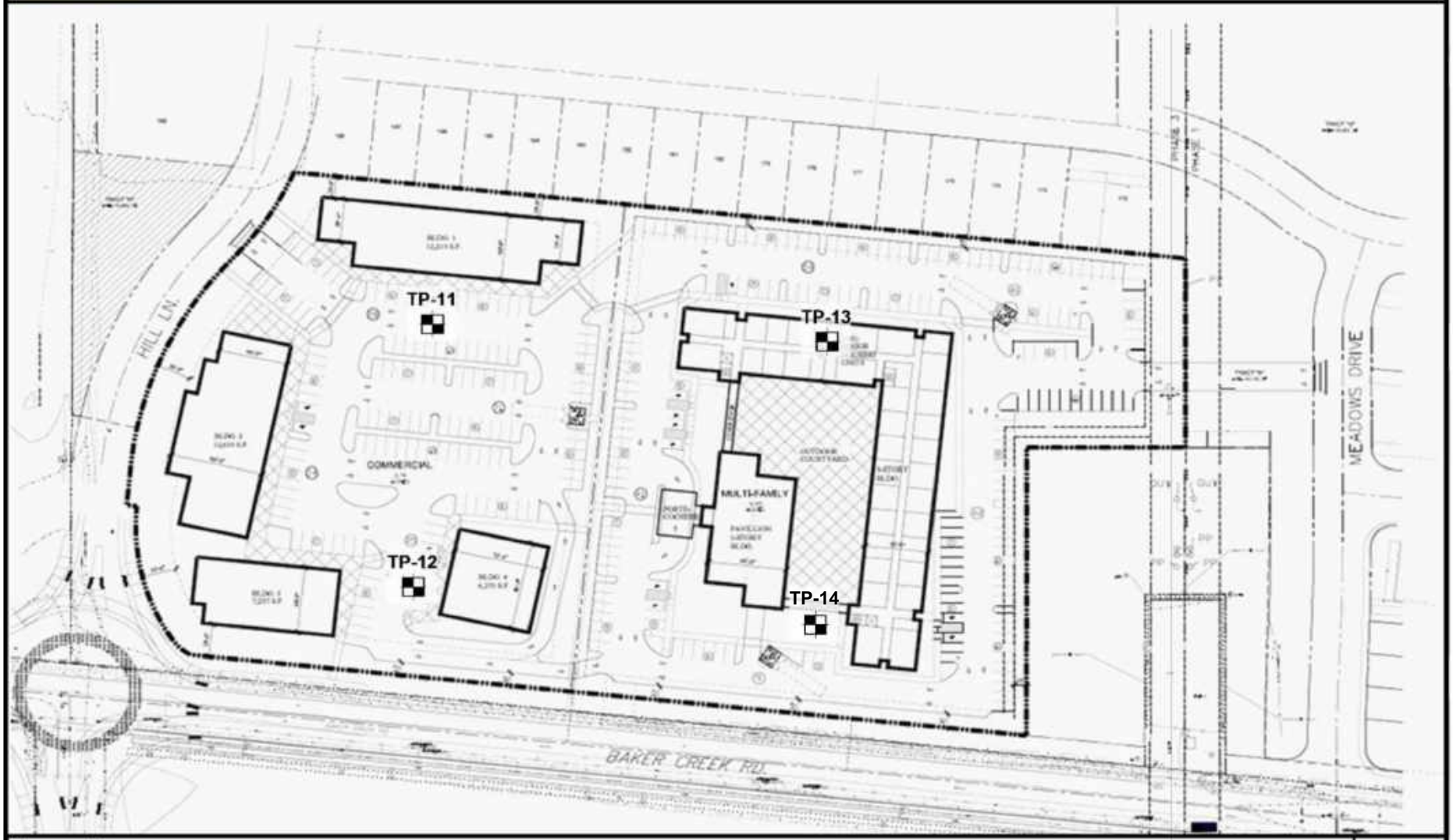
SITE PLAN MAP AND EXPLORATION LOCATIONS



Legend: Base Map - Westtech Engineering, Inc., Baker Creek North, Site Concept Plan A, Sheet A1.1A

Test Pit Designation and Approximate Location

Drawn by: BLC
Date: 9/22/2017

North

Project: Baker Creek North Subdivision 1755 NW Baker Creek Road McMinnville, Oregon 97218	Project No. 17-4694	FIGURE 3A

GeoPacific Engineering, Inc.
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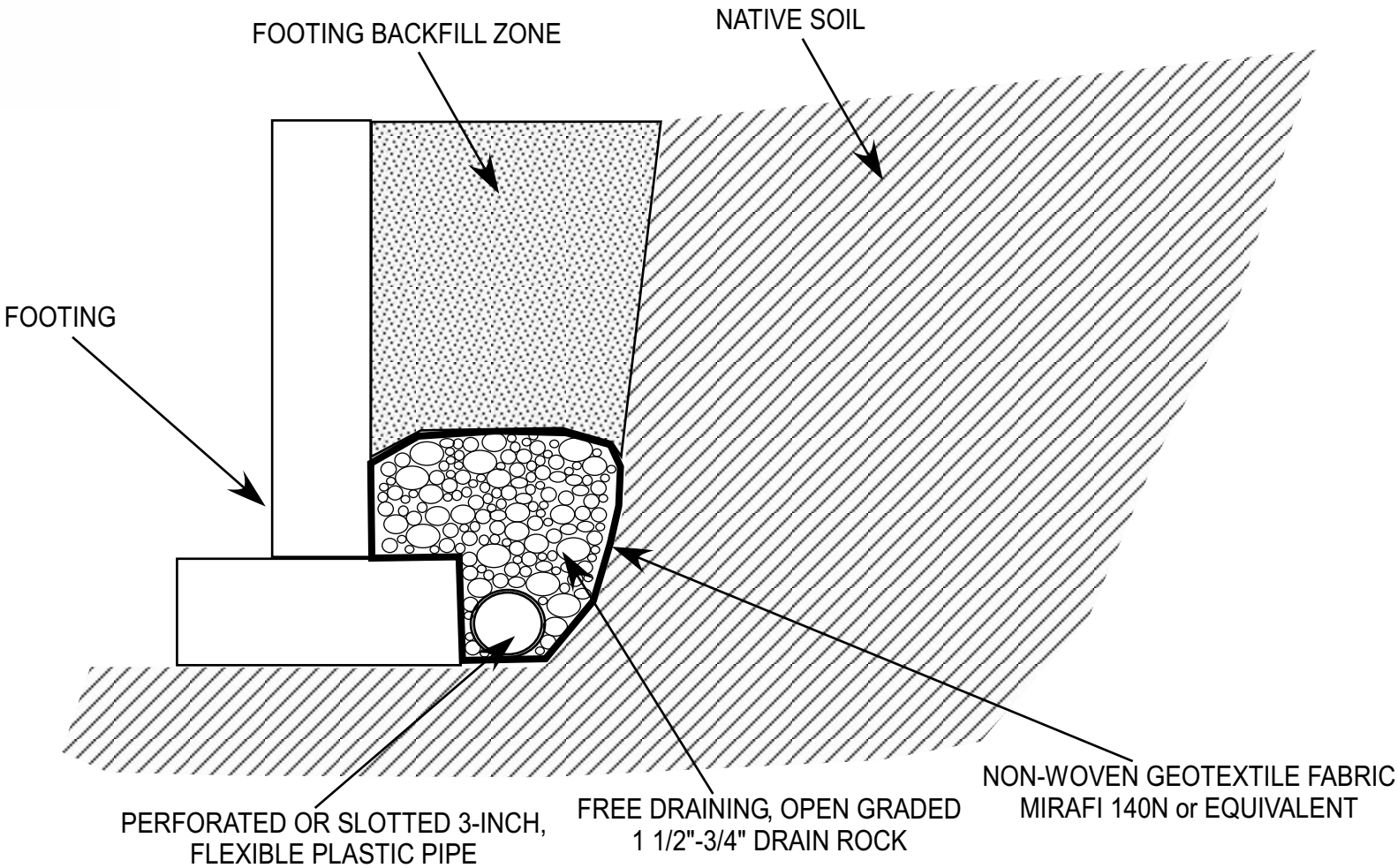
Tel: (503) 598-8445 Fax: (503) 941-9281

TYPICAL PERIMETER FOOTING DRAIN DETAIL



Notes:
1) Drain rock should contain no more than 5 percent fines passing the U.S. No. 200 Sieve.
2) Trench bottom and drain pipe should be sloped to drain to approved discharge location.

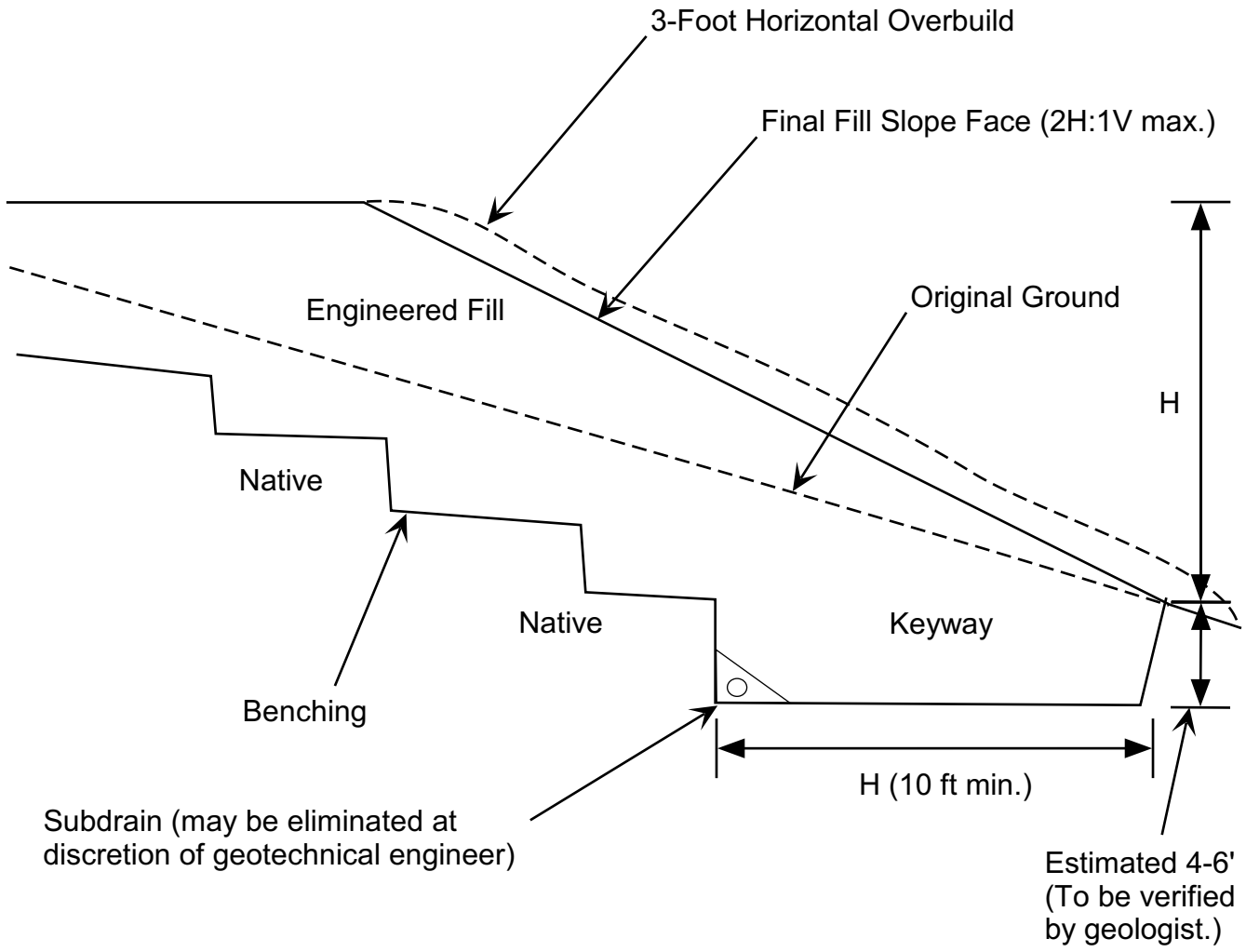
Date: 9/22/2017
Drawn by: BLC

Project: Baker Creek North Subdivision 1755 NW Baker Creek Road, McMinnville, Oregon	Project No. 17-4694	FIGURE 4

14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

FILL SLOPE DETAIL

TYPICAL KEYWAY, BENCHING & FILL SLOPE DETAIL



Recommended subdrain is minimum 3-inch-diameter ADS Heavy Duty grade (or equivalent), perforated plastic pipe enveloped in a minimum of 3 cubic feet per lineal foot of 2" to 1/2" open-graded gravel drain rock wrapped with geotextile filter fabric (Mirafi 140N or equivalent).

Project: Baker Creek North Subdivision 1755 NW Baker Creek Road McMinnville, Oregon 97128	Project No. 17-4694	FIGURE 5

EXPLORATION LOGS

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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-1**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 6 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 18 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5		100 to 1,000 g	98.6	33.4		AASHTO Classification = A-7-5(36), Liquid Limit = 62, Plasticity Index = 29
4	>4.5						Increased soil moisture = moist.
5							
6			100 to 1,000 g	99.6	30.8		AASHTO Classification = A-7-5(25), Liquid Limit = 49, Plasticity Index = 19
7							
8							SILT (ML), brown, very stiff, moist to very moist, moderate plasticity.
9			100 to 1,000 g	99.2	36.7		AASHTO Classification = A-7-6(18), Liquid Limit = 43, Plasticity Index = 15
10							
11							
12							
13							Test pit terminated at 13 feet bgs. No groundwater seepage observed during excavation.
14							
15							
16							
17							

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
Water Bearing Zone
Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 160 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-2**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Wetland area. Organic SILT(OL-ML), brown, dry, fine roots extending to 12 inches bgs.
1	3.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
2	>4.5						
3	>4.5		100 to 1,000 g				Elastic SILT (MH), dark gray, damp to moist, very stiff, moderate plasticity hydric soil, containing fine roots.
4	>4.5						
5							
6			100 to 1,000 g				Elastic SILT (MH), dark gray/brown/orange/gray layering and mottling, moist to very moist, stiff, moderate plasticity, hydric soil, containing fine roots.
7							
8							
9			100 to 1,000 g				
10							Test pit terminated at 10 feet bgs. No groundwater seepage observed during excavation.
11							
12							
13							
14							
15							
16							
17							

LEGEND

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 130 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-3**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 12 inches bgs.
1	3.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
2	>4.5						
3	>4.5						
4	>4.5						Increased soil moisture = moist.
5							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
6							
7							
8							
9							
10							Test pit terminated at 10 feet bgs. No groundwater seepage observed during excavation.
11							
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 165 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-4**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 12 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 18 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
7							
8							
9							
10							Test pit terminated at 9.5 feet bgs. No groundwater seepage observed during excavation.
11							
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 161 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-5**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 12 inches bgs.
1	3.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
2	>4.5						
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
7							
8							
9							
10							
11							Test pit terminated at 11 feet bgs. No groundwater seepage observed during excavation.
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 158 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-6**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
1	3.5						TOPSOIL. Surfaced with blackberries. Organic SILT(OL-ML), brown, dry, blackberry roots extending to 24 inches bgs.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
3	>4.5		100 to 1,000 g				
4	>4.5						
5							
6			100 to 1,000 g				Increased soil moisture = moist.
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9			100 to 1,000 g				
10							Test pit terminated at 10 feet bgs. No groundwater seepage observed during excavation.
11							
12							
13							
14							
15							
16							
17							

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
Water Bearing Zone
Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 147 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-7**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 6 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 18 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5						
4	>4.5						
5							
6							
7							Increased soil moisture = moist.
8							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
9							
10							
11							
12							
13							Test pit terminated at 13 feet bgs. No groundwater seepage observed during excavation.
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 157 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
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Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-8**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 6 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 18 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9							
10							
11							
12							Test pit terminated at 11.5 feet bgs. No groundwater seepage observed during excavation.
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 161 Feet

GeoPacific Engineering, Inc.
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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-9**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
1	3.5						TOPSOIL. Wetland area. Organic SILT(OL-ML), brown, dry, fine roots extending to 18 inches bgs.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5		100 to 1,000 g				
4	>4.5						Elastic SILT (MH), dark gray, damp to moist, very stiff, moderate plasticity hydric soil, containing fine roots.
5							
6			100 to 1,000 g				
7							Elastic SILT (MH), dark gray/yellowish/brown/orange/gray layering and mottling, moist to very moist, stiff, moderate plasticity, hydric soil, containing fine roots.
8							
9			100 to 1,000 g				
10							Test pit terminated at 10 feet bgs. No groundwater seepage observed during excavation.
11							
12							
13							
14							
15							
16							
17							

LEGEND

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 132 Feet

GeoPacific Engineering, Inc.
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Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-10**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 6 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 18 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9							
10							
11							Test pit terminated at 10.5 feet bgs. No groundwater seepage observed during excavation.
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 159 Feet

GeoPacific Engineering, Inc.
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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-11**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 16 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5		100 to 1,000 g				
4	>4.5						
5							Increased soil moisture = moist.
6			100 to 1,000 g				
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9			100 to 1,000 g				
10							
11							Test pit terminated at 11 feet bgs. No groundwater seepage observed during excavation.
12							
13							
14							
15							
16							
17							

LEGEND

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation: 163 Feet

GeoPacific Engineering, Inc.
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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-12**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 16 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
3	>4.5		100 to 1,000 g				
4	>4.5						
5							Increased soil moisture = moist.
6			100 to 1,000 g				
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9			100 to 1,000 g				
10							
11							Test pit terminated at 11 feet bgs. No groundwater seepage observed during excavation.
12							
13							
14							
15							
16							
17							

LEGEND

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation:164 Feet

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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-13**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 16 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5		100 to 1,000 g				
4	>4.5						
5							Increased soil moisture = moist.
6			100 to 1,000 g				
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9			100 to 1,000 g				
10							
11							Test pit terminated at 11 feet bgs. No groundwater seepage observed during excavation.
12							
13							
14							
15							
16							
17							

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
Water Bearing Zone
Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation:163 Feet

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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-14**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 16 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9							Test pit terminated at 9 feet bgs. No groundwater seepage observed during excavation.
10							
11							
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation:165 Feet

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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-15**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 14 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							
7							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
8							
9							Test pit terminated at 9 feet bgs. No groundwater seepage observed during excavation.
10							
11							
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation:165 Feet

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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-16**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 14 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
3	>4.5						
4	>4.5						Increased soil moisture = moist.
5							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
6							
7							
8							
9							
10							Test pit terminated at 10 feet bgs. No groundwater seepage observed during excavation.
11							
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation:166 Feet

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TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-17**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 14 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
7							
8							
9							
10							
11							Test pit terminated at 11 feet bgs. No groundwater seepage observed during excavation.
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation:170 Feet

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Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Baker Creek North Subdivision
McMinnville, Oregon

Project No. 17-4694

Test Pit No. **TP-18**

Depth (ft)	Pocket Penetrometer (tons/ft²)	Torvane Shear (tons/ft²)	Sample Type	% Passing No. 200 Sieve	Moisture Content (%)	Water Bearing Zone	Material Description
							TOPSOIL. Surfaced with grass. Organic SILT(OL-ML), brown, dry, fine roots extending to 4 inches bgs.
1	3.5						Elastic SILT (MH), light brown, dry to damp, very stiff, moderate plasticity, till zone, with disturbed texture and appearance to approximately 14 inches.
2	>4.5						Elastic SILT (MH), light brown, damp to moist, very stiff, moderate plasticity.
3	>4.5						
4	>4.5						
5							Increased soil moisture = moist.
6							SILT (ML), brown with concentric orange mottles, very stiff, moist to very moist, moderate plasticity.
7							
8							
9							
10							
11							Test pit terminated at 11 feet bgs. No groundwater seepage observed during excavation.
12							
13							
14							
15							
16							
17							

LEGEND

Bag Sample | Bucket Sample | Shelby Tube Sample | Seepage | Water Bearing Zone | Water Level at Abandonment

Date Excavated: 9/6/2017
Logged By: B. Cook
Surface Elevation:170 Feet

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LABORATORY TEST RESULTS

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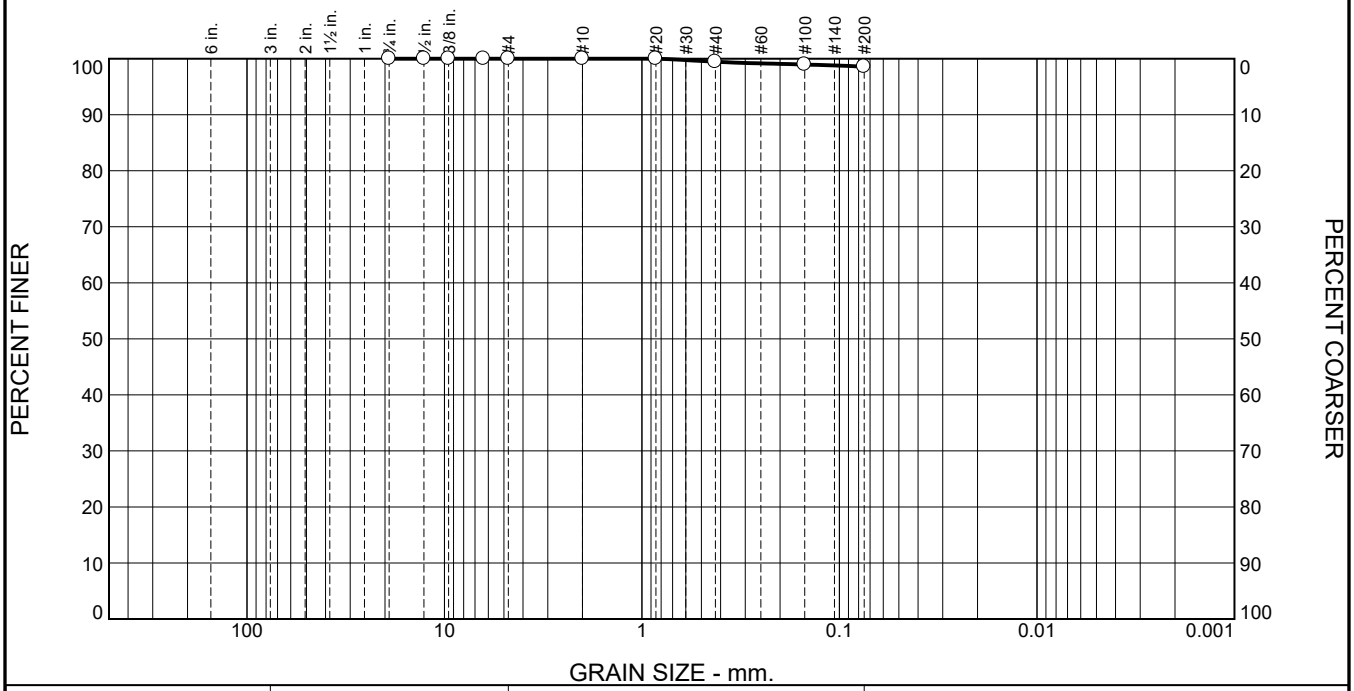
Fax (503) 941-9281

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.0	0.0	0.5	0.9	98.6	

TEST RESULTS

Opening Size	Percent Finer	Spec.* (Percent)	Pass? (X=Fail)
.75	100.0		
.5	100.0		
.375	100.0		
.25	100.0		
#4	100.0		
#10	100.0		
#20	100.0		
#40	99.5		
#100	99.0		
#200	98.6		

* (no specification provided)

Material Description

Elastic Silt

Atterberg Limits (ASTM D 4318)

PL= 32.8 **LL=** 62.0 **PI=** 29.2

Classification

USCS (D 2487)= MH **AASHTO (M 145)=** A-7-5(36)

Coefficients

D_{90}= D_{85}= D_{60}=
D_{50}= D_{30}= D_{15}=
D_{10}= C_u= C_c=

Remarks

Moisture 33.4%

Date Received: **Date Tested:** 9/13/2017

Tested By: SJC

Checked By:

Title:

Location: TP-1 Sample 1.1
Sample Number: S17-269 **Depth:** 3'

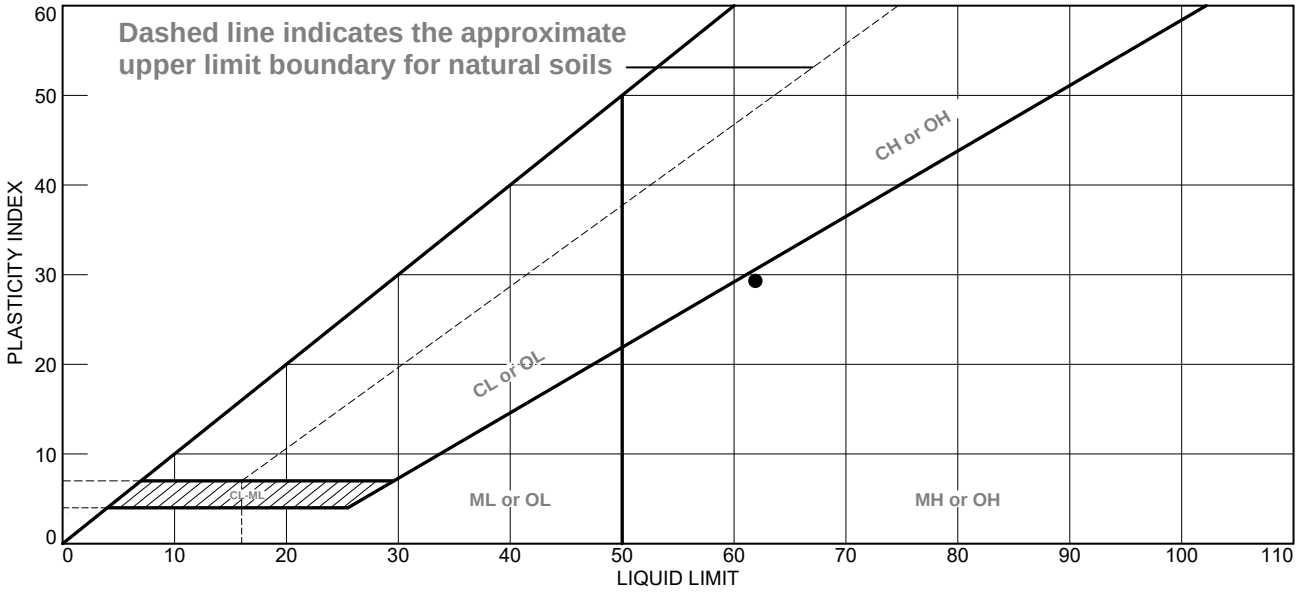
Date Sampled: 9/6/2017 BLC

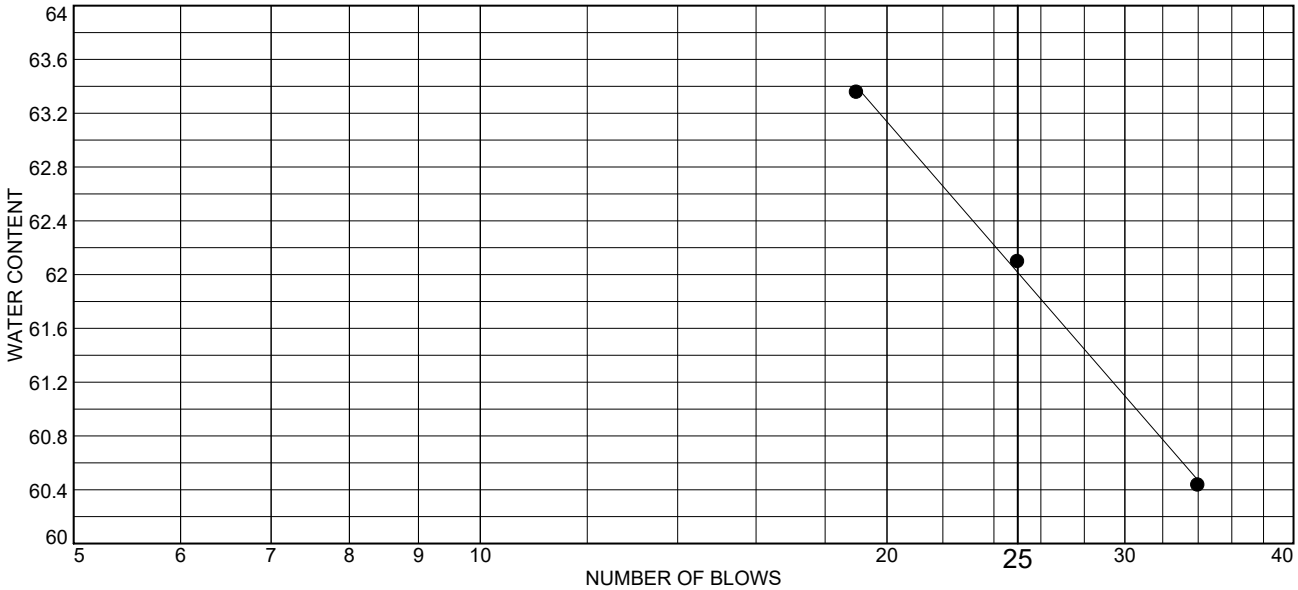
GEOPACIFIC ENGINEERING, INC.

Client: Stafford Land Company, Inc.
Project: Baker Creek North Subdivision

Project No: 17-4694 **Figure**

LIQUID AND PLASTIC LIMITS TEST REPORT





	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Elastic Silt	62.0	32.8	29.2	99.5	98.6	MH

Project No. 17-4694 **Client:** Stafford Land Company, Inc.

Project: Baker Creek North Subdivision

Location: TP-1 Sample 1.1
Sample Number: S17-269 **Depth:** 3'

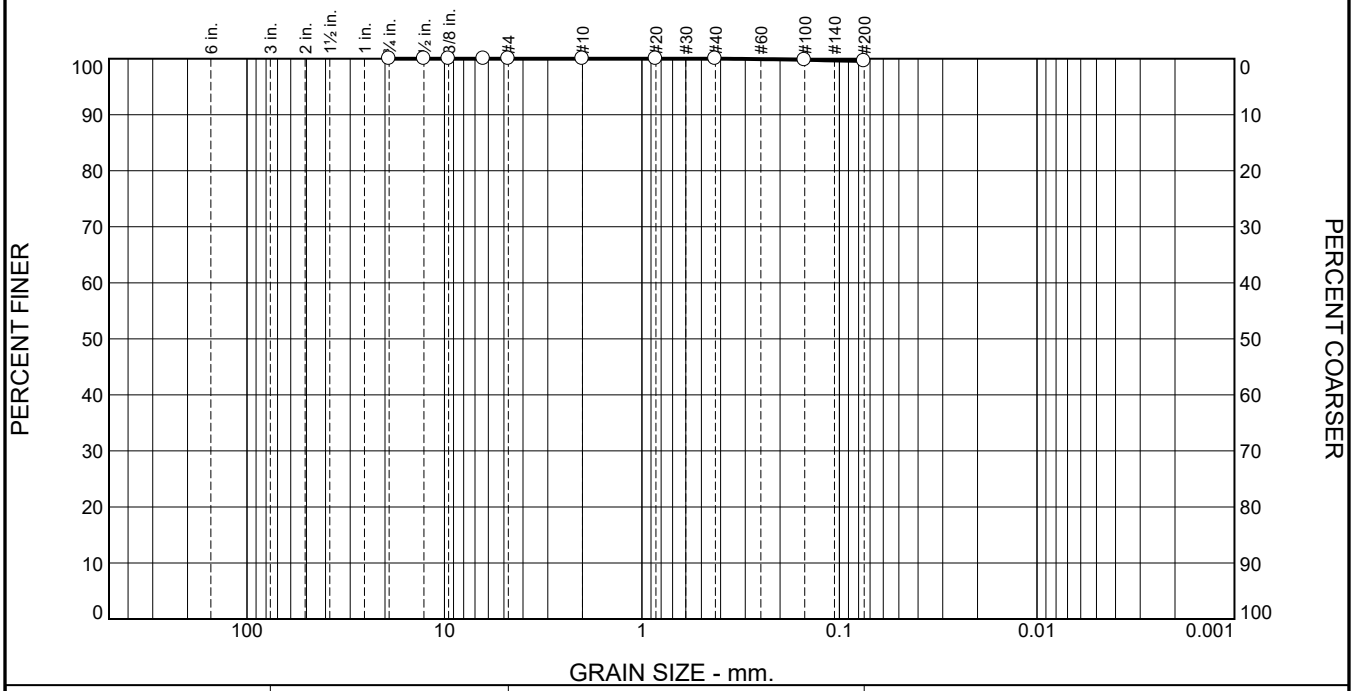
Remarks:

GEOPACIFIC ENGINEERING, INC.

Figure

Tested By: SJC

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.0	0.0	0.0	0.4	99.6	

TEST RESULTS

Opening Size	Percent Finer	Spec.* (Percent)	Pass? (X=Fail)
.75	100.0		
.5	100.0		
.375	100.0		
.25	100.0		
#4	100.0		
#10	100.0		
#20	100.0		
#40	100.0		
#100	99.8		
#200	99.6		

* (no specification provided)

Material Description

Elastic Silt

Atterberg Limits (ASTM D 4318)

PL= 30.2 **LL=** 49.5 **PI=** 19.3

Classification

USCS (D 2487)= MH **AASHTO (M 145)=** A-7-5(25)

Coefficients

D_{90}= D_{85}= D_{60}=
D_{50}= D_{30}= D_{15}=
D_{10}= C_u= C_c=

Remarks

Moisture 30.8%

Date Received: **Date Tested:** 9/13/2017

Tested By: SJC

Checked By:

Title:

Location: TP-1 Sample 1.2
Sample Number: S17-270 **Depth:** 6'

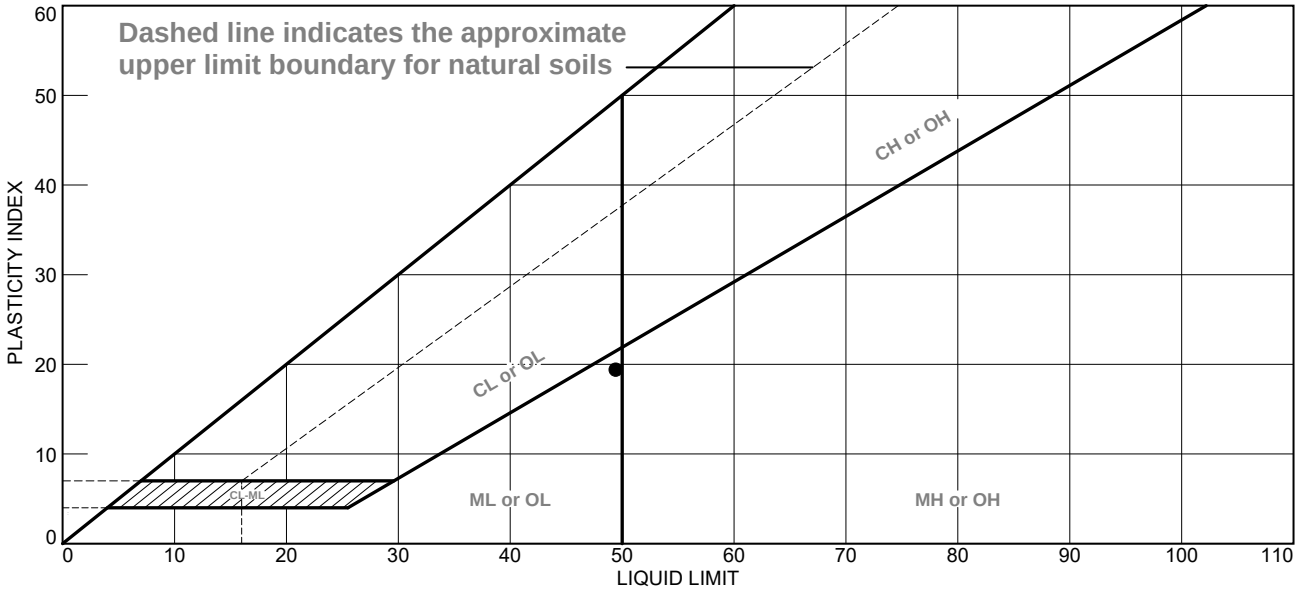
Date Sampled: 9/6/2017 BLC

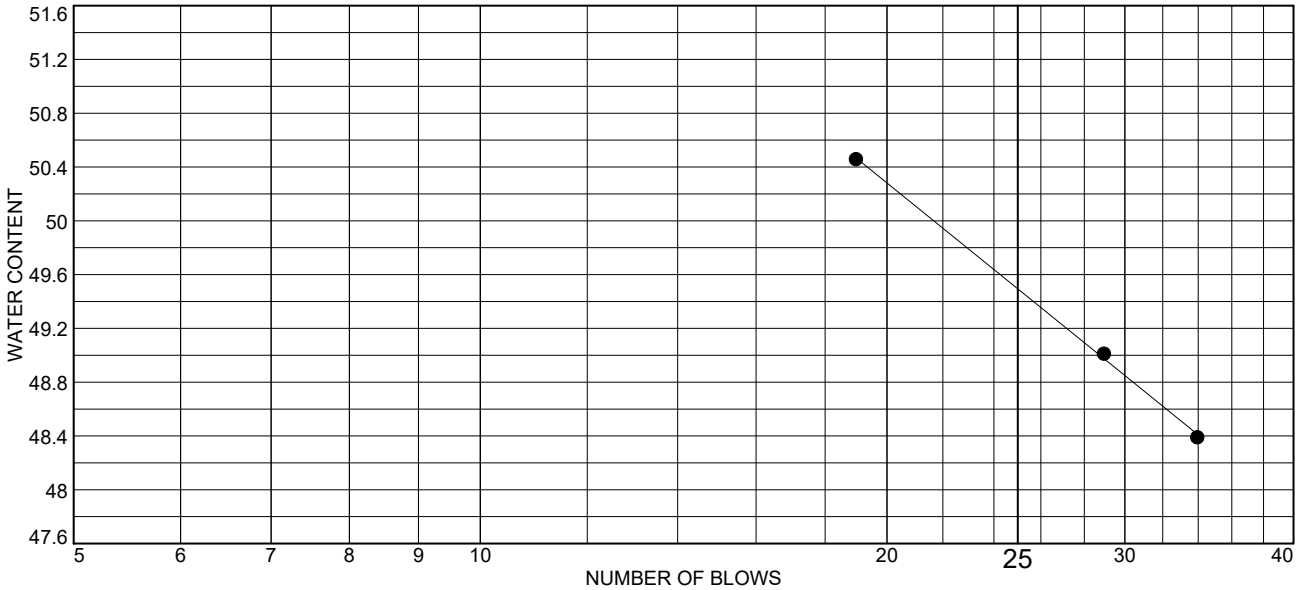
GEOPACIFIC ENGINEERING, INC.

Client: Stafford Land Company, Inc.
Project: Baker Creek North Subdivision

Project No: 17-4694 **Figure**

LIQUID AND PLASTIC LIMITS TEST REPORT





	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Elastic Silt	49.5	30.2	19.3	100.0	99.6	MH

Project No. 17-4694 **Client:** Stafford Land Company, Inc.

Project: Baker Creek North Subdivision

Location: TP-1 Sample 1.2
Sample Number: S17-270 **Depth:** 6'

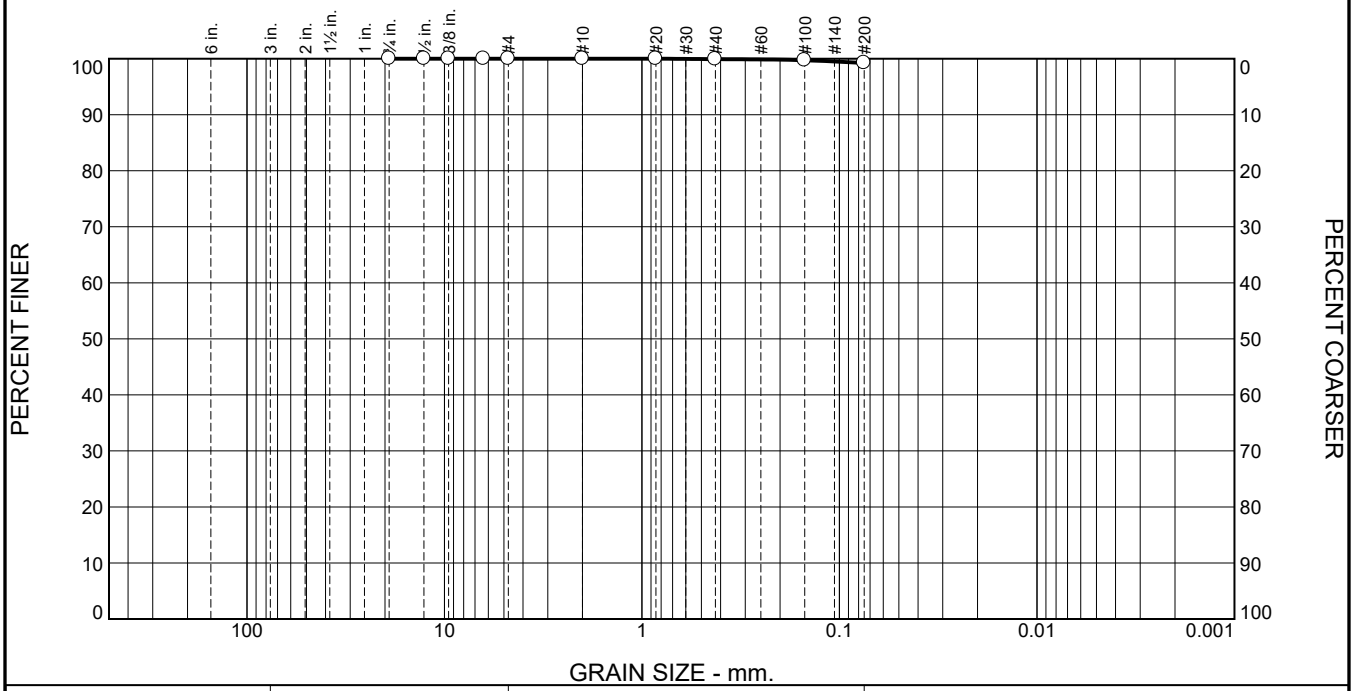
Remarks:

GEOPACIFIC ENGINEERING, INC.

Figure

Tested By: SJC

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.0	0.0	0.1	0.7	99.2	

TEST RESULTS

Opening Size	Percent Finer	Spec.* (Percent)	Pass? (X=Fail)
.75	100.0		
.5	100.0		
.375	100.0		
.25	100.0		
#4	100.0		
#10	100.0		
#20	100.0		
#40	99.9		
#100	99.7		
#200	99.2		

* (no specification provided)

Material Description

Silt

Atterberg Limits (ASTM D 4318)

PL= 28.0 **LL=** 43.1 **PI=** 15.1

Classification

USCS (D 2487)= ML **AASHTO (M 145)=** A-7-6(18)

Coefficients

D_{90}= D_{85}= D_{60}=
D_{50}= D_{30}= D_{15}=
D_{10}= C_u= C_c=

Remarks

Moisture 36.7%

Date Received: **Date Tested:** 9/13/2017

Tested By: SJC

Checked By:

Title:

Location: TP-1 Sample 1.3
Sample Number: S17-271

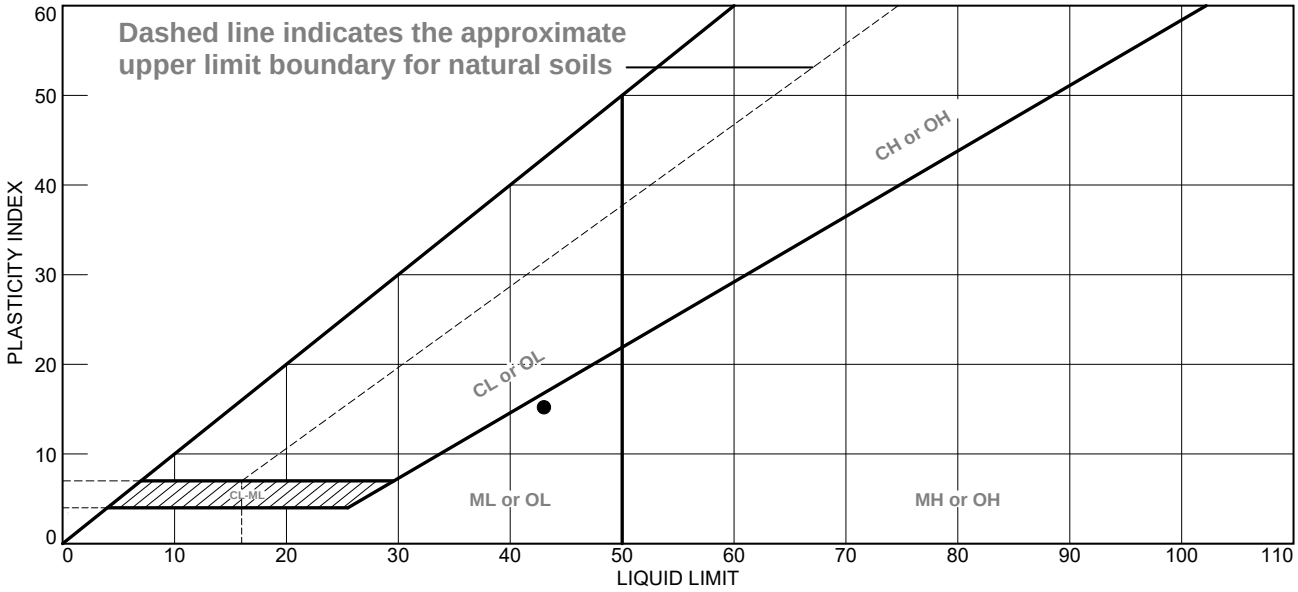
Date Sampled: 9/6/2017 BLC

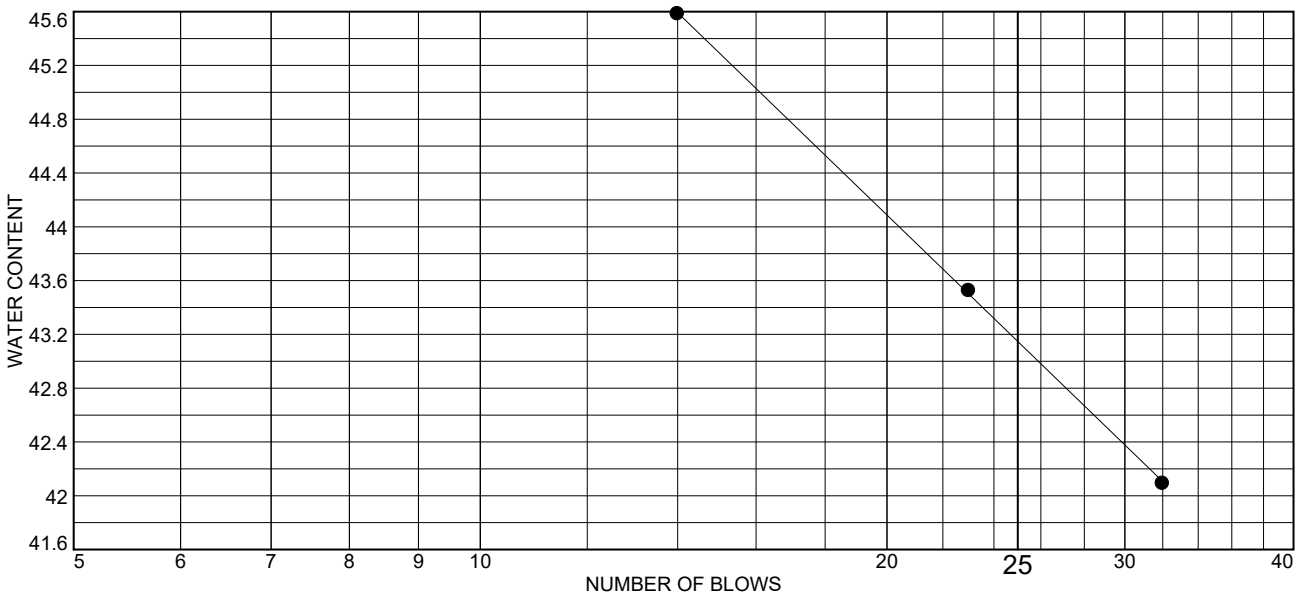
GEOPACIFIC ENGINEERING, INC.

Client: Stafford Land Company, Inc.
Project: Baker Creek North Subdivision

Project No: 17-4694 **Figure**

LIQUID AND PLASTIC LIMITS TEST REPORT





	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Silt	43.1	28.0	15.1	99.9	99.2	ML

Project No. 17-4694 **Client:** Stafford Land Company, Inc.

Project: Baker Creek North Subdivision

Location: TP-1 Sample 1.3
Sample Number: S17-271

Remarks:

GEOPACIFIC ENGINEERING, INC.

Figure

Tested By: SJC

SOIL DESCRIPTION AND CLASSIFICATION GUIDELINES

Particle-Size Classification

COMPONENT	ASTM/USCS		AASHTO	
	size range	sieve size range	size range	sieve size range
Cobbles	> 75 mm	greater than 3 inches	> 75 mm	greater than 3 inches
Gravel	75 mm – 4.75 mm	3 inches to No. 4 sieve	75 mm – 2.00 mm	3 inches to No. 10 sieve
Coarse	75 mm – 19.0 mm	3 inches to 3/4-inch sieve	-	-
Fine	19.0 mm – 4.75 mm	3/4-inch to No. 4 sieve	-	-
Sand	4.75 mm – 0.075 mm	No. 4 to No. 200 sieve	2.00 mm – 0.075 mm	No. 10 to No. 200 sieve
Coarse	4.75 mm – 2.00 mm	No. 4 to No. 10 sieve	2.00 mm – 0.425 mm	No. 10 to No. 40 sieve
Medium	2.00 mm – 0.425 mm	No. 10 to No. 40 sieve	-	-
Fine	0.425 mm – 0.075 mm	No. 40 to No. 200 sieve	0.425 mm – 0.075 mm	No. 40 to No. 200 sieve
Fines (Silt and Clay)	< 0.075 mm	Passing No. 200 sieve	< 0.075 mm	Passing No. 200 sieve

Consistency for Cohesive Soil

CONSISTENCY	SPT N-VALUE (BLOWS PER FOOT)	POCKET PENETROMETER (UNCONFINED COMPRESSIVE STRENGTH, tsf)
Very Soft	2	less than 0.25
Soft	2 to 4	0.25 to 0.50
Medium Stiff	4 to 8	0.50 to 1.0
Stiff	8 to 15	1.0 to 2.0
Very Stiff	15 to 30	2.0 to 4.0
Hard	30 to 60	greater than 4.0
Very Hard	greater than 60	-

Relative Density for Granular Soil

RELATIVE DENSITY	SPT N-VALUE (BLOWS PER FOOT)
Very Loose	0 to 4
Loose	4 to 10
Medium Dense	10 to 30
Dense	30 to 50
Very Dense	more than 50

Moisture Designations

TERM	FIELD IDENTIFICATION
Dry	No moisture. Dusty or dry.
Damp	Some moisture. Cohesive soils are usually below plastic limit and are moldable.
Moist	Grains appear darkened, but no visible water is present. Cohesive soils will clump. Sand will bulk. Soils are often at or near plastic limit.
Wet	Visible water on larger grains. Sand and silt exhibit dilatancy. Cohesive soil can be readily remolded. Soil leaves wetness on the hand when squeezed. Soil is much wetter than optimum moisture content and is above plastic limit.

AASHTO SOIL CLASSIFICATION SYSTEM

TABLE 1. Classification of Soils and Soil-Aggregate Mixtures

General Classification	Granular Materials (35 Percent or Less Passing .075 mm)				Silt-Clay Materials (More than 35 Percent Passing 0.075)		
Group Classification	A-1	A-3	A-2	A-4	A-5	A-6	A-7
Sieve analysis, percent passing:							
2.00 mm (No. 10)	-	-	-				
0.425 mm (No. 40)	50 max	51 min	-	-	-	-	-
0.075 mm (No. 200)	25 max	10 max	35 max	36 min	36 min	36 min	36 min
Characteristics of fraction passing 0.425 mm (No. 40)							
Liquid limit				40 max	41 min	40 max	41 min
Plasticity index	6 max	N.P.		10 max	10 max	11 min	11 min
General rating as subgrade	Excellent to good				Fair to poor		

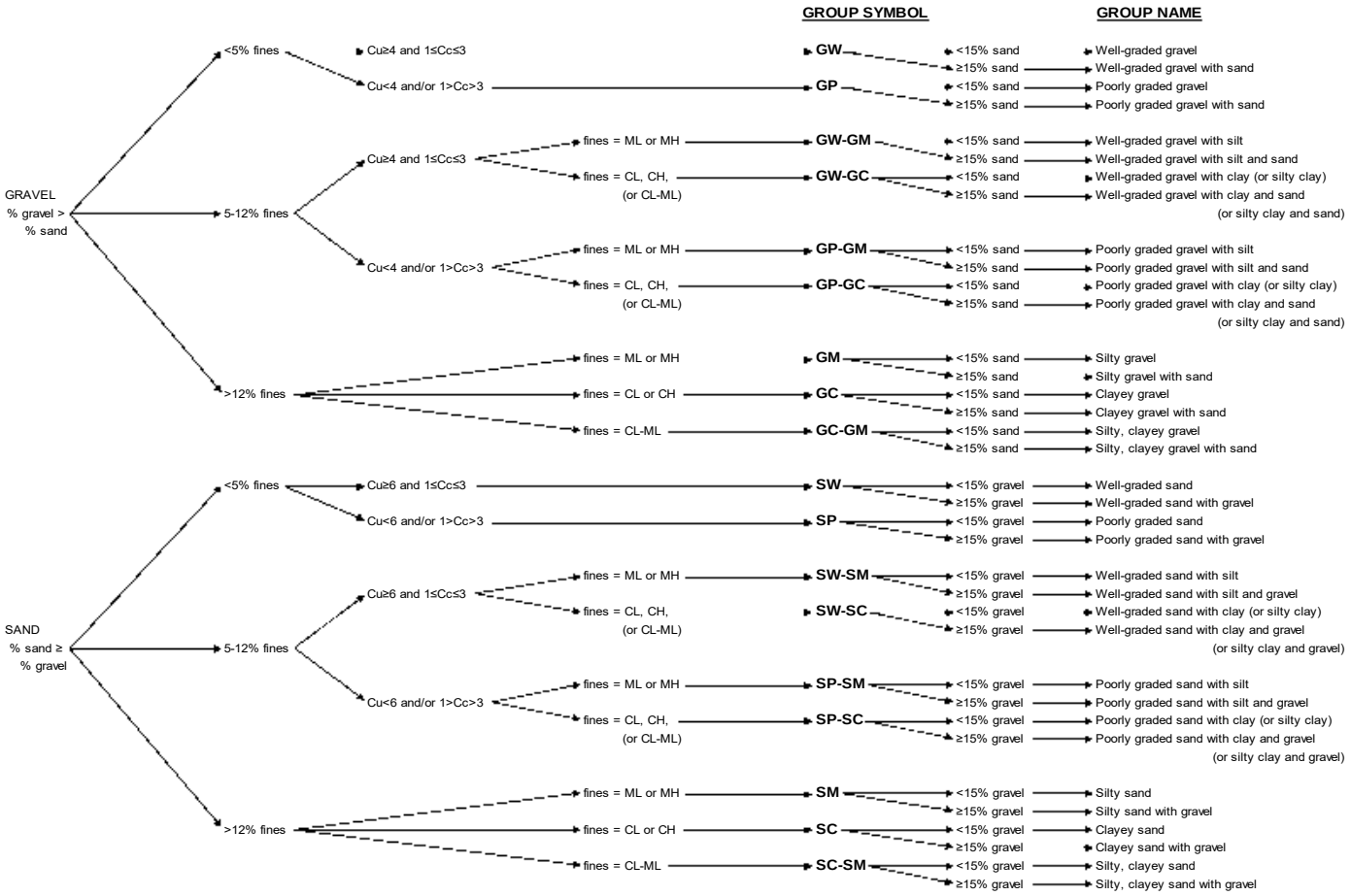
Note: The placing of A-3 before A-2 is necessary in the "left to right elimination process" and does not indicate superiority of A-3 over A-2.

TABLE 2. Classification of Soils and Soil-Aggregate Mixtures

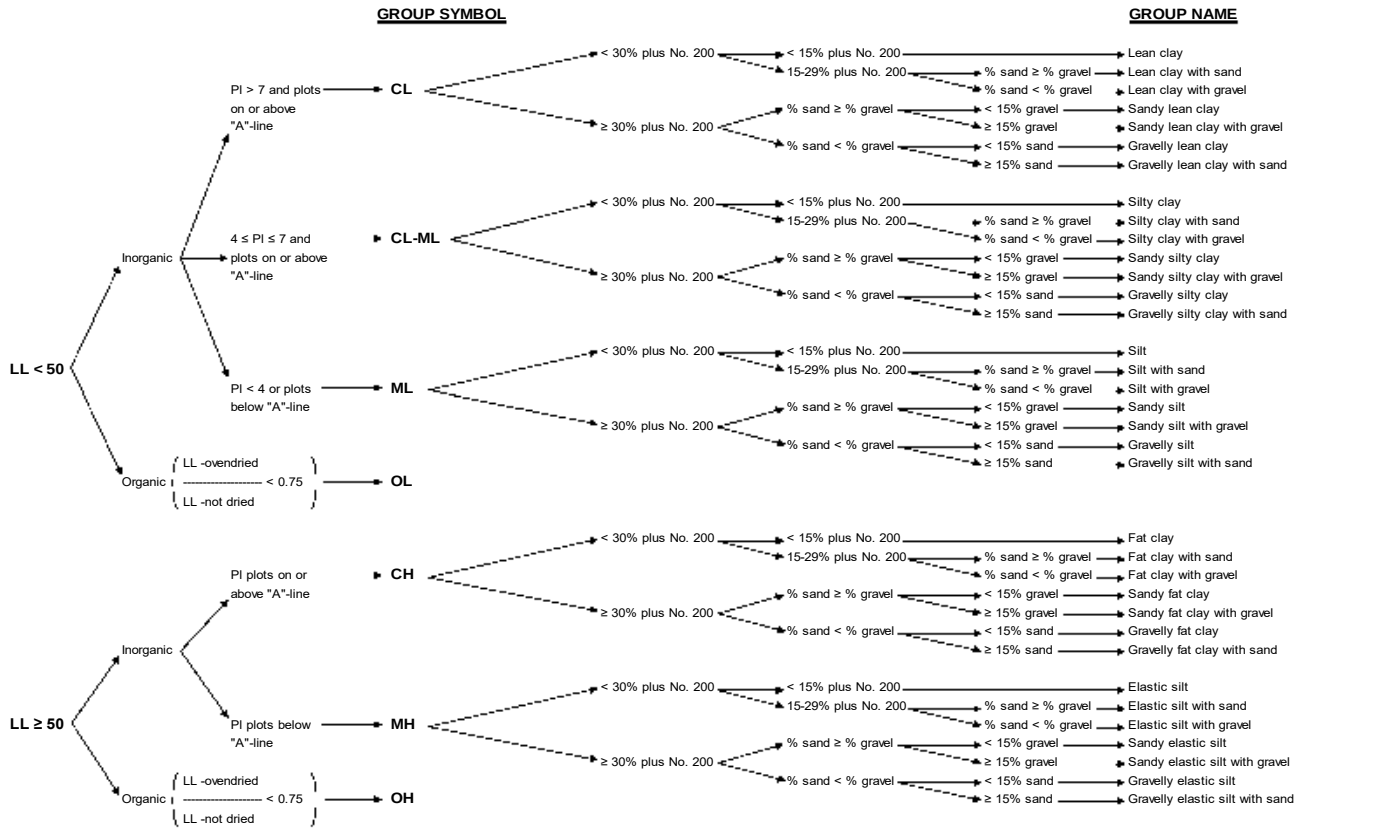
General Classification	Granular Materials (35 Percent or Less Passing 0.075 mm)							Silt-Clay Materials (More than 35 Percent Passing 0.075 mm)			
	A-1			A-2							A-7
Group Classification	A-1-a	A-1-b	A-3	A-2-4	A-2-5	A-2-6	A-2-7	A-4	A-5	A-6	A-7-5, A-7-6
Sieve analysis, percent passing:											
2.00 mm (No. 10)	50 max	-	-	-	-	-	-	-	-	-	-
0.425 mm (No. 40)	30 max	50 max	51 min	-	-	-	-	-	-	-	-
0.075 mm (No. 200)	15 max	25 max	10 max	35 max	35 max	35 max	35 max	36 min	36 min	36 min	36 min
Characteristics of fraction passing 0.425 mm (No. 40)											
Liquid limit				40 max	41 min	40 max	41 min	40 max	41 min	40 max	41 min
Plasticity index	6 max		N.P.	10 max	10 max	11 min	11 min	10 max	10 max	11 min	11min
Usual types of significant constituent materials	Stone fragments, gravel and sand		Fine sand	Silty or clayey gravel and sand				Silty soils		Clayey soils	
General ratings as subgrade	Excellent to Good							Fair to poor			

Note: Plasticity index of A-7-5 subgroup is equal to or less than LL minus 30. Plasticity index of A-7-6 subgroup is greater than LL minus 30 (see Figure 2).

AASHTO = American Association of State Highway and Transportation Officials



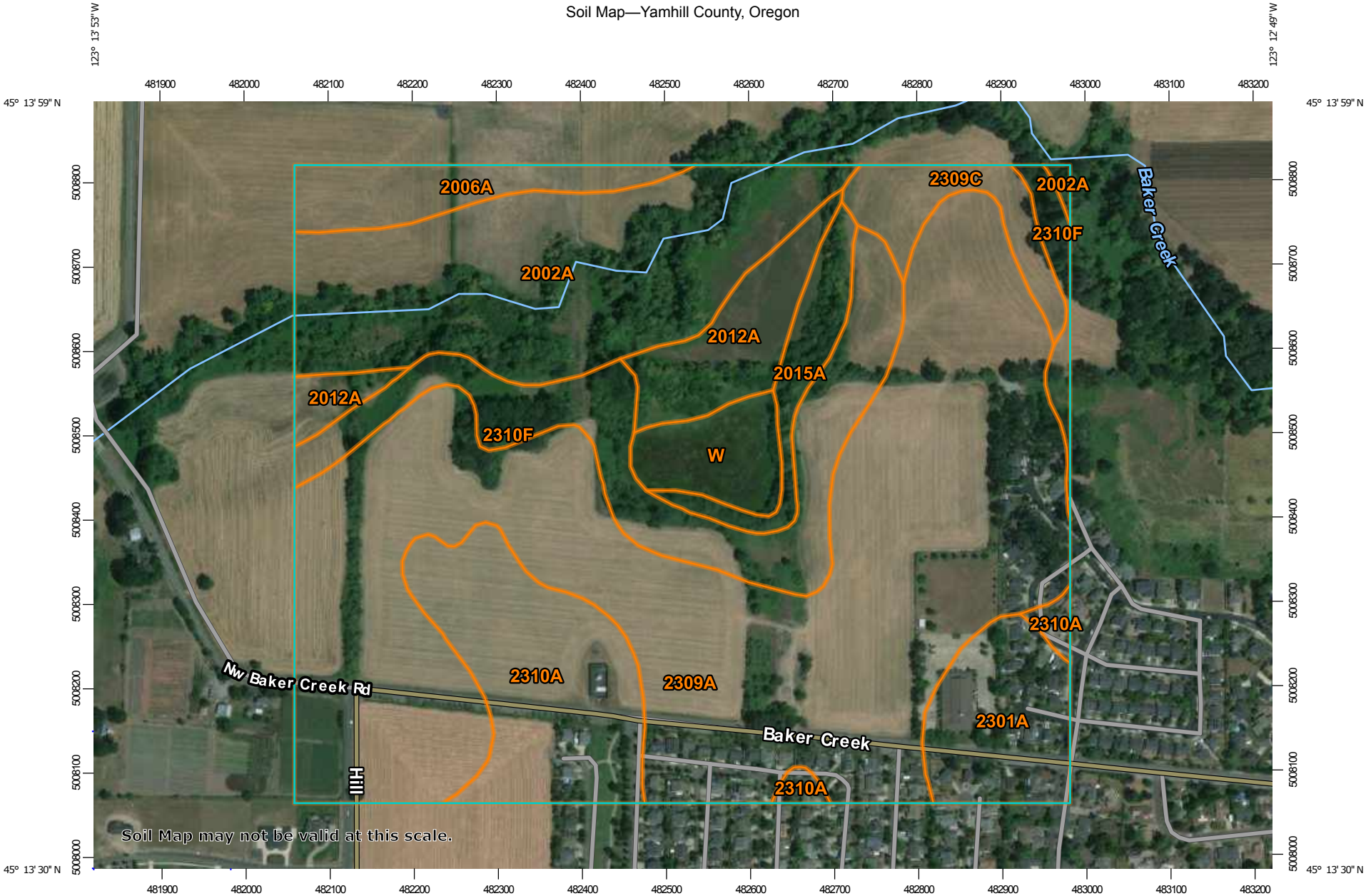
Flow Chart for Classifying Coarse-Grained Soils (More Than 50% Retained on No. 200 Sieve)



Flow Chart for Classifying Fine-Grained Soil (50% or More Passes No. 200 Sieve)

SITE RESEARCH

14835 SW 72nd Avenue
Portland, Oregon 97224
Tel (503) 598-8445
Fax (503) 941-9281



Map Scale: 1:6,410 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 300 600 1200 1800

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Yamhill County, Oregon
Survey Area Data: Version 4, Sep 16, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 16, 2015—Feb 12, 2017

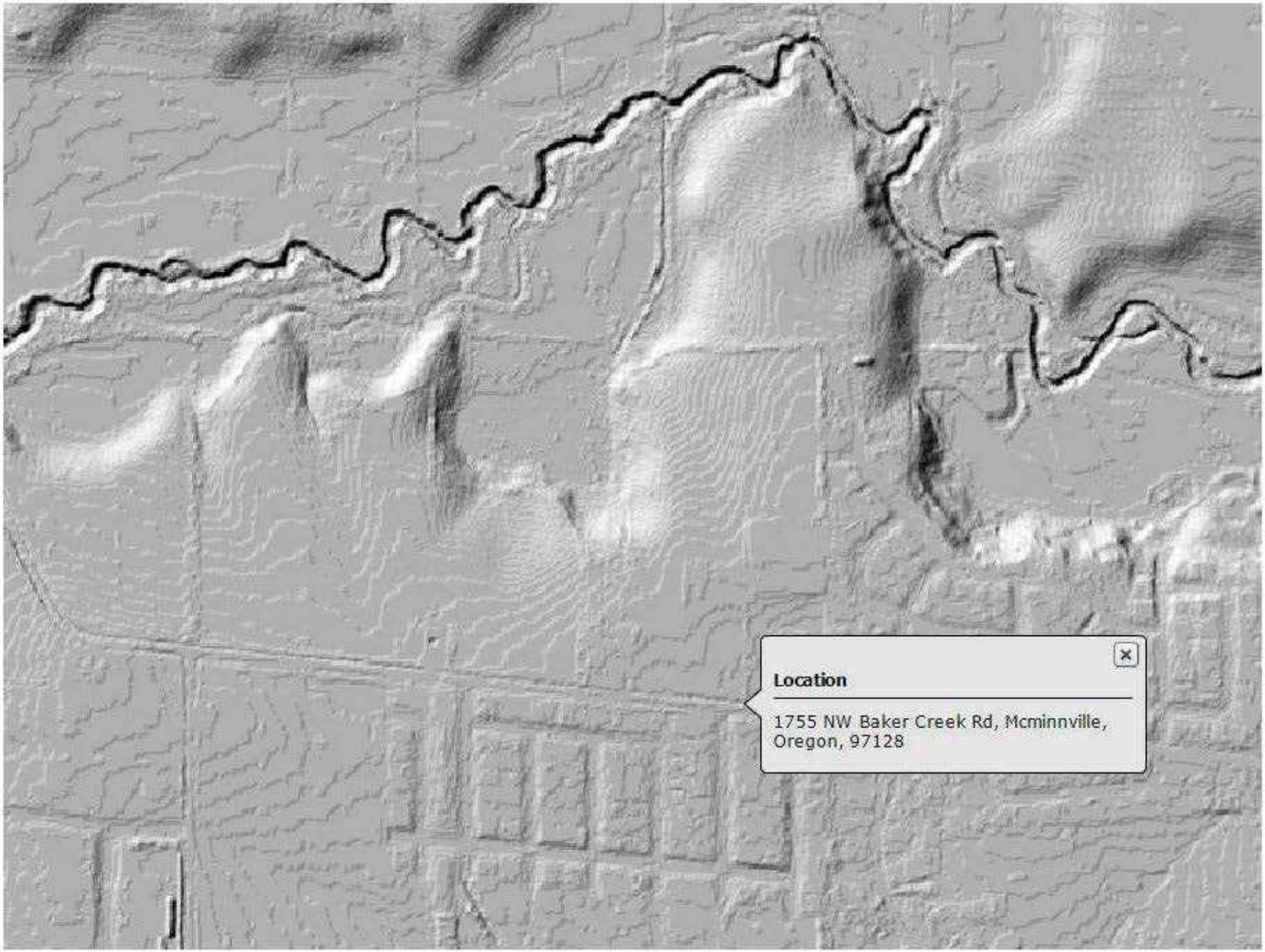
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Yamhill County, Oregon (OR071)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
2002A	Chehalis silty clay loam, 0 to 3 percent slopes	27.8	16.0%
2006A	McBee silty clay loam, 0 to 3 percent slopes	5.5	3.2%
2012A	Waldo silty clay loam, 0 to 3 percent slopes	7.8	4.5%
2015A	Cove silty clay loam, flooded, 0 to 3 percent slopes	4.2	2.4%
2301A	Amity silt loam, 0 to 3 percent slopes	8.1	4.7%
2309A	Willamette silt loam, 0 to 3 percent slopes	76.9	44.4%
2309C	Willamette silt loam, 3 to 12 percent slopes	4.6	2.7%
2310A	Woodburn silt loam, 0 to 3 percent slopes	15.8	9.1%
2310F	Woodburn silt loam, 20 to 55 percent slopes	17.9	10.4%
W	Water	4.5	2.6%
Totals for Area of Interest		**173.2**	**100.0%**

Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: Statewide Geohazards Viewer
Landslide Hazard Mapping; www.oregongeology.org/hazvu

Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: Statewide Geohazards Viewer
LIDAR Mapping; www.oregongeology.org/hazvu



USGS Design Maps Summary Report

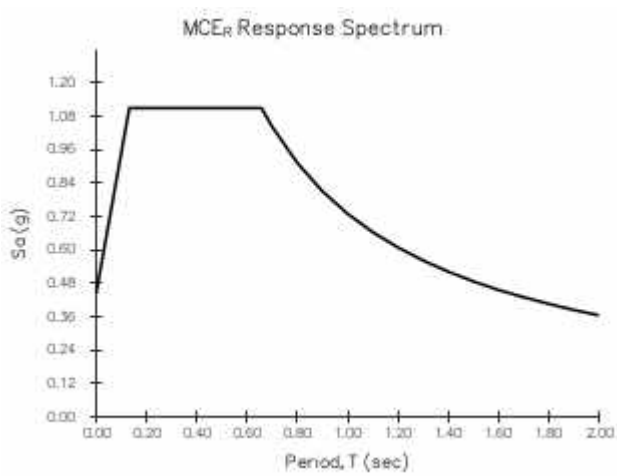
User–Specified Input

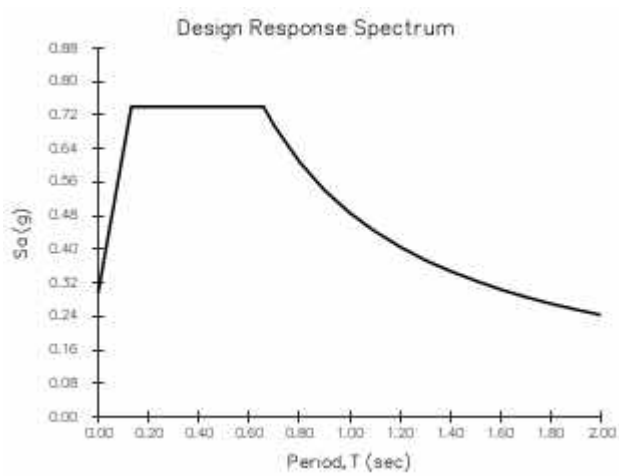
Report Title	17-4694, Baker Creek North Subdivision Fri September 22, 2017 19:22:19 UTC
Building Code Reference Document	ASCE 7-10 Standard (which utilizes USGS hazard data available in 2008)
Site Coordinates	45.22881°N, 123.22156°W
Site Soil Classification	Site Class D – "Stiff Soil"
Risk Category	I/II/III

USGS–Provided Output

S_S =	1.014 g	S_{MS} =	1.110 g	S_{DS} =	0.740 g
S_1 =	0.481 g	S_{M1} =	0.730 g	S_{D1} =	0.487 g

For information on how the SS and S1 values above have been calculated from probabilistic (risk-targeted) and deterministic ground motions in the direction of maximum horizontal response, please return to the application and select the "2009 NEHRP" building code reference document.





For PGA_M, T_L, C_{RS}, and C_{R1} values, please view the detailed report.

Although this information is a product of the U.S. Geological Survey, we provide no warranty, expressed or implied, as to the accuracy of the data contained therein. This tool is not a substitute for technical subject-matter knowledge.

USGS Design Maps Detailed Report

ASCE 7-10 Standard (45.22881°N, 123.22156°W)

Site Class D – "Stiff Soil", Risk Category I/II/III

Section 11.4.1 — Mapped Acceleration Parameters

Note: Ground motion values provided below are for the direction of maximum horizontal spectral response acceleration. They have been converted from corresponding geometric mean ground motions computed by the USGS by applying factors of 1.1 (to obtain S_S) and 1.3 (to obtain S_1). Maps in the 2010 ASCE-7 Standard are provided for Site Class B. Adjustments for other Site Classes are made, as needed, in Section 11.4.3.

From Figure 22-1 [1] S_S = 1.014 g

From Figure 22-2 [2] S_1 = 0.481 g

Section 11.4.2 — Site Class

The authority having jurisdiction (not the USGS), site-specific geotechnical data, and/or the default has classified the site as Site Class D, based on the site soil properties in accordance with Chapter 20.

Table 20.3–1 Site Classification

Site Class	$\bar{v}_s$	$\bar{N}$ **or** $\bar{N}_{ch}$	$\bar{s}_u$
A. Hard Rock	>5,000 ft/s	N/A	N/A
B. Rock	2,500 to 5,000 ft/s	N/A	N/A
C. Very dense soil and soft rock	1,200 to 2,500 ft/s	>50	>2,000 psf
D. Stiff Soil	600 to 1,200 ft/s	15 to 50	1,000 to 2,000 psf
E. Soft clay soil	<600 ft/s	<15	<1,000 psf
	Any profile with more than 10 ft of soil having the characteristics: • Plasticity index PI > 20, • Moisture content w ≥ 40%, and • Undrained shear strength $\bar{s}_u$ < 500 psf		
F. Soils requiring site response analysis in accordance with Section 21.1	See Section 20.3.1		

For SI: 1ft/s = 0.3048 m/s 1lb/ft² = 0.0479 kN/m²

Section 11.4.3 — Site Coefficients and Risk–Targeted Maximum Considered Earthquake (MCE_R) Spectral Response Acceleration Parameters

Table 11.4–1: Site Coefficient F_a

Site Class	Mapped MCE_R Spectral Response Acceleration Parameter at Short Period				
	$S_S \leq 0.25$	$S_S = 0.50$	$S_S = 0.75$	$S_S = 1.00$	$S_S \geq 1.25$
A	0.8	0.8	0.8	0.8	0.8
B	1.0	1.0	1.0	1.0	1.0
C	1.2	1.2	1.1	1.0	1.0
D	1.6	1.4	1.2	1.1	1.0
E	2.5	1.7	1.2	0.9	0.9
F	See Section 11.4.7 of ASCE 7				

Note: Use straight–line interpolation for intermediate values of S_S

For Site Class = D and S_S = 1.014 g, F_a = 1.094

Table 11.4–2: Site Coefficient F_v

Site Class	Mapped MCE_R Spectral Response Acceleration Parameter at 1–s Period				
	$S_1 \leq 0.10$	$S_1 = 0.20$	$S_1 = 0.30$	$S_1 = 0.40$	$S_1 \geq 0.50$
A	0.8	0.8	0.8	0.8	0.8
B	1.0	1.0	1.0	1.0	1.0
C	1.7	1.6	1.5	1.4	1.3
D	2.4	2.0	1.8	1.6	1.5
E	3.5	3.2	2.8	2.4	2.4
F	See Section 11.4.7 of ASCE 7				

Note: Use straight–line interpolation for intermediate values of S_1

For Site Class = D and S_1 = 0.481 g, F_v = 1.519

Equation (11.4–1): $S_{MS} = F_a S_S = 1.094 \times 1.014 = 1.110$ g

Equation (11.4–2): $S_{M1} = F_v S_1 = 1.519 \times 0.481 = 0.730$ g

Section 11.4.4 — Design Spectral Acceleration Parameters

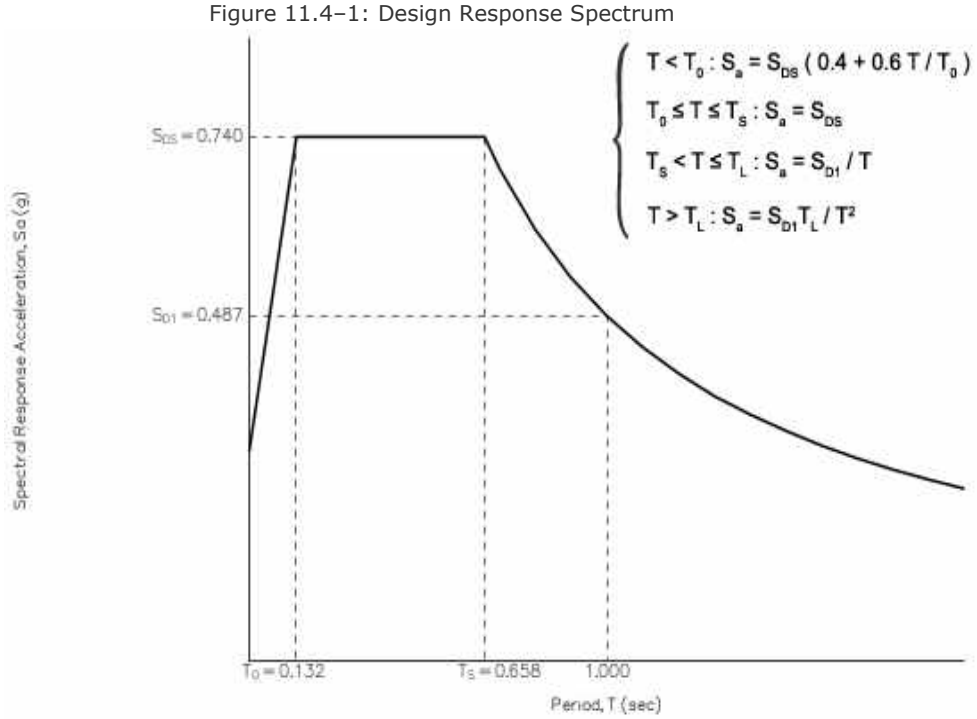
Equation (11.4–3): $S_{DS} = \frac{2}{3} S_{MS} = \frac{2}{3} \times 1.110 = 0.740$ g

Equation (11.4–4): $S_{D1} = \frac{2}{3} S_{M1} = \frac{2}{3} \times 0.730 = 0.487$ g

Section 11.4.5 — Design Response Spectrum

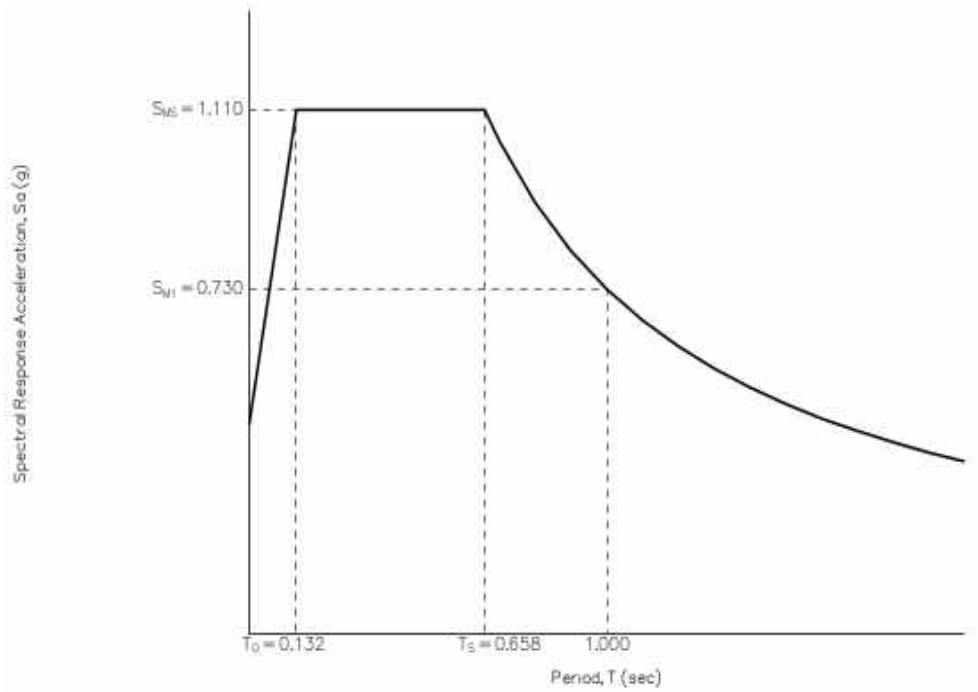
From Figure 22-12 [3] $T_L = 16$ seconds

Figure 11.4–1: Design Response Spectrum



Section 11.4.6 — Risk-Targeted Maximum Considered Earthquake (MCE_R) Response Spectrum

The MCE_R Response Spectrum is determined by multiplying the design response spectrum above by 1.5.



Section 11.8.3 — Additional Geotechnical Investigation Report Requirements for Seismic Design Categories D through F

From Figure 22-7 [4] PGA = 0.467

Equation (11.8–1): $PGA_M = F_{PGA}PGA = 1.033 \times 0.467 = 0.482$ g

Table 11.8–1: Site Coefficient F_{PGA}

Site Class	Mapped MCE Geometric Mean Peak Ground Acceleration, PGA				
	PGA ≤ 0.10	PGA = 0.20	PGA = 0.30	PGA = 0.40	PGA ≥ 0.50
A	0.8	0.8	0.8	0.8	0.8
B	1.0	1.0	1.0	1.0	1.0
C	1.2	1.2	1.1	1.0	1.0
D	1.6	1.4	1.2	1.1	1.0
E	2.5	1.7	1.2	0.9	0.9
F	See Section 11.4.7 of ASCE 7				

Note: Use straight–line interpolation for intermediate values of PGA

For Site Class = D and PGA = 0.467 g, F_{PGA} = 1.033

Section 21.2.1.1 — Method 1 (from Chapter 21 – Site-Specific Ground Motion Procedures for Seismic Design)

From Figure 22-17 [5] C_{RS} = 0.879

From Figure 22-18 [6] C_{R1} = 0.851

Section 11.6 — Seismic Design Category

Table 11.6-1 Seismic Design Category Based on Short Period Response Acceleration Parameter

VALUE OF S_{DS}	RISK CATEGORY		
	I or II	III	IV
$S_{DS} < 0.167g$	A	A	A
$0.167g \le S_{DS} < 0.33g$	B	B	C
$0.33g \le S_{DS} < 0.50g$	C	C	D
$0.50g \le S_{DS}$	D	D	D

For Risk Category = I and S_{DS} = 0.740 g, Seismic Design Category = D

Table 11.6-2 Seismic Design Category Based on 1-S Period Response Acceleration Parameter

VALUE OF S_{D1}	RISK CATEGORY		
	I or II	III	IV
$S_{D1} < 0.067g$	A	A	A
$0.067g \le S_{D1} < 0.133g$	B	B	C
$0.133g \le S_{D1} < 0.20g$	C	C	D
$0.20g \le S_{D1}$	D	D	D

For Risk Category = I and S_{D1} = 0.487 g, Seismic Design Category = D

Note: When S_1 is greater than or equal to 0.75g, the Seismic Design Category is **E** for buildings in Risk Categories I, II, and III, and **F** for those in Risk Category IV, irrespective of the above.

Seismic Design Category ≡ "the more severe design category in accordance with Table 11.6-1 or 11.6-2" = D

Note: See Section 11.6 for alternative approaches to calculating Seismic Design Category.

References

1. *Figure 22-1*: https://earthquake.usgs.gov/hazards/designmaps/downloads/pdfs/2010_ASCE-7_Figure_22-1.pdf
2. *Figure 22-2*: https://earthquake.usgs.gov/hazards/designmaps/downloads/pdfs/2010_ASCE-7_Figure_22-2.pdf
3. *Figure 22-12*: https://earthquake.usgs.gov/hazards/designmaps/downloads/pdfs/2010_ASCE-7_Figure_22-12.pdf
4. *Figure 22-7*: https://earthquake.usgs.gov/hazards/designmaps/downloads/pdfs/2010_ASCE-7_Figure_22-7.pdf
5. *Figure 22-17*: https://earthquake.usgs.gov/hazards/designmaps/downloads/pdfs/2010_ASCE-7_Figure_22-17.pdf
6. *Figure 22-18*: https://earthquake.usgs.gov/hazards/designmaps/downloads/pdfs/2010_ASCE-7_Figure_22-18.pdf

16

RECEIVED
APR - 4 1994
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

PAGE 1

Yamh 3072

4S/4W/18CC

(START CARD) # 59918

(1) OWNER: Well Number 1425

Name LLOYD A TOWN
Address PO BOX 207
City MCMINNVILLE State OR Zip 97128

(2) TYPE OF WORK:
[X] New Well [ ] Deepen [ ] Recondition [ ] Abandon

(3) DRILL METHOD:
[X] Rotary Air [ ] Rotary Mud [ ] Cable
[ ] Other

(4) PROPOSED USE:
[X] Domestic [ ] Community [ ] Industrial [ ] Irrigation
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval [ ] Yes [X] No Depth of Completed Well 128 ft.
Explosives used [ ] Yes [X] No Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
10	0	6	BENTONITE	0	6	2 SAX
8	6	68	CEMENT	6	68	12 SAX
6	68	130				

How was seal placed: Method [X] A [ ] B [ ] C [ ] D [ ] E
[ ] Other 4
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	6	+2	68	.25	[X]	[ ]	[X]	[ ]
Liner:	4	0	128	160#	[ ]	[X]	[X]	[ ]

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
[X] Perforations Method SAW
[ ] Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
88	128	6"	80			[ ]	[X]

(8) WELL TESTS: Minimum testing time is 1 hour
[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
100.00		128	1 hr.

Temperature of Water 53 Depth Artesian Flow Found
Was a water analysis done? [ ] Yes By whom
Did any strata contain water not suitable for intended use? [ ] Too little
[ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County YAMHILL Latitude Longitude
Township 4 S N or S. Range 4 W E or W. WM.
Section 18 SW ¼ SW ¼
Tax Lot 4418C 100 Block Subdivision
Street Address of Well (or nearest address)
11710 FOX RIDGE RD MCMINNVILLE,

(10) STATIC WATER LEVEL:
42 ft. below land surface. Date 03/31/94
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 95

From	To	Estimated Flow Rate	SWL
95	105	100	42

(12) WELL LOG:
Ground elevation

Material	From	To	SWL
TOP SOIL W/BOULDERS	0	7	
BOULDERS	7	22	
DECAYED BASALT	22	39	
LOOSE CAVING, BASALT	39	54	
DECAYED BASALT	54	62	
GRAY SHALE	62	95	
DICED SHALE	95	105	42
GRAY SHALE	105	130	
DAVE PAYSINGER			
BLUE WATER DRILLING CO.			
DAYTON, OR. 97114			

Date started 03/21/94 Completed 03/31/94

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number
Signed Date

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1438
Signed David A. Payseur Date 03/31/94

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C 10/91

PHOTOGRAPHIC LOG

14835 SW 72nd Avenue
Portland, Oregon 97224
Tel (503) 598-8445
Fax (503) 941-9281

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Eastern Portion of Site, Facing South

Eastern Portion of Site, Facing Northeast

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Test Pit TP-1, Eastern Portion of Site Facing North

Test Pit TP-1

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Facing South, Looking Upwards from Wetland Area in North-Central Portion of Site

Facing North, Looking Down at Wetland Area and Sloping Ground, North-Central

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Test Pit TP-2, North-Central Portion of Site, in Wetland Area

Test Pit TP-2

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Test Pit TP-5, Facing Northwest, Looking at Western Portion of Site

Test Pit TP-5

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Facing West, Western Portion of Site

Facing South, East-Facing Slope Along Northwestern Edge of Site

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Test Pit TP-8, Facing South

Test Pit TP-8

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Facing North, Test Pit TP-9

Test Pit TP-9

BAKER CREEK NORTH SUBDIVISION
GEOTECHNICAL SITE INVESTIGATION
PHOTOGRAPHIC LOG

Test Pit TP-15, Facing South

Test Pit TP-15

485 South State Street
Lake Oswego, OR 97034
503.305.7647
morgan@StaffordLandCompany.com

October 5, 2018

Dear Neighbor,

We would like to invite you to a neighborhood meeting and join the conversation as we share details of our proposed development plan of the area shown on the attached known as Baker Creek North.

The meeting will be held at the following location and date & time:

Meeting Location:

Baker Creek Community Church
325 NW Baker Creek Road
McMinnville, OR 97128

Meeting Date:

Thursday, November 1, 2018

Time:

6:00 p.m. – 7:30 p.m.

Sincerely,

Morgan Will

MORGAN WILL
Project Manager
Acquisitions & Development

BAKER CREEK NORTH - CONCEPT SUBDIVISION PLAN

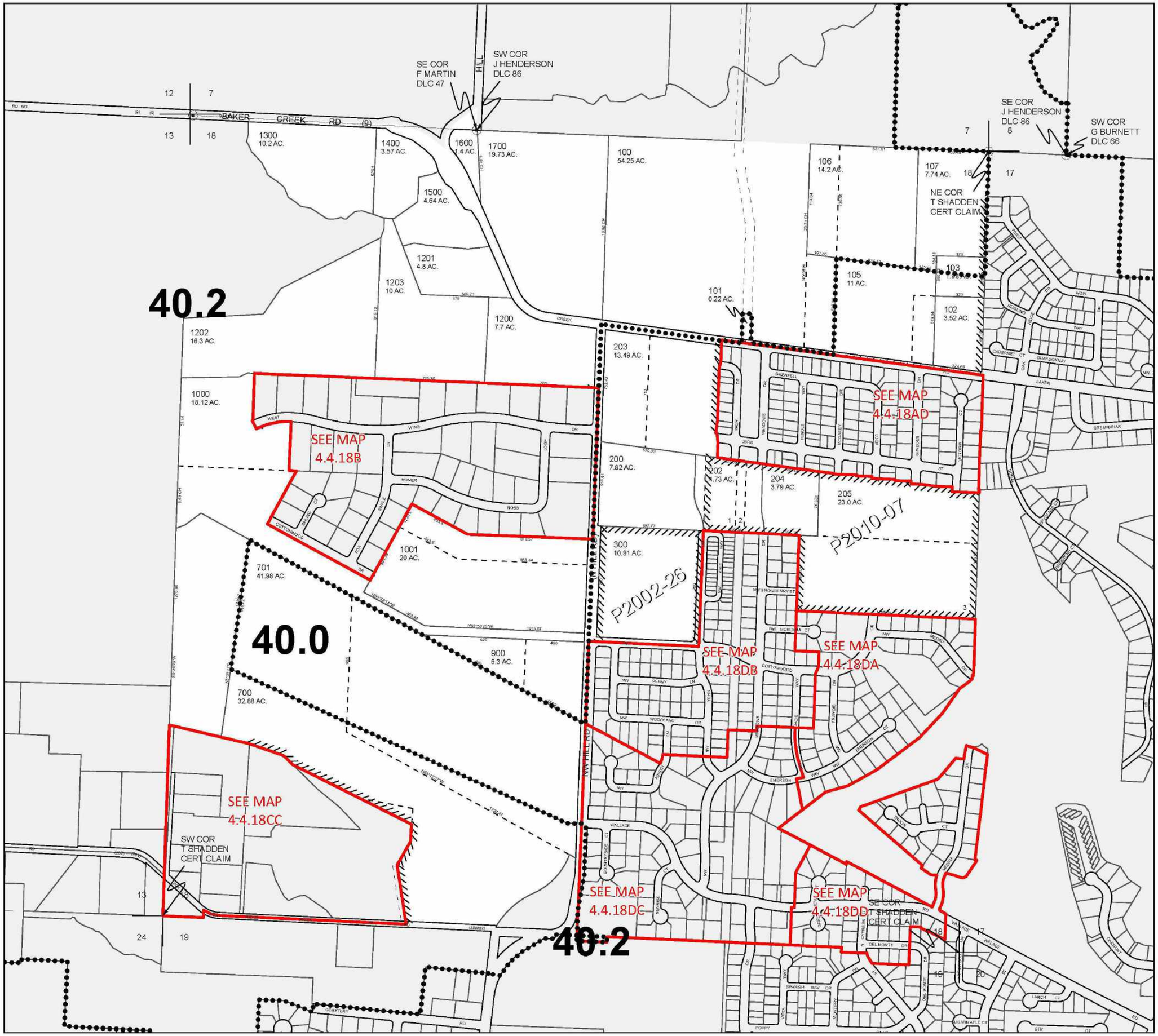
N.T.S.

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION
10-8-2018

930

ASSESSMENT & TAX CARTOGRAPHY

SECTION 18 T.4S. R.4W. W.M.
YAMHILL COUNTY OREGON
1" = 400'



CANCELLED TAXLOTS:
1100
800
600
501
500
401
400
306
305
304
303
302
301
201
104
2404

DATE PRINTED: 6/9/2015

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

R4417BB 01300
James Frey Ii
1271 NE Highway 99w NO 501
Mcminnville, OR 97128

R4417BB 01800
Thomas & Roxane Henderson
2705 NW Riesling Way
Mcminnville, OR 97128

R4418AD 00600
Clinton & Stephanie Bergmann
2382 NW Grenfell Loop
Mcminnville, OR 97128

R4418AD 02000
Lachlan & Mary Hall
1036 SW 2nd St
Mcminnville, OR 97128

R4417BB 07004
James & Gail Norby
140 NE 3rd St
Mcminnville, OR 97128

R4417BB 01900
Gabrys Edward And Sylvia Family Trust
2689 NW Riesling Way
Mcminnville, OR 97128

R4418AD 07500
Florencia & Leslie Soto
1845 NW Grenfell Loop
Mcminnville, OR 97128

R4418AD 00500
Scott & Lisa Clark
2390 NW Grenfell Loop
Mcminnville, OR 97128

R4418AD 07100
Armando Gomez
1801 NW Grenfell Loop
Mcminnville, OR 97128

R4417BB 07001
Chris & Jenifer Gubrud
1572 NW Blake St
Mcminnville, OR 97128

R4418AD 00200
Julie Davis
1769 NW Grenfell Loop
Mcminnville, OR 97128

R4417BB 01700
Clinton & Andrea Gabrys
2729 NW Riesling Way
Mcminnville, OR 97128

R4418AD 07300
Patricia Craig
1825 NW Grenfell Loop
Mcminnville, OR 97128

R4417BB 07002
Christopher Sandels
2835 NW Pinot Noir Dr
Mcminnville, OR 97128

R4417BB 07000
Randolph & Sarah Heiman
1546 NW Medinah Dr
Mcminnville, OR 97128

R4418AD 11000
Larry & Barbara Druliner
1903 NW Haun Dr
Mcminnville, OR 97128

R4418AD 03200
David Beck
Po Box 670
Amity, OR 97101

R4418AD 03300
Kevin & Lauren Stum
2383 NW Victoria Ct
Mcminnville, OR 97128

R4418AD 01800
Roy & Teresa Pivek
2381 NW Shadden Dr
Mcminnville, OR 97128

R4418AD 07400
Aaron Schoof
697 NW Allen Ct
Mcminnville, OR 97128

R4417BB 07005
Larry & Donna Parr
2824 NW Pinot Noir Dr
Mcminnville, OR 97128

R4418 00102
Jesus Christ Of Latter Day Saints
50 E North Temple
Salt Lake City, UT 84150

R4417BB 02000
Jeffery Schorzman
2080 NW Yohn Ranch Dr
Mcminnville, OR 97128

R4418AD 11100
Logan & Corissa Holmes
1921 NW Haun Dr
Mcminnville, OR 97128

R4417BB 01400
David & Mary Benitz
2753 NW Pinot Noir Dr
Mcminnville, OR 97128

R4418AD 00300
Patric Mclaughlin & Manuel Abt
1757 NW Grenfell Loop
Mcminnville, OR 97128

R4418AD 07700
Charles Fisher
1865 NW Grenfell Loop
Mcminnville, OR 97128

R4418AD 07800
John & Virginia Lehde
1015 E 4th St
Yamhill, OR 97148

R4418AD 02100
Kenneth Inlow
2380 NW Shadden Dr
Mcminnville, OR 97128

R4418 01600
Yamhill County
Mcminnville, OR 97128

R4418 01700
Can Enterprises Llc
Po Box 778
Newberg, OR 97132

R4417BB 01500
Jason & Angela Bourne
2781 NW Pinot Noir Dr
Mcminnville, OR 97128

R4418AD 03400
Ernest & Karen Long
2390 NW Victoria Ct
Mcminnville, OR 97128

R4418AD 07200
Clearkey Llc
2597 NW Alice Kelley St
Mcminnville, OR 97128

R4407 00901
Jacob & Kallena Fuhrer
10715 NW Brentano Ln
Mcminnville, OR 97128

R4418 01200
Dennis Draper
11105 Baker Creek Rd
Mcminnville, OR 97128

R4418 00100
Baker Creek Development Llc
485 S State St
Lake Oswego, OR 97034

R4418 00101
Mcminnville City Of
Po Box 638
Mcminnville, OR 97128

R4407 00600
Allen Schwartz & Schwartz Susan
10225 NW Brentano Ln
Mcminnville, OR 97128

R4418 00203
Baker Creek Development Llc
485 S State St
Lake Oswego, OR 97034

R4418AD 10900
Mcminnville City Of
230 NE 2nd St
Mcminnville, OR 97128

R4418AD 01900
Robert & Diane Fields
17021 SE Walnut Hill Rd
Amity, OR 97101

R4418AD 00400
James & Barbara Straughan
1747 NW Grenfell Loop
Mcminnville, OR 97128

R4417BB 07003
Brett & Stephanie Rudolph
2849 NW Pinot Noir Dr
Mcminnville, OR 97128

R4407 00701
Linda Davison
10551 NW Brentano Ln
Mcminnville, OR 97128

R4512 00100
Can Enterprises Llc
Po Box 778
Newberg, OR 97132

R4407 00904
Leon & Terri Eichler
Po Box 250
Amity, OR 97101

R4418 00103
Jesus Christ Of Latter Day Saints
50 E North Temple St
Salt Lake, UT 0

R4407 00602
Premier Development Llc
1312 NE Highway 99w
Mcminnville, OR 97128

R4417BB 01600
Jean Lierman
2767 NW Pinot Noir Dr
Mcminnville, OR 97128

R4418AD 07600
Roger & Gisela Howlett
1857 NW Grenfell Loop
Mcminnville, OR 97128

R4417BB 01000
Gildardo & Donna Obregon
2698 NW Riesling Way
Mcminnville, OR 97128

R4417BB 00100
Michael Roberts & Roberts Sherill
2812 NW Pinot Noir Dr
Mcminnville, OR 97128

R4418AD 00100
Gerardo Vargas
1775 NW Grenfell Loop
Mcminnville, OR 97128

R4418 00105
Baker Creek Development Llc
485 S State St
Lake Oswego, OR 97034

R4418 00107
Baker Creek Development Llc
485 S State St
Lake Oswego, OR 97034

R4407 00900
Baker Creek Development Llc
485 S State St
Lake Oswego, OR 97034

R4418 00106
Baker Creek Development Llc
485 S State St
Lake Oswego, OR 97034

R4417 01300
Premier Home Builders Inc
1312 NE Highway 99w
Mcminnville, OR 97128

McMinnville Planning Department
231 NE 5th Street
McMinnville, OR 97128

NEIGHBORHOOD MEETING
FUTURE LAND USE APPLICATION:
Baker Creek North
DATE:
Thursday, November 1, 2018
TIME:
6:00pm - 7:30pm
MEETING LOCATION:
Baker Creek Community Church
325 NW Baker Creek Road
McMinnville, OR 97128
CONTACT NAME: Morgan Will, Project Manager
CONTACT NUMBER: (971) 206-8615

NEIGHBORHOOD MEETING
FUTURE LAND USE APPLICATION:
Baker Creek North
DATE:
Thursday, November 1, 2018
TIME:
6:00pm - 7:30pm
MEETING LOCATION:
Baker Creek Community Church
325 NW Baker Creek Road
McMinnville, OR 97128
CONTACT NAME: Morgan Will, Project Manager
CONTACT NUMBER: (971) 206-8615

Baker Creek North

PLANNED DEVELOPMENT

NEIGHBORHOOD MEETING

Thursday – November 1, 2018 – 6:00 to 7:30 P.M.

Baker Creek Community Church – 325 NW Baker Creek Road – McMinnville

NOTICE

OPEN TO THE PUBLIC

EVERYONE IS

WELCOME TO ATTEND

ENTER HERE

Baker Creek North

PLANNED DEVELOPMENT

NEIGHBORHOOD MEETING

Thursday – November 1, 2018 – 6:00 to 7:30 P.M.

Baker Creek Community Church – 325 NW Baker Creek Road – McMinnville

AGENDA ITEMS

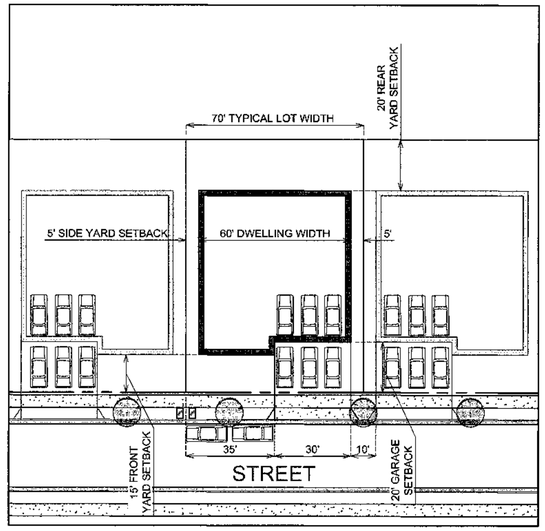
I. Welcome & Introductions
(6:00 – 6:15 p.m.)

II. Project Description
(6:15 – 6:45 p.m.)

- **a. The Conceptual Site Plan**
- **b. Land Uses, Housing Types, Sizes, Heights, Densities, and Commercial Area**
- **c. Access and Parking**
- **d. Open Space Areas and Recreational Amenities**
- **e. Landscaping and Protection of Natural Resources**

III. Group Discussion / Q&A
(6:45 – 7:15 p.m.)

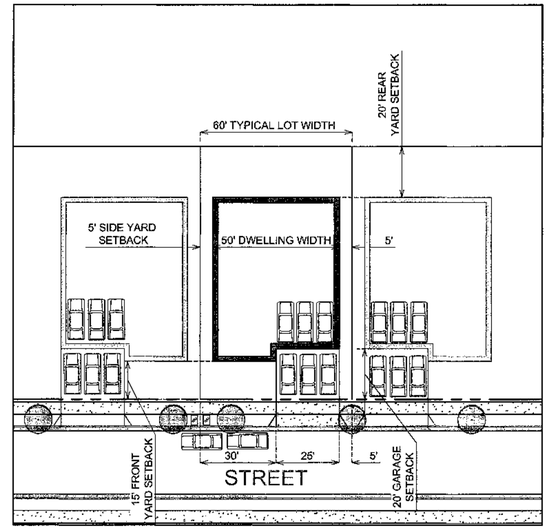
IV. Next Steps for Project / Close of Meeting
(7:15 – 7:30 p.m.)



SFD-70

N.T.S.

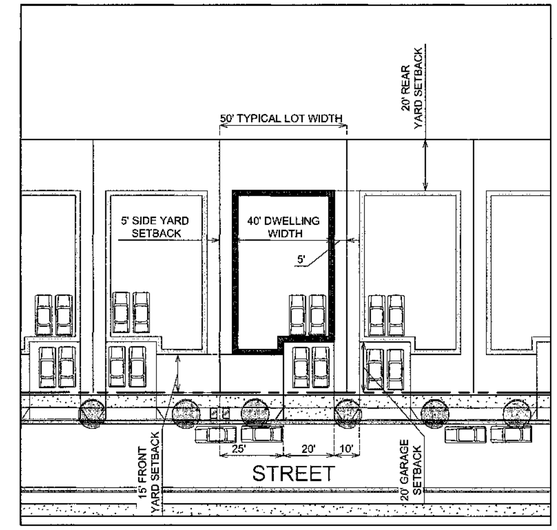
- SIMILAR TO STANDARD R-1 ZONE LOT
- 9,000+ S.F. LOT AREA
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 60'-WIDE DWELLING UNIT
- 4-6 OFF-STREET PARKING SPACES



SFD-60

N.T.S.

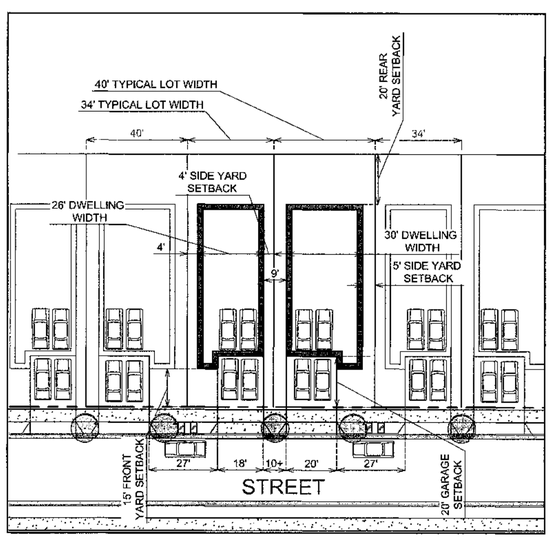
- SIMILAR TO STANDARD R-4 ZONE LOT
- 5,000+ S.F. LOT AREA
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 50'-WIDE DWELLING UNIT
- 4 - 6 OFF-STREET PARKING SPACES



SFD-50

N.T.S.

- SIMILAR TO STANDARD R-4 ZONE LOT
- 5,000+ S.F. LOT AREA
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 40'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES



SFD-40 & SFD-34

N.T.S.

SFD-40

- SIMILAR TO STANDARD R-4 ZONE LOT
- 4,000 S.F. LOT AREA TYPICAL
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 5' SIDE-YARD SETBACKS
- 30'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES

SFD-34

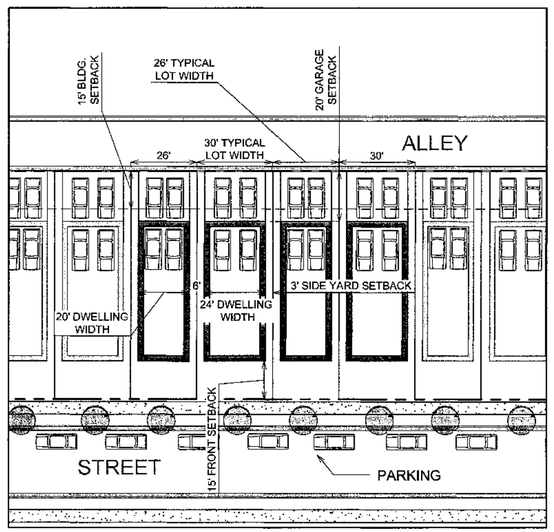
- *INTERSPERSED WITH SFD-40*
- PLANNED DEVELOPMENT R-4 DETACHED LOT
- 3,4000 S.F. LOT AREA TYPICAL
- 20' GARAGE/REAR SETBACKS
- 15' BUILDING SETBACK
- 4' SIDE-YARD SETBACKS
- 26'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES

SFDA-30

- *INTERSPERSED WITH SFD-26*
- SIMILAR TO AN ATTACHED LOT IN THE R-4 ZONE
- 2,700 S.F. LOT AREA TYPICAL
- 20' GARAGE SETBACKS
- 15' BUILDING SETBACK
- 3' SIDE-YARD SETBACKS
- 24'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES

SFDA-26

- SIMILAR TO AN ATTACHED LOT IN THE R-4 ZONE
- 20' GARAGE SETBACKS
- 2,340 SF LOT AREA TYPICAL
- 15' BUILDING SETBACK
- 3' SIDE-YARD SETBACKS
- 20'-WIDE DWELLING UNIT
- 4 OFF-STREET PARKING SPACES



SFDA-30 & SFDA-26

N.T.S.

NO.	DATE	DESCRIPTION	BY
1			

REVISIONS

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

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DRN.
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DATE: MAR 2017

REVIEW
REGISTERED PROFESSIONAL ENGINEER
WILLIAM T. WELLS
RENEWS: 6/30/2020

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

STAFFORD DEVELOPMENT COMPANY, LLC
BAKER CREEK NORTH SUBDIVISION

TYPICAL LOTS

DRAWING
P-1

JOB NUMBER
2940.3000.0

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BAKER CREEK NORTH - CONCEPT SUBDIVISION PLAN

N.T.S.

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

BAKER CREEK NORTH -
SUBDIVISION ZONING PLAN
N.T.S.

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

940

Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
(503) 804-1089
steve@cascadiapd.com

MEMO

DATE: April 2, 2019

TO: Planning Department
City of McMinnville

FROM: Steve Kay, AICP
Cascadia Planning + Development Services

RE: Neighborhood Meeting Summary
Baker Creek North Planned Development

Per the requirements of Section 17.72.095 of the McMinnville Zoning Ordinance, a meeting was held to familiarize neighbors with a proposed development located at 1755 NW Baker Creek Road (Tax Lots 100, 105, 106, and 107, Section 18, T. 4 S., R 4 W., W.M). The meeting allowed the applicant to identify potential neighbor concerns, and if possible, address those issues in the submitted Planned Development, Subdivision, Comprehensive Plan Map, and Zoning Map Amendment applications. To notice the meeting, the applicant invited all property owners within 300-ft. of the subject site by using a mailing list that was prepared by a title company. The meeting was held on November 1, 2018 at the Baker Creek Community Church and was facilitated by Gordon Root, Principal of Stafford Development Company, and Morgan Will, project manager. Also present were Josh Wells of Westech Engineering and Steve Kay of Cascadia Planning + Development Services. A total of 10 neighbors attended the meeting and a sign-in sheet for the meeting has been attached.

Mr. Root welcomed the attendees at 6:05 pm and began by describing the purpose of the meeting. He then used a PowerPoint to provide some information regarding Stafford Development Company, discussing their goal to build a residential community with housing affordability, balance, and choice. Mr. Root discussed how State requirements and urban growth boundaries currently influence density of housing in Oregon cities. He explained that Stafford's response to these higher density requirements is to apply an innovative approach to small lot development, by incorporating ample open space areas and alley-loaded garages on the smallest lots within their projects. He discussed how a variety of housing types and recreational amenities are included in their residential communities, providing affordability, balance and choice. While

most of the homes will be developed by home builders that purchase lots within the development, Stafford typically builds 25% of the homes within a subdivision. Mr. Root went on to explain how Stafford homes are constructed using high quality standards.

After providing his overview of Stafford Development Company, Mr. Root introduced Morgan Will. Mr. Will began by orienting meeting attendees to the project site, noting the surrounding neighborhoods, existing transportation system, and the Baker Creek area to the north of the site. Although specific phasing for the project had not been determined prior to the meeting, Mr. Will indicated that it is likely that the 1st phase will occur in the southeast and the last phase will include the northeast corner of the site. Mr. Will explained that the majority of the site does not currently have an assigned zoning. He discussed how the developer will request R-4 zoning for the property and is also proposing to reduce the amount of C-3 designated area on the site.

Mr. Will discussed how the proposed planned development will develop a path system and other recreational amenities when requesting flexibility in how City Code standards are applied to the project. He indicated that the development will have about a 5,000 square feet average lot size and that all of the homes will be developed as single-family detached dwellings. Mr. Will also outlined the goals of the Baker Creek North Development. The stated goals included creating a sense of place, developing a vibrant community, and establishing a wonderful place to live for residents. He explained that the project also aims to protect natural habitat areas on the site, including the Oak tree grove along the east boundary of the site, and along the site's north property line.

Mr. Will reserved the next portion of the presentation to discuss the 7 typical residential lot types within the development. The proposed lots range in width from 70' to 26' and range in size from over 7,000 to 2,300 square feet. All of the proposed residential lots will accommodate single-family dwellings. Most of the homes will have front-loaded garages, however many of the narrower lots will be provided alley access. Mr. Will indicated that it is anticipated that some apartment units will be developed within the C-3 zoned portion of the site. .

An overview of the proposed transportation improvements were also presented by Mr. Will. Using PowerPoint slides, he described which streets will be extended into the site. He also described what street frontage improvements will be installed along Baker Creek Road, including the development of a center turn lane, and construction of right-turn lanes for traffic exiting the development. Mr. Will also illustrated how off-street parking will be accommodated within the development, indicating that a minimum average of 4 off-street parking spaces will be provided for each dwelling. He also pointed out that the proposed off-street spaces will allow the streets to be more readily used for visitor parking.

Mr. Will wrapped up the presentation by reviewing the proposed open space amenities. He provided examples of proposed amenities including doggie refuse stations, trash receptacles, benches, and view corridors. Mr. Will also discussed the next steps for the project, and how attendees can attend future Planning Commission and City Council meetings. He indicated that based on the current schedule, the project is not anticipated to start construction until the

summer of 2019. After completing the presentation, Mr. Will encouraged meeting attendees to ask questions and provide feedback regarding the development.

During the discussion, a neighbor asked if builders could construct custom homes within the development. Mr. Root indicated that this will be a possible option for home buyers. He also said that lots in other phases of Baker Creek have been purchased by local home builders for spec homes. Another neighbor asked if there will be CC&Rs for the development. Mr. Will responded that a land use attorney will develop CC&Rs for Baker Creek North and the document will be recorded during the platting of the lots.

A neighbor asked if the development will include affordable housing. Mr. Will indicated that Stafford does not build what the government classifies as affordable housing, but it does build attainable housing. He explained that attainable housing includes many different product types and is geared to many income levels of prospective home buyers in McMinnville.

Another neighbor asked how access will be provided from Baker Creek Road to the initial phase of the development. Mr. Will indicated that Shadden Drive will be extended with the phase sited in the southeast corner of the site. A follow up question asked if the proposed development will provide access to the Premier Homes development site, located to the northeast of the proposed project. Mr. Will said that eventually, future phases of Baker Creek North will extend Shadden Drive all the way to the northern boundary of the site. He also indicated that Blake Street will be extended to the east to provide connection to the existing Oak Ridge subdivision and could be an access point for residents of adjacent developments. Mr. Will also added that eventually a nature trail along the bluff overlooking Baker Creek will connect from the BPA easement to a trail that Premier Homes is currently developing. The proposed trail would likely be a bark chip surface and follow the alignment of a farm haul road along the base of the bluff.

An individual asked whether the proposed roads will be the same width as Pinot Noir Street in the adjacent subdivision. The applicant's engineer Josh Wells indicated that existing streets to the east of the site have a pavement width of 26', however the proposed street will wider. They will be built under the current City road standards and will have a pavement width of 28' from curb to curb. Another question asked if there would be a need for future improvements to Baker Creek Road as a result of the development. Mr. Will indicated that the City completed a transportation analysis for Baker Creek Road and determined that all planned development in the northwest quadrant of town could be accommodated by the recently improved Hill Road and the proposed improvements along the site's frontage on Baker Creek Road to meet the City standard section.

A neighbor asked how the proposed park facilities will be maintained. Mr. Root indicated that they are still in discussions with the City regarding maintenance responsibilities for the park areas. He said that the HOA could provide maintenance for the parks until the City took over that responsibility for areas the City will take ownership of. A follow up question asked if the City has taken any issue with how the development will impact natural habitat areas along Baker Creek. Mr. Will responded that the development will not extend beyond the bluff, and deeper lots have been proposed along the east property line so that the existing Oak tree grove can be protected.

To ensure long-term protection of the riparian area, the applicant believes that it would be beneficial to donate the land at the base of the bluff to the City.

Another neighborhood asked how the commercial zoned area will be used. Mr. Root indicated that it is likely that neighborhood commercial retail and services would occupy some of the proposed commercial space, along with some multi-family uses. He said that the commercial uses will likely be geared towards the needs of residents in this area of town.

An attendee asked if the powerlines will ever be extended to the north side of Baker Creek. Mr. Will discussed how a previous proposed UGB expansion proposal was strongly opposed for this area of town. He also indicated that the expansion of the UGB to the north of the site is highly unlikely due to the topography associated with the creek, and the expense to develop additional public infrastructure on the north side of the waterway.

The last questions were focused on the proposed housing types. One attendee asked if the proposed homes will be one or two stories. Mr. Root indicated that the larger lots will likely contain both two-level and one-level dwellings while the smaller lots will contain 2-story homes. Another citizen asked about the smallest home within the development. Mr. Root indicated that the smallest home will contain approximately 1,450 square feet. Many of these homes will be oriented towards common space areas.

Mr. Will concluded the discussion by encouraging the attendees to take his business card and contact him with any additional questions or concerns. He encouraged attendees to view the display boards for a few more minutes before the meeting ended. After thanking neighbors for their questions and feedback, the meeting was closed at approximately 7:45 pm.

Many of the questions presented by attendees to the neighborhood meeting were already addressed by elements of the plan.

Since the Neighborhood Meeting the Applicant has completed a property line adjustment to create a distinct lot at the base of the bluff area to donate to the City to protect the resources there and help the City meet its goal to create a Special Use Park in this area. The Applicant has also included in its application for planned development and subdivision several common open space tracts that the City may desire to acquire to support and augment this Special Use Park.

The proposed common open spaces now have detailed landscaping plans and proposed improvements shown in the preliminary plan set. This includes the mid-block paths. Minor adjustments were may to the lots and street circulation to improve the circulation pattern for vehicles and pedestrians. However, the plan remains essentially the same with access to Baker Creek Road at Shadden Drive and Meadows Drive with an added right-turn-out lane, a connection to the round about at Hill Road and improvements on the north side of Baker Creek Road along the subdivision's site frontage to accommodate bike lanes and a center turn lane.

SIGN-IN SHEET

Baker Creek North Neighborhood Meeting

Thursday, November 1, 2018 at 6:00 pm

Baker Creek Community Church, 325 NW Baker Creek Road, McMinnville

Name	Address	Phone	Email
Morgan Will	485 S State St Lake Oswego, OR 97034	503-305-7647	morgan@stafford bridcompany.com
Jennifer Beck	2377 NW Victoria Court	503-487-7932	jbeckand2cats@onlinenw.com

SIGN-IN SHEET

Baker Creek North Neighborhood Meeting

Thursday, November 1, 2018 at 6:00 pm

Baker Creek Community Church, 325 NW Baker Creek Road, McMinnville

Name	Address	Phone	Email
Zane Cable	485 S STATE ST LAKE OSWEGO	971-206-8613	
Eleanor Kittelson	2597 NW Alice Kelley St, McMinnville	253-732-9294	eleanorkittelson@yahoo.com
John + Mildred Reppeto	2308 NW VICTORIA CT Mc	5034749349	
LARRY PARR	2824 NW PINOT NOIR DR	503-435-7487	
Randy Hoiman	2795 NW Pinot Noir Dr.	503.857.6094	rhoimandmd@gmail.com
Allen Schmatz	10225 NW Brentano Lane	503-784-8919	✓
Cathy Goekler	2684 NW Pinot Noir	503-436-8642	
* Mike + Sandi Colvin	2718 NW Pinot NOIR	5034345772	Sandicolvin@gmail.com

TRAFFIC ANALYSIS REPORT

FOR

BAKER CREEK NORTH DEVELOPMENT

NW BAKER CREEK ROAD

McMinnville

SUBMITTED BY

CHARBONNEAU ENGINEERING LLC

July 2019

Project 19-32

TRAFFIC ANALYSIS REPORT

FOR

BAKER CREEK NORTH DEVELOPMENT

NW BAKER CREEK ROAD

McMinnville

Prepared By

CHARBONNEAU Engineering LLC

7-31-19

REGISTERED PROFESSIONAL ENGINEER
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FRANK R. CHARBONNEAU

RENEWS: 12-31-19

July 2019

Project 19-32

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INTRODUCTION

This traffic study has been prepared to evaluate and document the operations and safety conditions for the Baker Creek North development being planned in McMinnville, Oregon. Figure 'a' in the appendix is a vicinity map highlighting the project location.

The planned development will construct 280 single-family housing units along the north side of NW Baker Creek Road between Hill Road and Shadden Drive. Adjacent to this single-family housing development situated in the northeast corner of the Hill Road at Baker Creek Road intersection is a parcel over six acres planned for no more than 120 multi-family units and no less than 2-acres of commercial use with a planned development amendment. Although the property is likely to develop in the future the parcel is not part of the Baker Creek North PD application.

For analysis purposes and to consider a worst-case scenario 10 acres of commercial property was used instead of six. A total of 100,000 square feet of retail space was assumed for the commercial property.

With input from the City the study area was defined as Baker Creek Road extending between Hill Road and Shadden Drive and included analysis of the intersections at Meadows Drive, Shadden Drive, and Michelbook Lane.

TRAFFIC ANALYSIS CONSIDERATIONS

In the project scope established with McMinnville engineering and planning staff, a number of important elements were identified and considered in this study.

- Inventory and record pertinent information such as traffic control devices, circulation patterns, lane conditions, pedestrian & bicycle facilities, transit zones, parking, and street characteristics.
- Record data on typical weekdays during the AM and PM peak traffic hours. The video traffic counts were collected in July 2019.
- Ten years of traffic growth at 2.5% per year was applied with in-process traffic to establish the year 2029 background volumes. The traffic growth rate was determined based on data provided by ODOT's Transportation Analysis Unit (TPAU).
- Level of service (LOS) analysis of the study intersections to measure the approach delays and volume-to-capacity ratios for comparison to McMinnville standards.
- Determination of vehicular queuing at the study intersections including Baker Creek Road at Meadows Drive, Shadden Drive, and Michelbook Lane.
- Preparation of traffic signal warrants at the study intersections.
- Review intersection sight distance at the proposed access locations.
- Review traffic accident data furnished by ODOT. Determine the intersection crash rates at the study intersections.

SITE DESCRIPTION, STREETS, ACCESS, AND CRITICAL INTERSECTIONS
Development of the Baker Creek North project includes buildout of 280 single-family housing units. The site is adjacent to Baker Creek Road on the north side between Hill Road and Shadden Drive. To assess a worst-case scenario 10 acres of commercial property was included in the analysis. For this parcel a total of 100,000 square feet of retail use was considered. Development of the commercial parcel is not part of the Baker Creek North PD application, however for the purpose of review of the concurrent comprehensive plan map amendment and zoning applications, the commercial component is being analyzed in concert with the single-family development's impacts.

Access to the proposed development includes two approaches on Baker Creek Road and one access to Baker Creek Road at Hill Road. On Baker Creek Road the site's west access will be located opposite Meadows Drive and the east access across from Shadden Drive. The third site access will occur on a new north leg of the Baker Creek Road and Hill Road roundabout. The project site plan (Figure 'b') illustrates the access locations. The new access approaches will require stop sign control.

The existing intersections on Baker Creek Road at Meadows Drive, Shadden Drive, and Michelbook Lane are controlled by stop signs. The intersection at Baker Creek Road at Hill Road is configured as a roundabout design with the north leg (Hill Lane) yet to be constructed.

The City of McMinnville has identified future traffic signal control at the intersection of Baker Creek Road and Michelbook Lane. The Transportation System Plan (TSP, Chapter 4, Street System Plan, Exhibit 4-6) documents that based on city-wide traffic growth the signal installation may be necessary.

The existing and future lane configurations and traffic control are presented in Figure `c` in the report's appendix.

Baker Creek Road is classified as a minor arterial by the City and is in the process of being converted from a two lane configuration to three lanes between Hill Road and Crimson Court. The improvements are anticipated to be completed in August. The new three-lane section will maintain one travel lane in each direction and provide a continuous center left turn lane. A bike lane will be maintained on the street's south side along with sidewalk on both sides. The posted speed is 35 mph.

The development will construct two southbound lanes and a single northbound lane at each access on Baker Creek Road (opposite Meadows Lane and at Shadden Lane). The southbound approaches will include a separate right turn lane and combination through/left movement lane. The southbound approaches will be controlled by stop signing. The development will also construct the north leg of the Hill Road and Baker Creek Road roundabout (Hill Lane) with one southbound lane that is controlled by a yield sign at the roundabout and one northbound lane entering the project.

TRAFFIC OPERATIONAL ANALYSIS

In order to evaluate traffic flow and delay the study intersections were analyzed for level of service (LOS) conditions, delay, and safety. The intersections evaluated included Baker Creek Road at Meadows Drive, Shadden Drive, and Michelbook Lane. Capacity and queuing analyses were completed in the AM and PM peak hour periods for the following scenarios:

- Year 2019 Traffic
- 2029 Background Traffic
- 2029 Total Traffic

Video traffic counts were recorded in July 2019 for the study. The counts were collected during the AM peak (7:00-9:00 AM) and PM peak (4:00-6:00 PM) traffic hours. Figure 1 illustrates the year 2019 volume data.

Ten years of traffic growth at 2.5% per year has been added to the Year 2019 volumes to account for the background traffic volumes. The year 2029 background traffic volumes are illustrated in Figure 3. The annual traffic growth rate was derived from select zone peak hour volume data obtained from ODOT's TAPU for the years 2003-2023. The input illustrating this data is included in the report's appendix.

McMinnville staff has identified a compilation of in-process projects that affect the study intersections. The in-process traffic includes the Oak Ridge Meadows residential development, Baker Creek West subdivision, & Baker Creek East subdivision. The status of each development is summarized below.

- Oak Ridge Meadows is a proposed subdivision for 108 single-family housing units located at the northern end of NW Pinot Noir Drive. None of the homes are constructed and 100% of the site's future traffic was accounted for as in-process traffic.
- Baker Creek West was planned for 125 single-family housing units and 70 apartment units. The site is located on the south side of Baker Creek Road in the southeast corner of the Hill Road at Baker Creek Road intersection. As of July 15, 2019 a total of 14 single-family homes have received occupancy permits. Trip generation for the balance of units including 111 single-family homes and 70 apartments was accounted for as in-process traffic.
- Baker Creek East was planned for 83 single-family housing units. The site is located south of Baker Creek Road and east of the Baker Creek West subdivision. As of July 15, 2019 a total of 22 single-family homes have received occupancy permits. Trip generation for the balance of units including 61 single-family homes was accounted for as in-process traffic.

The in-process traffic included in this analysis is presented in Figure 2.

The year 2029 total traffic (the summation of background traffic volumes and site generated traffic) is presented in Figure 9.

VEHICULAR TRIP GENERATION

Trip rates presented in the Institute of Transportation Engineers (ITE) Trip Generation manual, 10th edition (year 2017) were utilized to estimate the site's trip generation. The trip generation is summarized in Table 1.

Table 1a Trip Generation Summary Baker Creek North Subdivision - Residential Use

ITE Land Use	Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Single-Family (#210)	280 homes							
Generation Rate [1]		9.44	0.74	25%	75%	0.99	63%	37%
Site Trips		**2,643**	**207**	52	155	**277**	175	102

Table 1b Trip Generation Summary - Commercial Parcel (10 acres, future development by others)

ITE Land Use	Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Shopping Center (#820)	100,000 sq. ft.							
Generation Rate [1]		37.75	0.94	62%	38%	3.81	48%	52%
Total Driveway Trips		**3,775**	**94**	58	36	**381**	183	198
Pass-By Rate [2]						34%		
Pass-By Trips						130	62	68
New Site Trips[3]		**3,775**	**94**	58	36	**251**	120	131

[1] Source: *Trip Generation*, 10th Edition, ITE, 2017, average rates.

[2] 34% based on *Trip Generation Handbook, 3nd Edition*, ITE, 2017.

[3] New Site Trips = Total Driveway Trips - Pass-by Trips.

Development of 280 single-family homes and 100,000 square feet of commercial space is expected to generate 3,775 daily trips, 94 AM peak hour trips, and 251 PM peak hour trips.

For trip distribution purposes the trip assignment data from ODOT's Transportation Analysis Zone (TAZ) model was considered along with the impacts associated with recent alignment improvements on Hill Road. It is anticipated that approximately 10% of the site's traffic will choose to travel to/from the west using Hill Road.

The trip distribution for the site's residential units is presented in Figure 4 with the corresponding trip assignments displayed in Figure 5. The trip distribution for the future commercial parcel is presented in Figure 7 and the corresponding trip assignments shown in Figure 8. Copies of the TAZ model data is included in the appendix.

Figure 6 illustrates the pass-by traffic associated with the commercial property. The pass-by volumes represent the traffic that will be diverted to the commercial site from the adjacent street (Baker Creek Road). The pass-by rate applied (34%) is based on the recommended percentage documented in the ITE Trip Generation Handbook, year 2017.

CAPACITY ANALYSIS

Capacity analyses were performed to determine the levels of service for the weekday peak hours. Synchro v9.1 software was used to determine the approach delays and level of service for the study intersections. The program is based on the year 2010 Highway Capacity Manual methodology. Table 2 summarizes the analysis results. Copies of the capacity analysis summaries are included in the appendix.

Table 2 Capacity Analysis Summary

Intersection	Type of Control	Peak Hour	Traffic Scenario											
			2019 Existing				2029 Background				2029 Total			
			Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c
Meadows Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.6	0.03	NB	B	10.6	0.14	SB	C	19.0	0.09
		PM	NB	A	9.4	0.03	NB	B	10.1	0.09	SB	F	56.2	0.20
Shadden Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.9	0.06	SB	C	18.4	0.17	SB	D	33.2	0.13
		PM	NB	A	9.8	0.06	SB	D	33.3	0.21	SB	F	137.3	0.16
Michelbook Lane and Baker Creek Road	Two-way Stop	AM	NB	B	10.9	0.08	NB	C	16.6	0.21	NB	D	28.7	0.45
		PM	NB	B	12.0	0.14	NB	F	65.6	0.78	NB	F	726.4	2.41
	Signal[1]	AM	-	-	-	-	-	B	11.0	0.39	-	B	15.3	0.47
		PM	-	-	-	-	-	B	11.7	0.54	-	B	19.8	0.70

Notes: 2010 Highway Capacity Manual methodology used in analysis, Synchro v9. NB - Northbound, SB - Southbound, Crit. Mov't - Critical movement or critical approach.

[1] Future signal identified in City's TSP - Not to be installed in conjunction with Baker Creek North Subdivision.

The City's mobility standard for intersection operations requires a v/c ratio of 0.90 or less. If intersections operate at values exceeding a v/c of 0.90 then mitigation may be considered. The City does not have a standard related to LOS determination.

The stop controlled intersection of **Baker Creek Road at Meadows Drive** will experience an acceptable volume-to-capacity (v/c) ratio of 0.20 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at this location.

The stop controlled intersection of **Baker Creek Road at Shadden Drive** will experience an acceptable volume-to-capacity (v/c) ratio of 0.16 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at this location.

The stop controlled intersection of **Baker Creek Road at Michelbook Lane** will experience an acceptable volume-to-capacity (v/c) ratio of 0.78 or less in the peak hours through the year 2029 background traffic scenario. For the year 2029 total traffic scenario the intersection operations will exceed the City's v/c standard with a resulting v/c value of 2.41 in the PM peak hour. This condition can be mitigated to a v/c of 0.70 by installing a traffic signal as identified in the City's TSP. This improvement has been planned for safety and capacity reasons in order to satisfy the anticipated city-wide traffic growth projections.

The future signal at Baker Creek North and Michelbook Lane is identified as a planned capital improvement project by the City in 2023 with general funds and SDC funds prior to the year 2029 full buildout, thus no mitigation of the intersection is recommended in conjunction with the proposed development.

QUEUING ANALYSIS

Queue length demand for study intersections on Baker Creek Road at Meadows Drive and at Shadden Drive were established in the Synchro analysis. The results are based on the 95th percentile queuing values. Copies of the reports are included in the appendix.

At the site access and Shadden Drive intersection with Baker Creek Road the southbound stop controlled access will experience a queue of two to three vehicles in the left/through lane during in the AM peak hour for the year 2029 total traffic scenario. A southbound queue of four to five vehicles in the left/through lane is projected during the PM peak hour for the year 2029 PM peak hour.
At the site access and Meadows Drive intersection with Baker Creek Road the southbound stop controlled access will experience a queue of one to two vehicles in the left/through lane during the AM peak hour for the year 2029 total traffic scenario. A southbound queue of three to four vehicles is projected in the left/through lane during the PM peak hour for the year 2029 PM peak hour.

The queuing analysis has confirmed that for the eastbound and westbound left turn movements occurring on Baker Creek Road at the Meadows Drive and Shadden Drive intersections the peak hour queues will not exceed one to two vehicles through the year 2029 total traffic scenario.

SIGHT DISTANCE

Intersection sight distance at the proposed access points on Baker Creek Road was reviewed in accordance with the AASHTO standards. Based on a posted speed of 35 miles per hour requires that 390 feet of sight distance be available. It was determined that over 500 feet of

sight distance will be available in both directions at both future access locations (Meadows Drive & Shadden Drive intersections). Therefore, the sight distance standard is met. When the development is constructed it will be necessary to maintain the required sight distance and any restriction within the sightlines must be avoided for safety purposes.

LEFT TURN LANE REQUIREMENTS

A center left turn lane on Baker Creek Road is in the process of being striped this summer along the project frontage. Therefore, no left turn lane warrant was prepared.

TRAFFIC SIGNAL WARRANTS

The peak hour signal warrant was evaluated for the intersections on Baker Creek Road at Meadows Drive, Shadden Drive, and Michelbook Lane. It was determined the warrant is not met at the Meadows Drive and Shadden Drive locations through the year 2029 total traffic scenarios.

At the Michelbook Lane intersection the peak hour warrant is not met in the year 2029 total traffic scenario with only the residential portion of the development considered. The warrant will be met in the year 2029 total traffic scenario if any portion of the commercial development is added to a full residential buildout. However, there is a planned capital improvement project by the City in 2023 with general funds and SDC funds, thus the signal will be installed already by 2029.

As a result installation of a traffic signal is not recommended in conjunction with the proposed development. The warrant is included in the appendix.

ACCIDENT HISTORY

Crash data for the study intersections were obtained from ODOT staff and reviewed to help identify any traffic safety issues. The study period covered the five year period from January 2013 through December 2017.

The accident rates presented in Table 3 are based on the number of accidents per million entering vehicles (MEV) per year. Typically an intersection is not considered unsafe unless its accident rate exceeds the threshold value of 1.0 accidents per MEV.

Table 3 Crash Rate Results

Intersection	Crash History (Years)	Number of Crashes	Crashes per year	Annual Traffic Entering (veh/yr)	Crash rate per M.E.V.*
Meadows Drive and Baker Creek Road	5	0	0.0	1950382	**0.00**
Shadden Drive and Baker Creek Road	5	2	0.4	2311969	**0.17**
Michelbook Lane and Baker Creek Road	5	4	0.8	3323684	**0.24**

* M.E.V. - million entering vehicles.

None of the study intersections have a crash rate higher than 0.24 crashes per MEV per year. As a result no intersection safety improvements are proposed in conjunction with the Baker Creek North subdivision development project.

PEDESTRIANS, BICYCLES, & BUSES

Sidewalk is provided on the south side and with site development in phases sidewalk will be provided on both sides of Baker Creek Road along the project's frontage. The project development will provide sidewalks within the site and connectivity to the existing sidewalk system on Baker Creek Road.

Bicycle lanes are currently provided on Baker Creek Road to the east and on the south side, and are available to the south on Hill Road. With site development in phases bike lanes will be provided on both sides of Baker Creek Road along the project's frontage.

With sidewalk and bike lane improvements on Baker Creek Road access from the development and adjacent existing communities to the powerline trail, an off-street path leading south from Baker Creek Road to 2nd Street, will be more convenient for pedestrians and bicyclists.

No transit service is provided in the area, however Baker Creek Road is a planned future transit route, thus traffic volumes and patterns may shift with future service.

SUMMARY AND RECOMMENDATIONS

The Baker Creek North development is being planned in McMinnville to construct 280 single-family housing units along the north side of NW Baker Creek Road between Hill Road and Shadden Drive. For analysis purposes and to consider a worst-case scenario 10 acres of commercial property was included in the study for the adjacent parcel. Although the commercial property is likely to develop in the future the parcel is not part of the Baker Creek North PD application. A total of 100,000 square feet of retail space was assumed for the commercial property even though it will likely develop with a lower intensity development pattern of no more than 120 multi-family units and no more than two acres of neighborhood commercial use..

Development of 280 single-family homes and 100,000 square feet of commercial space is expected to generate 3,775 daily trips, 94 AM peak hour trips, and 251 PM peak hour trips.

The traffic study included analysis of the intersections on Baker Creek Road at Meadows Drive, Shadden Drive, and Michelbook Lane.

Intersection sight distance at the proposed access points on Baker Creek Road was reviewed in accordance with the AASHTO standards. Based on a posted speed of 35 miles per hour requires that 390 feet of sight distance be available in each direction. It was determined that over 500 feet of sight distance will be available in both directions at both future access locations (Meadows Drive & Shadden Drive intersections). Therefore, the sight distance standard is met. When the development is constructed it will be necessary to maintain the required sight distance and any restriction within the sightlines must be avoided for safety purposes.

The City's mobility standard for intersection operations requires a v/c ratio of 0.90 or less. The stop controlled intersections on Baker Creek Road at Meadows Drive and at Shadden Drive will experience acceptable volume-to-capacity ratios of 0.20 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at these locations. On the southbound access approaches the lane configuration will consist of a separate right turn lane and a combination through/left lane. The approaches shall be controlled with stop signing.

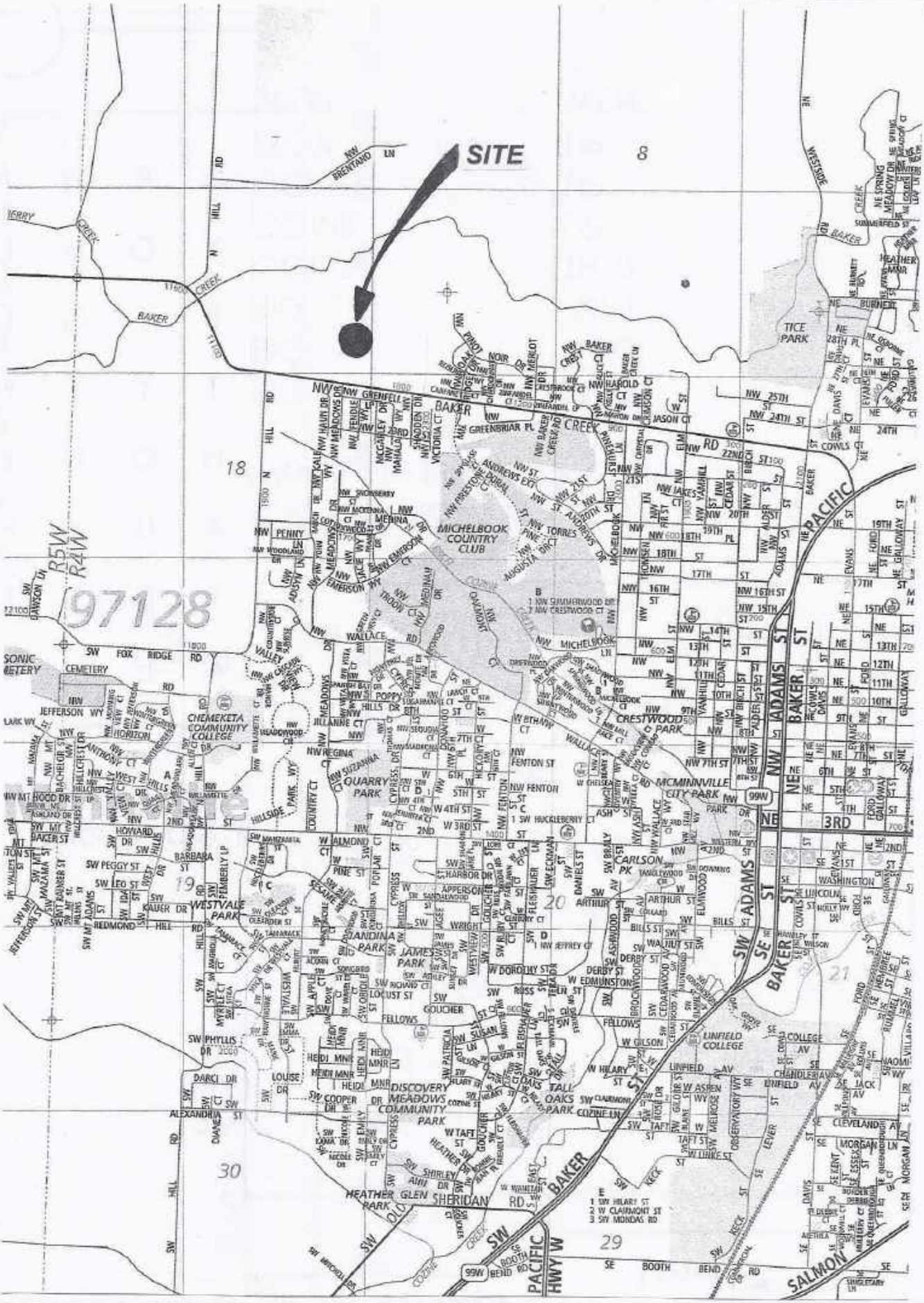
The stop controlled intersection of Baker Creek Road at Michelbook Lane will experience an acceptable volume-to-capacity (v/c) ratio of 0.78 or less in the peak hours through the year 2029 background traffic scenario. For the year 2029 total traffic scenario the intersection operations will exceed the City's v/c standard with a resulting value of 2.41 in the PM peak hour. This condition can be mitigated to a v/c of 0.70 by installing a traffic signal as identified in the City's TSP. This improvement has been planned by the City for safety and capacity reasons in order to satisfy the anticipated city-wide traffic growth projections. Therefore, no mitigation at the Baker Creek Road and Michelbook Lane intersection is recommended in conjunction with the proposed development.

None of the study intersections have a crash rate higher than 0.24 crashes per MEV per year. As a result no intersection safety improvements are proposed in conjunction with the Baker Creek North Subdivision development project.

Based on the results of the traffic analysis no off-site intersection improvements are proposed in conjunction with the Baker Creek North development project where on-site and intersecting street and pedestrian/bicycle improvements are installed as proposed.

APPENDIX

- Vicinity Map — Figure a
- Site Plan — Figure b
- Lane Configurations &Traffic Control — Figure c
- Traffic Flow Diagrams
  - Figure 1 Year 2019 Existing Traffic (AM & PM)
  - Figure 2 In-Process Traffic (AM & PM)
  - Figure 3 Year 2029 Background Traffic (AM & PM)
  - Figure 4 Trip Distribution - Residential
  - Figure 5 Trip Assignment – Residential
  - Figure 6 Pass-By Traffic – Retail
  - Figure 7 Trip Distribution – Retail
  - Figure 8 Trip Assignment - Retail
  - Figure 9 Year 2029 Total Traffic
- Traffic Count Data
- In-Process Traffic Data Sheets
- Accident History Summary (furnished by ODOT)
- Peak Hour Signal Warrants
- ODOT TAZ Mapping – Distribution
- TSP Projects & Programs Exhibit 4-6 (Future Signal at Michelbook Lane/Baker Creek Road)
- Synchro Capacity Analysis Worksheets



FILE NAME: 1932flow.dwg

PLOT DATE: 07.23.19

CHARBONNEAU ENGINEERING LLC

PROJECT: 19-32

NOTES:
NO SCALE

N

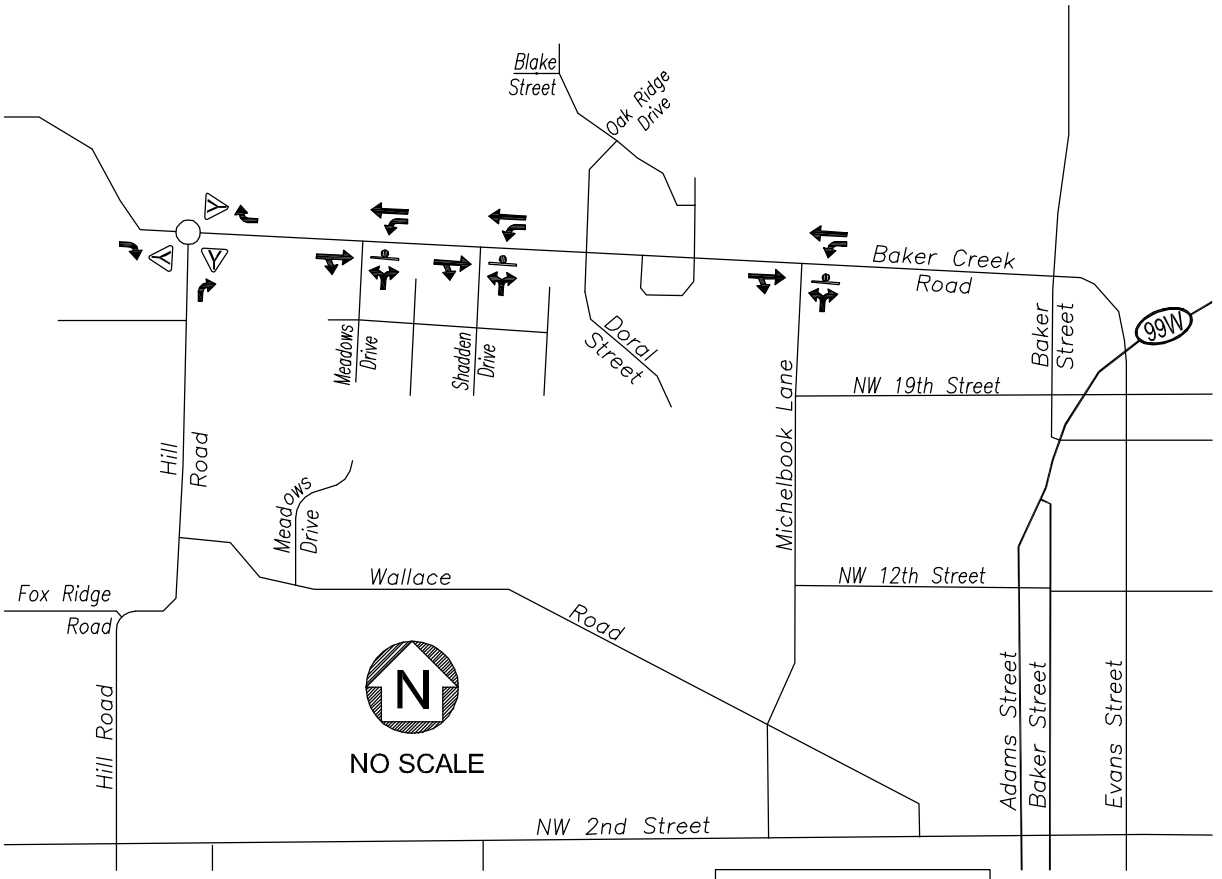
VICINITY MAP
BAKER CREEK NORTH

FIGURE
a

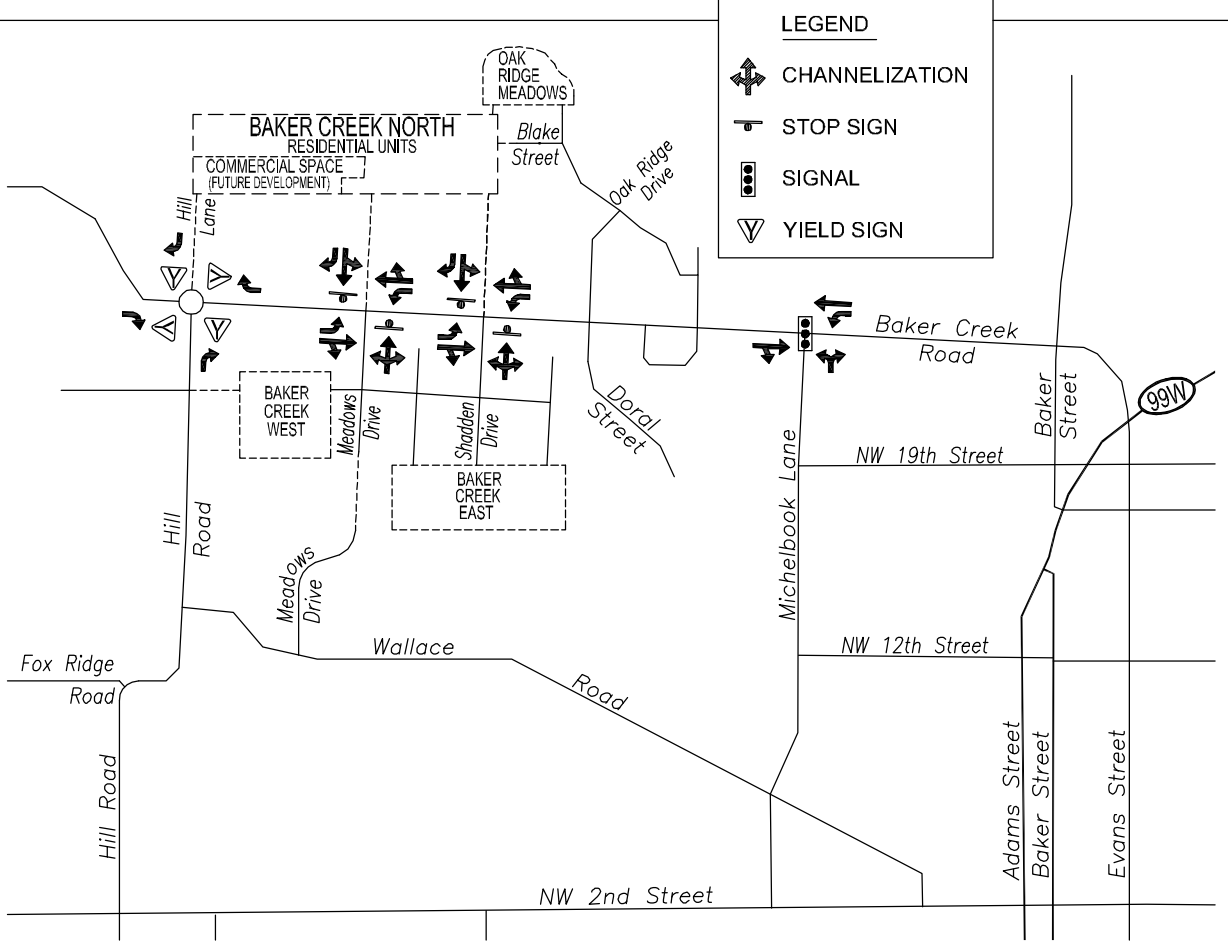
FILE NAME: 1932flow.dwg

PLOT DATE: 07.23.19

CHARBONNEAU ENGINEERING LLC PROJECT: 19-32	NOTES: Site plan prepared by Western Engineering.	SITE PLAN BAKER CREEK NORTH	FIGURE b



EXISTING



FUTURE

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

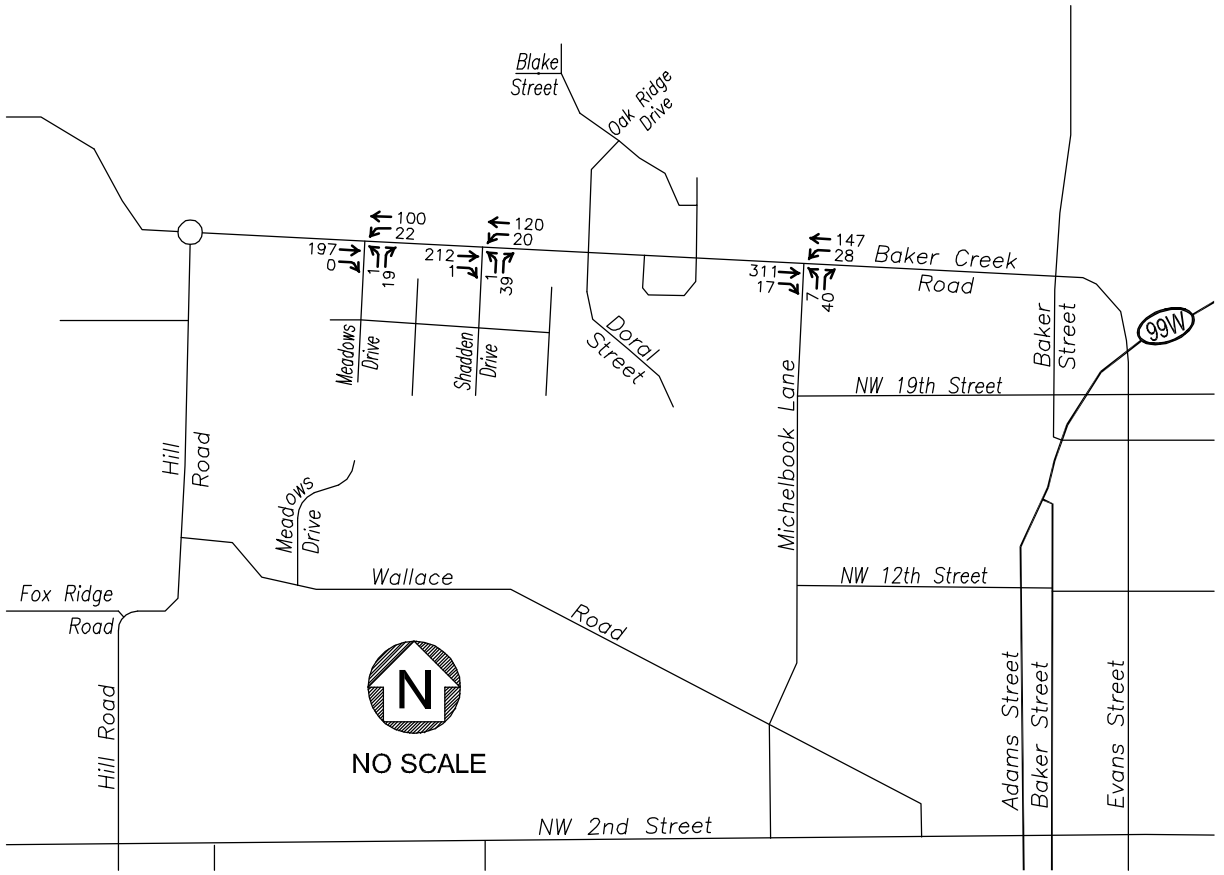
PROJECT: 19-32

NOTES: Traffic signal at Michelbook Rd. and Baker Creek Rd. identified in TSP due to City-wide growth.

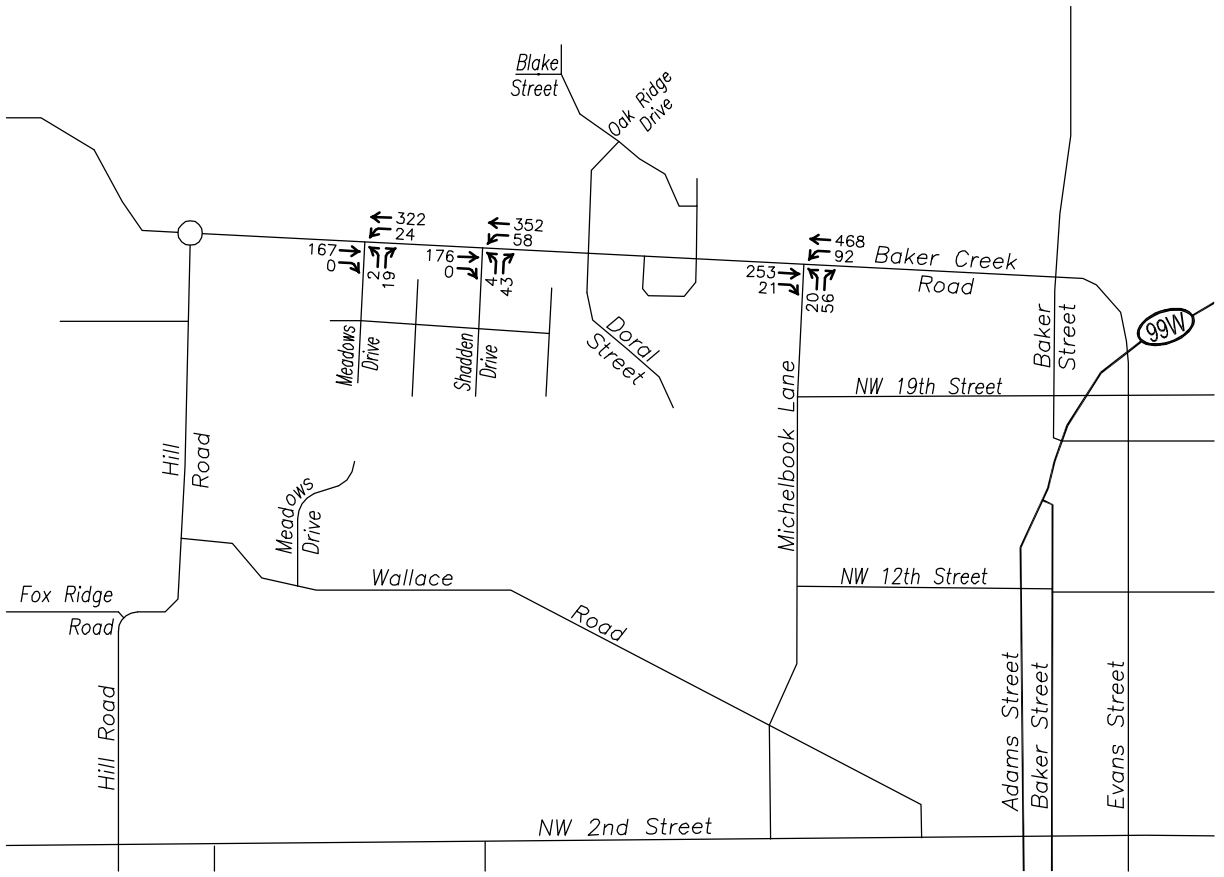
LANE CONFIGURATIONS AND TRAFFIC CONTROL BAKER CREEK NORTH

963

FIGURE C



AM PEAK HOUR



PM PEAK HOUR

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

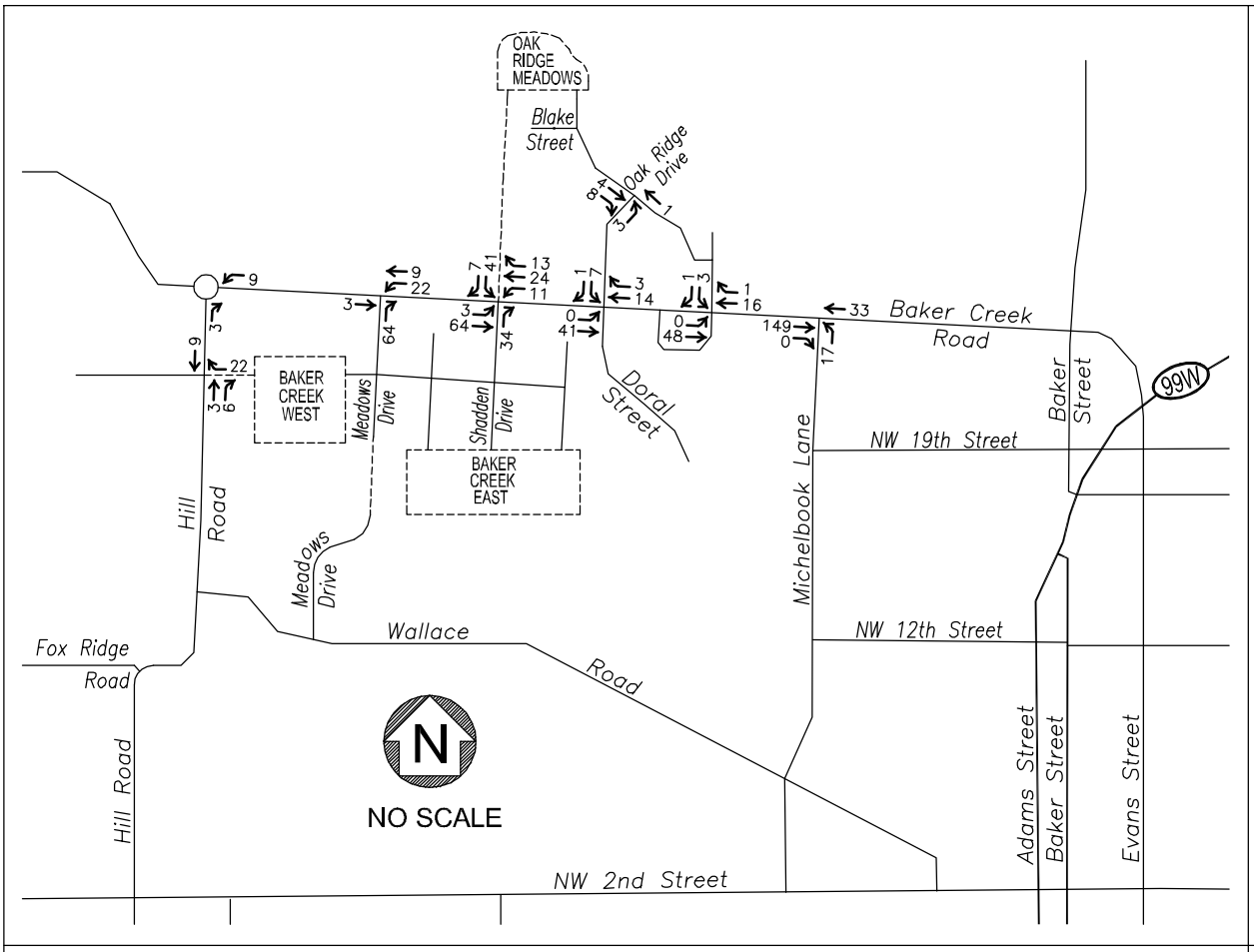
PROJECT: 19-32

NOTES:

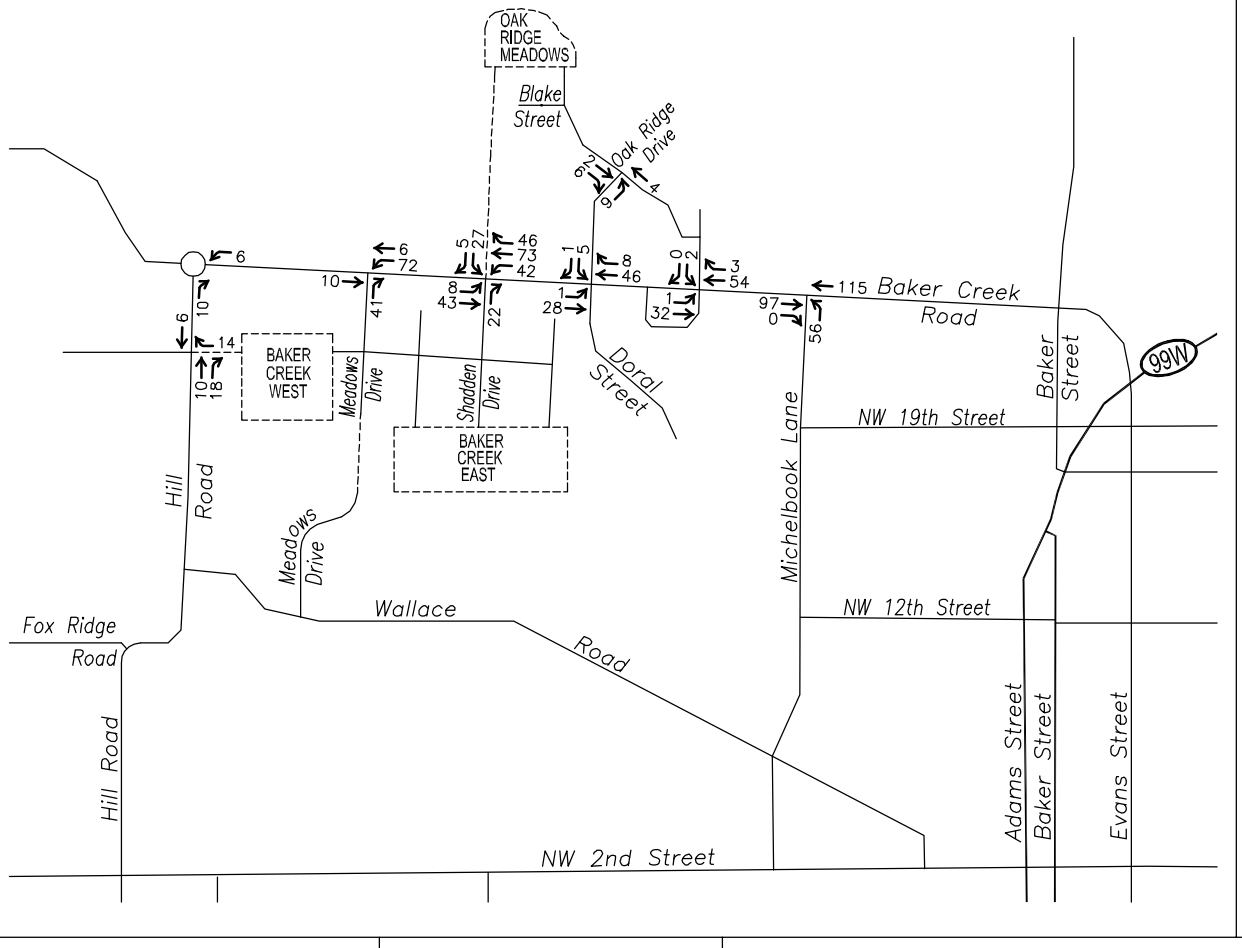
2019 EXISTING TRAFFIC
BAKER CREEK NORTH

964

FIGURE 1



AM PEAK HOUR



PM PEAK HOUR

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

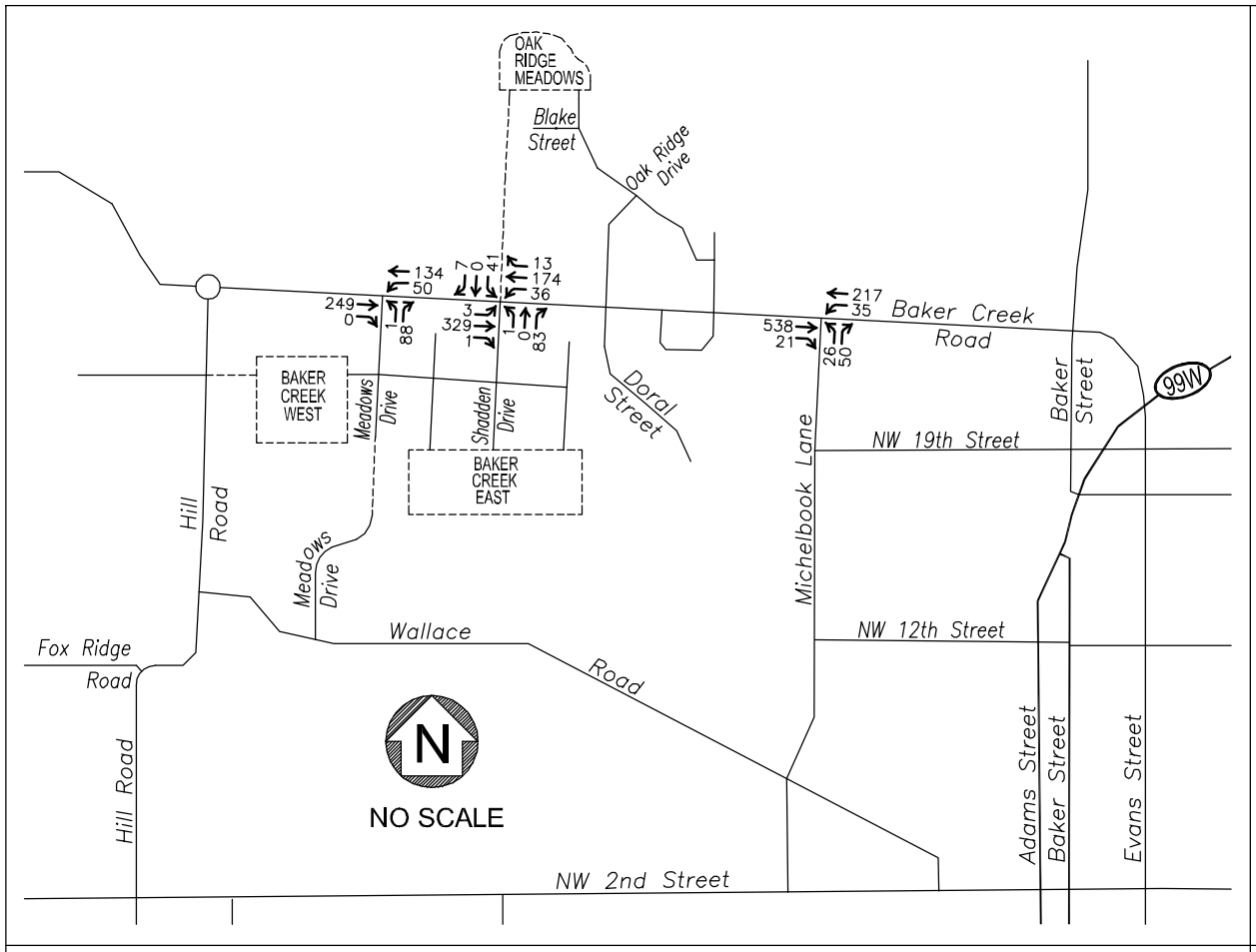
PROJECT: 19-32

NOTES: In-process Traffic includes trips generated by Oak Ridge Meadows, Baker Creek West, and Baker Creek East.

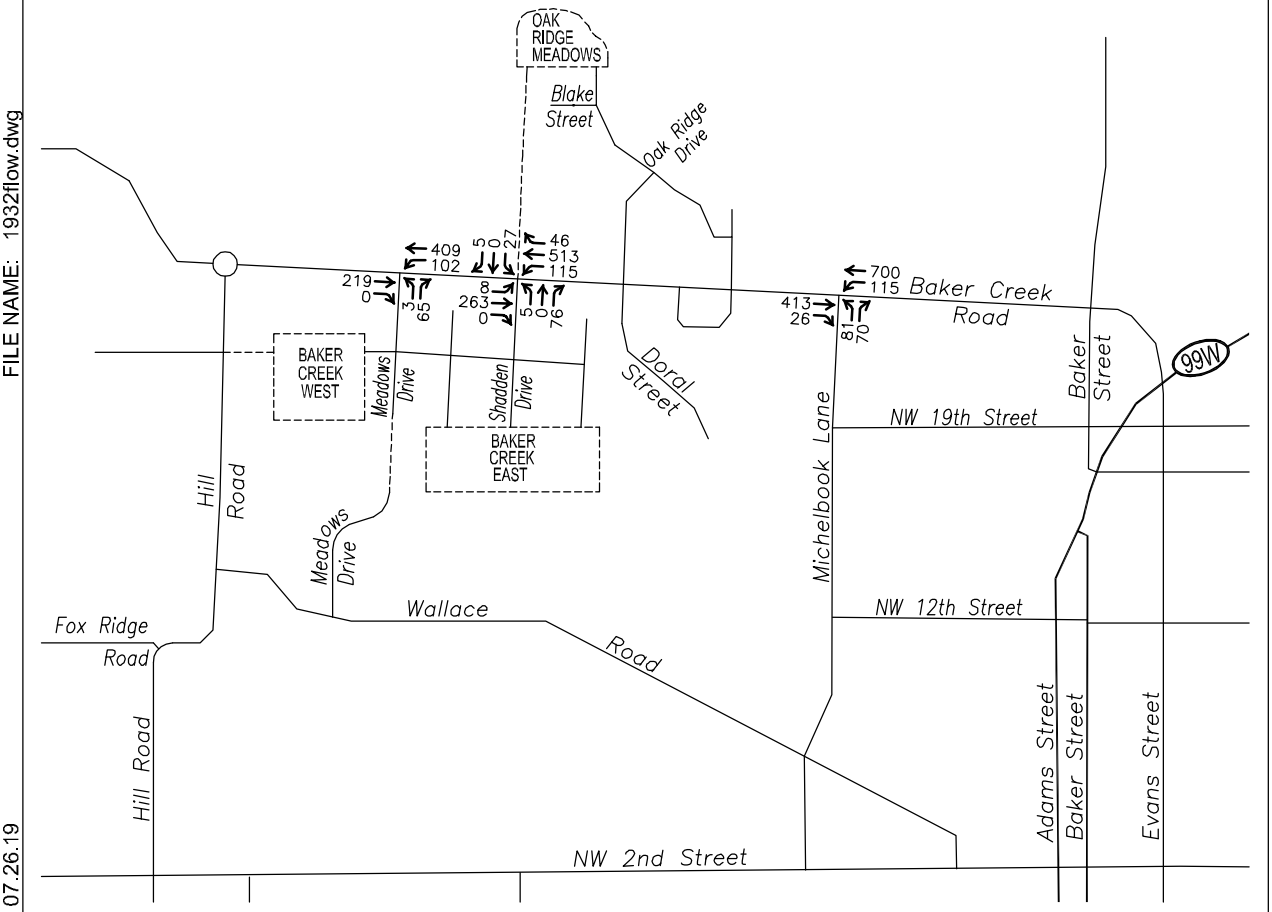
IN-PROCESS TRAFFIC
BAKER CREEK NORTH

965

FIGURE 2



AM PEAK HOUR



PM PEAK HOUR

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

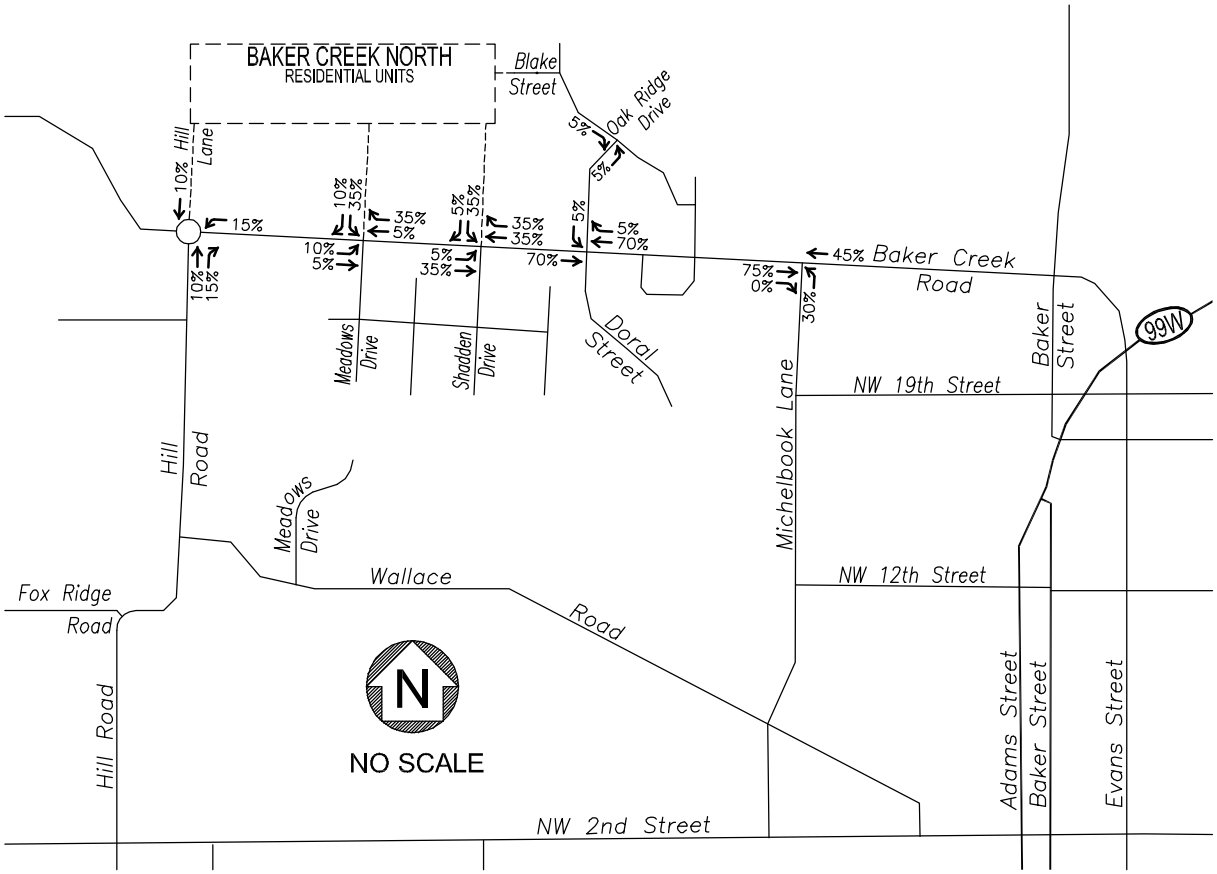
PROJECT: 19-32

NOTES: 2029 Background Traffic= 2019 Existing Traffic + growth (2.5%/yr for 10 yrs) + In-Process Traffic.

2029 BACKGROUND TRAFFIC
BAKER CREEK NORTH

966

FIGURE 3



FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

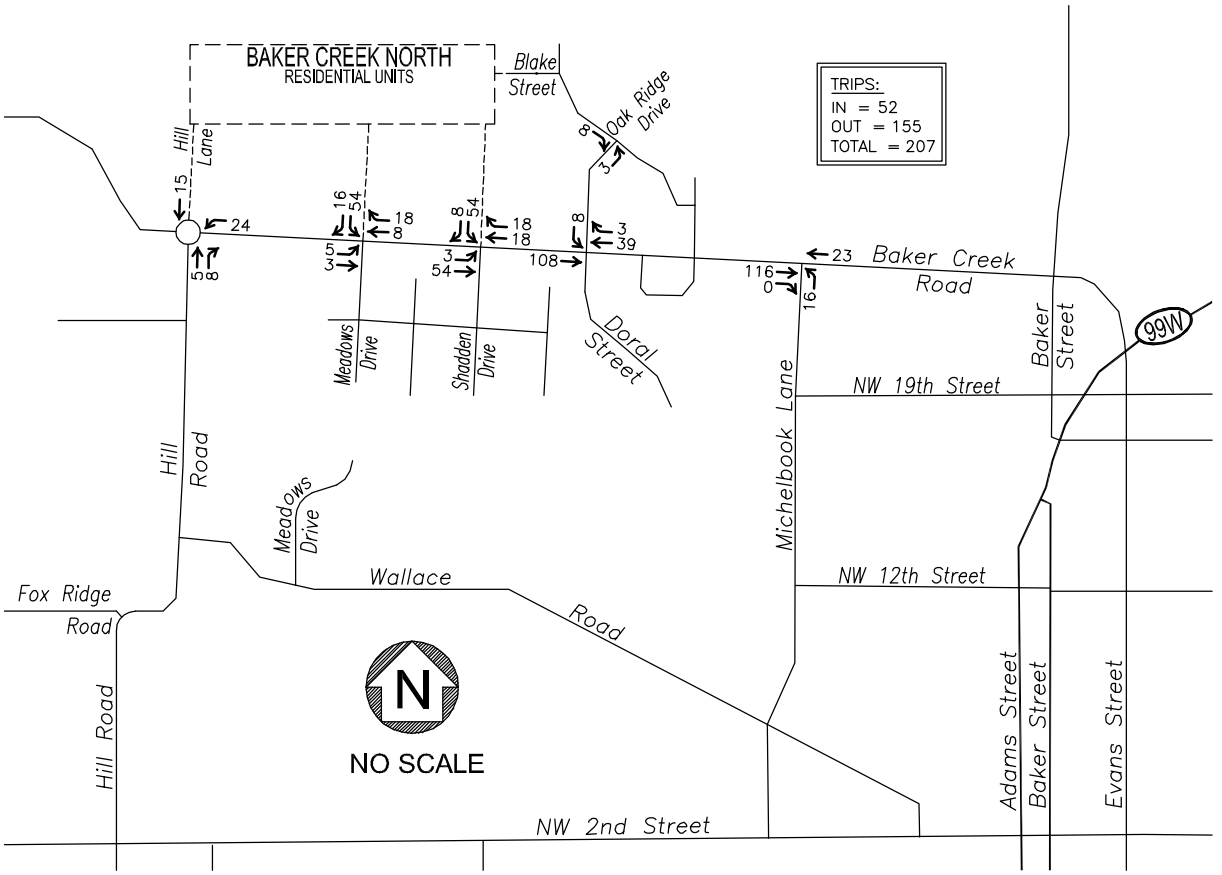
PROJECT: 19-32

NOTES: The ODOT TAZ modeling was used in the development of the site's trip distribution.

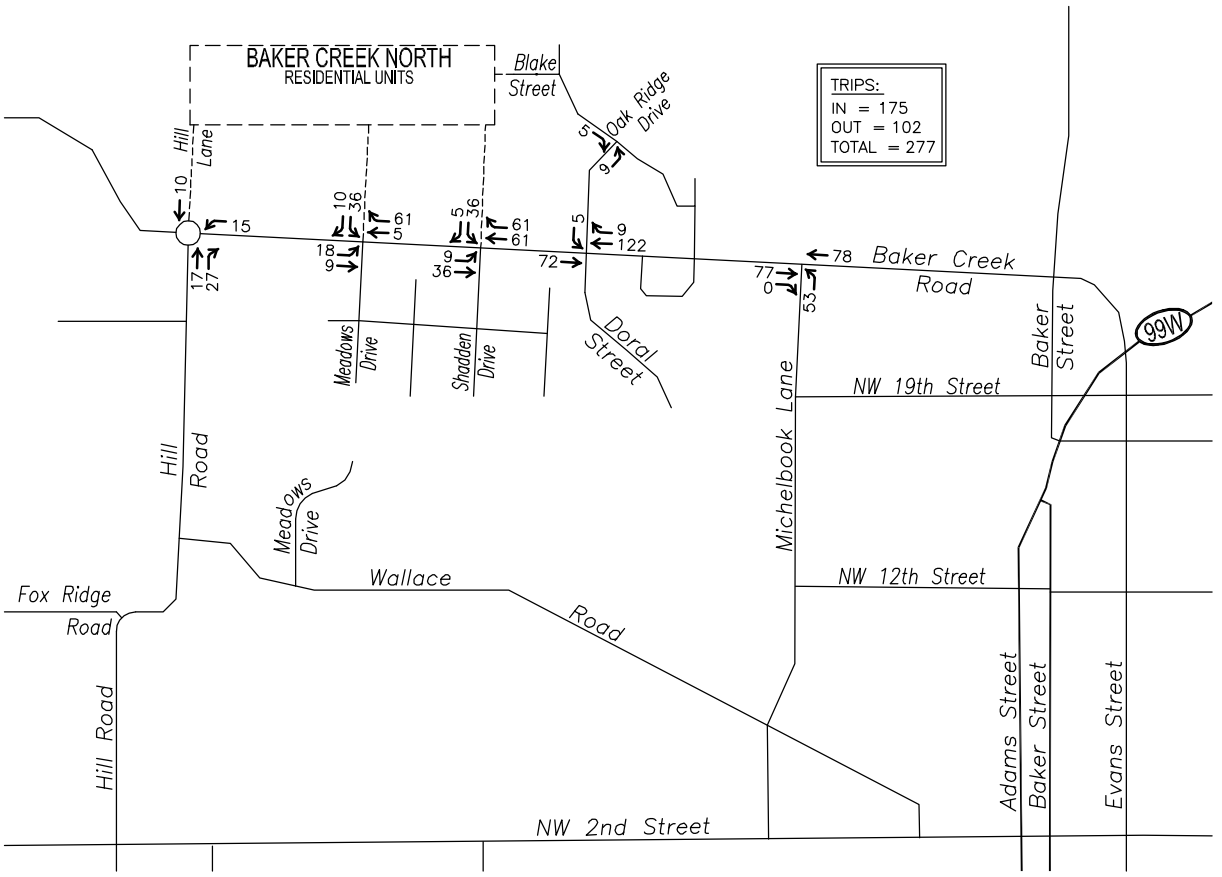
TRIP DISTRIBUTION
- RESIDENTIAL -
BAKER CREEK NORTH

967

FIGURE 4



AM PEAK HOUR



PM PEAK HOUR

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

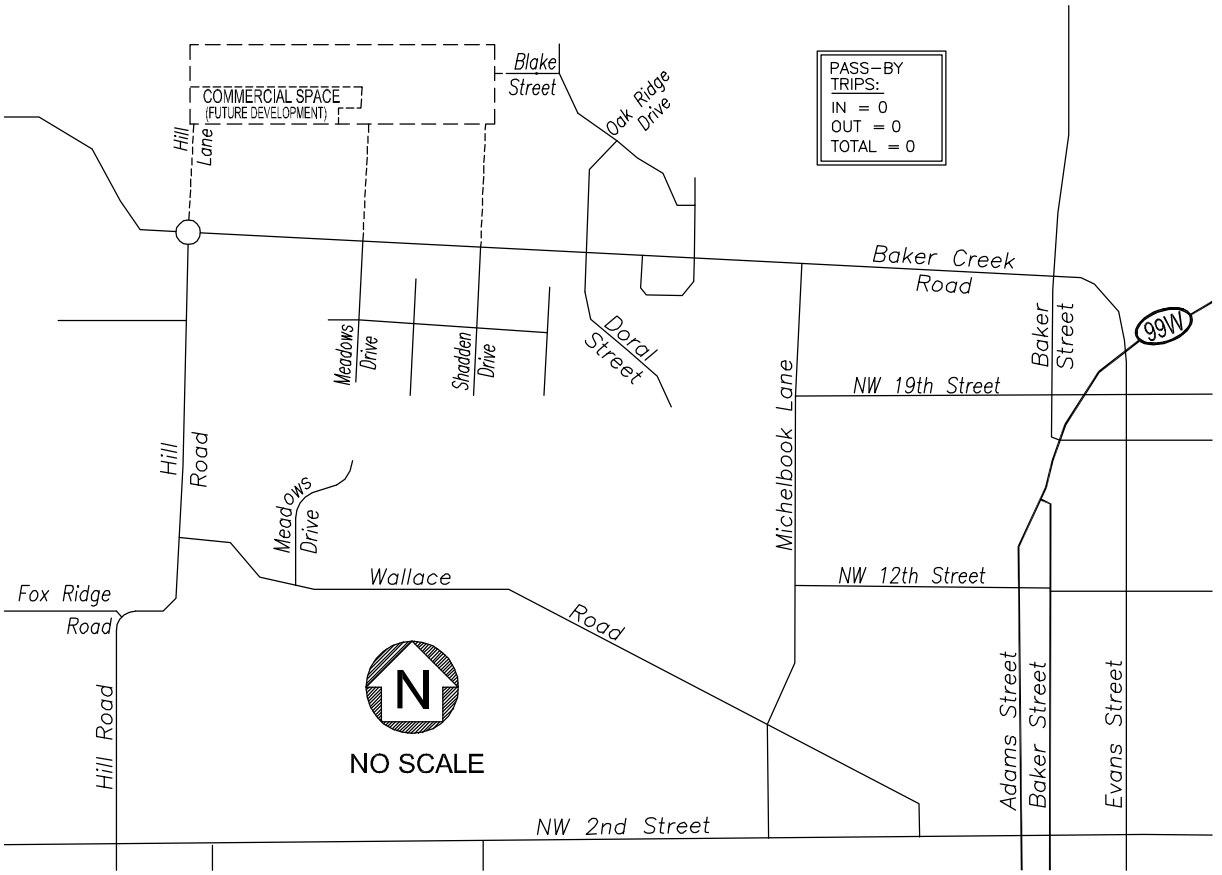
PROJECT: 19-32

NOTES: The trip generation is based on Single-Family Residential (ITE 210) trip rates.

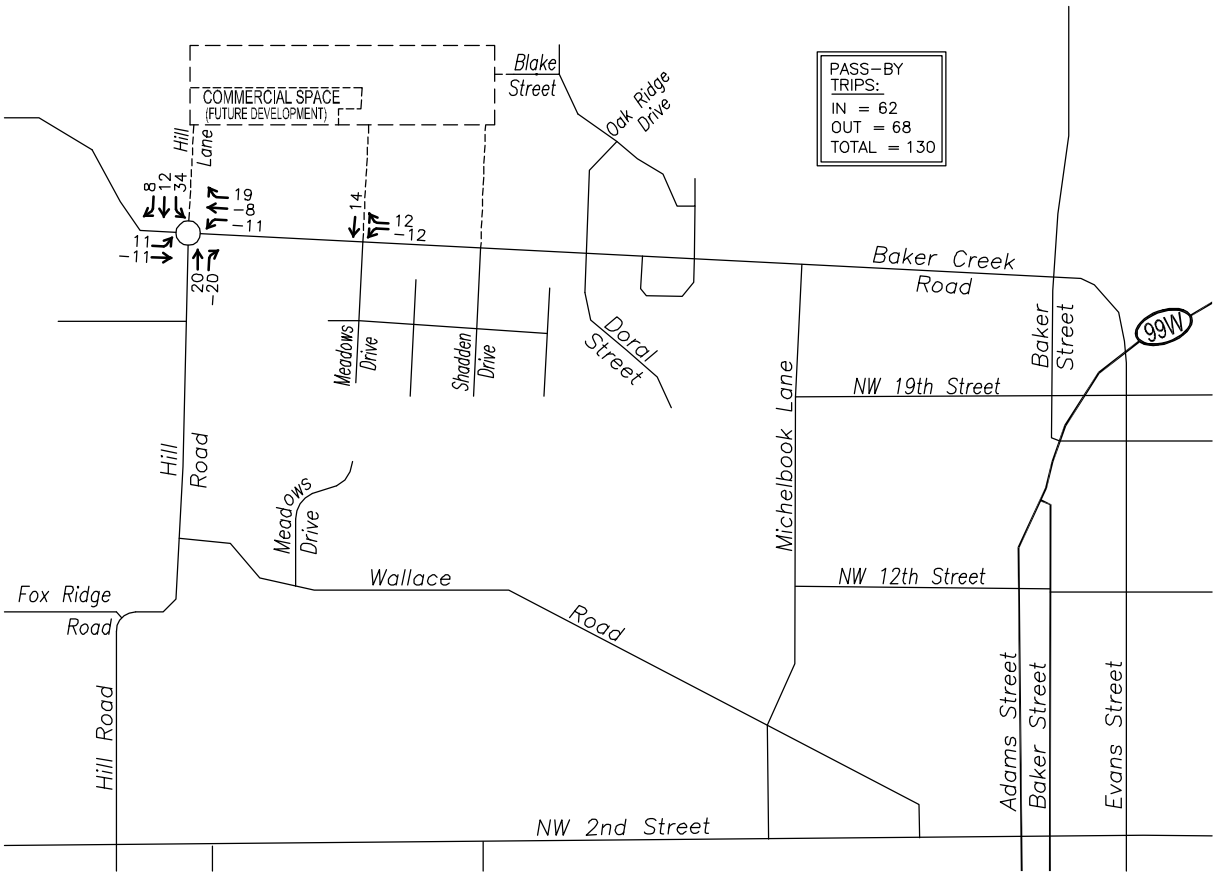
TRIP ASSIGNMENT
- RESIDENTIAL -
BAKER CREEK NORTH

968

FIGURE 5



AM PEAK HOUR



PM PEAK HOUR

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

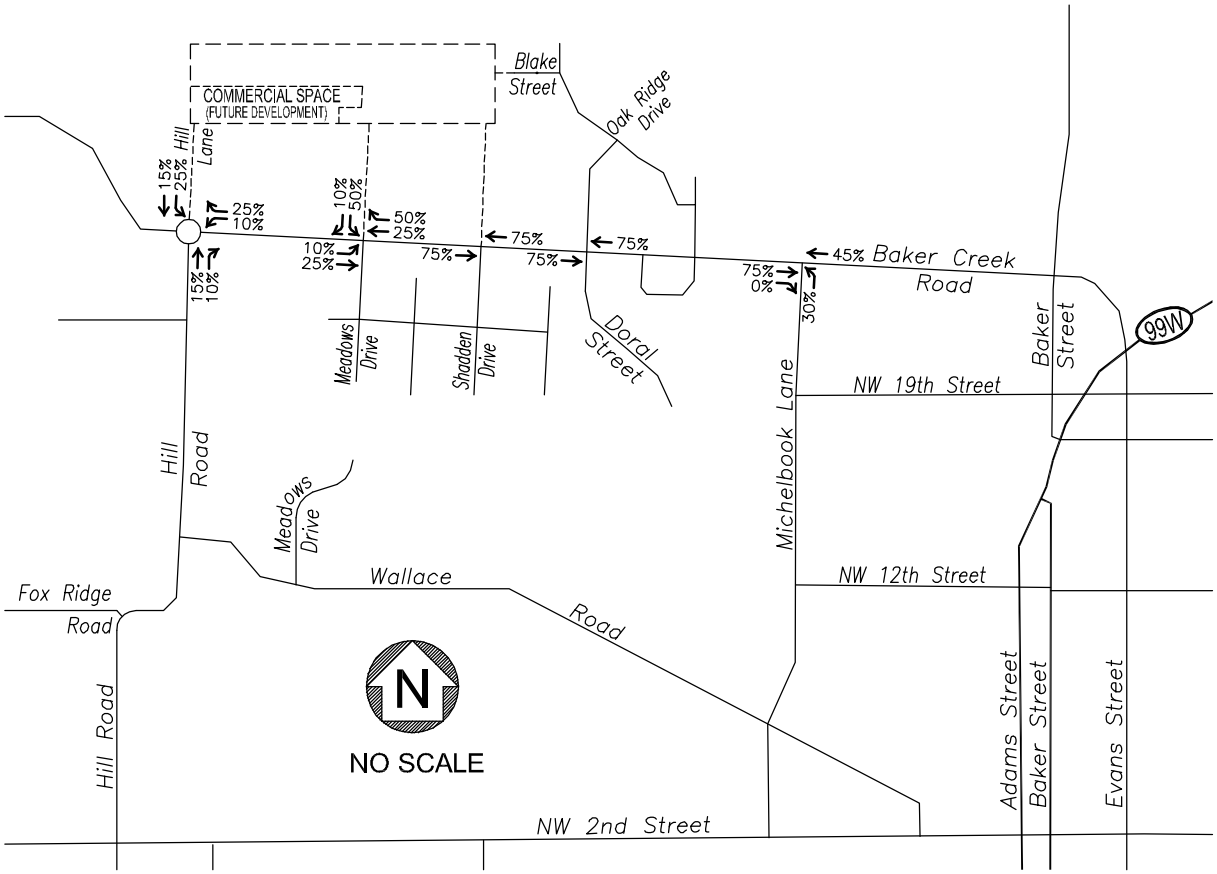
PROJECT: 19-32

NOTES: Pass-by Traffic is based on rates published in the ITE *Trip Generation* Handbook.

PASS-BY TRAFFIC
- RETAIL -
BAKER CREEK NORTH

969

FIGURE 6



FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

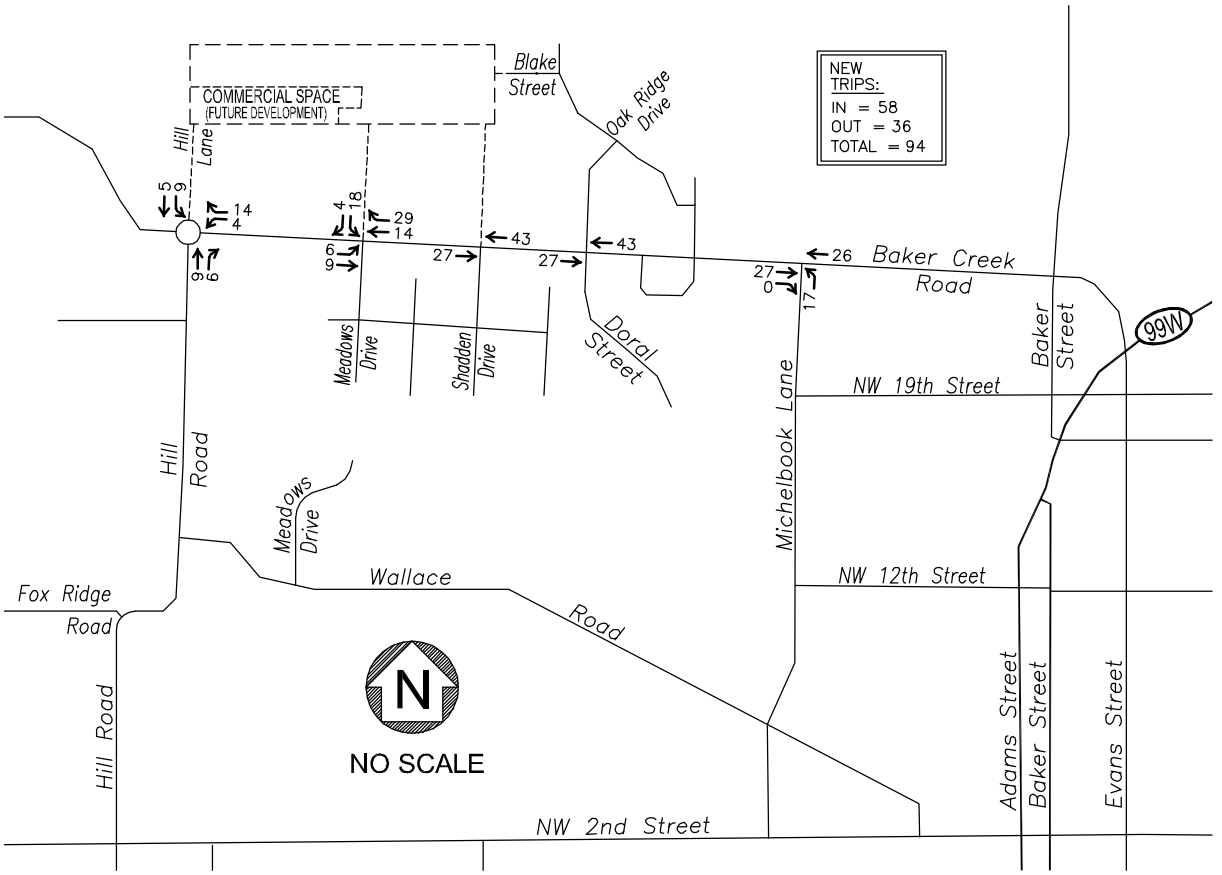
PROJECT: 19-32

NOTES: The ODOT TAZ modeling was used in the development of the site's trip distribution.

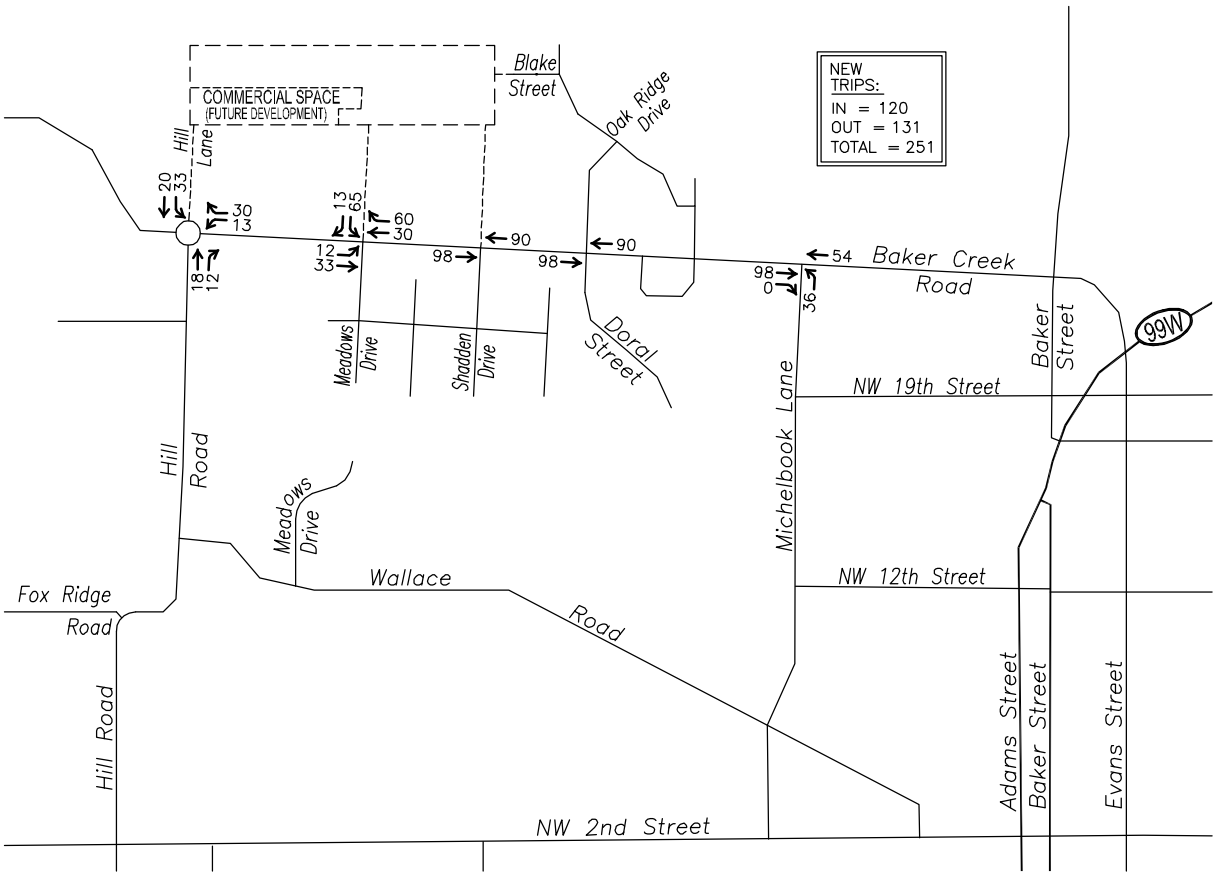
TRIP DISTRIBUTION
- RETAIL -
BAKER CREEK NORTH

970

FIGURE 7



AM PEAK HOUR



PM PEAK HOUR

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

PROJECT: 19-32

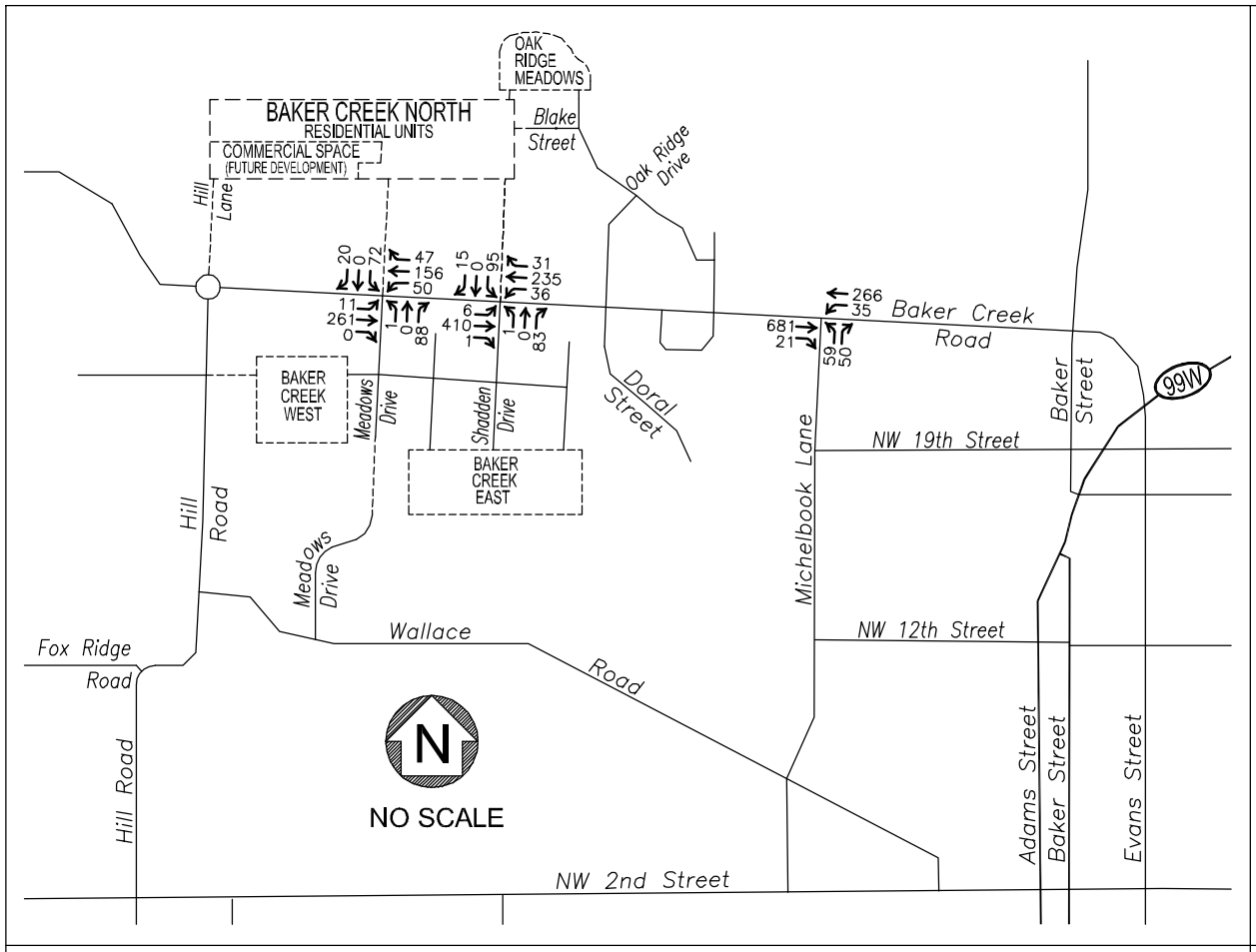
NOTES: Trip generation based on Shopping Center (ITE 820) trip rates.

New Trips = Total Trips - Pass-by Trips.

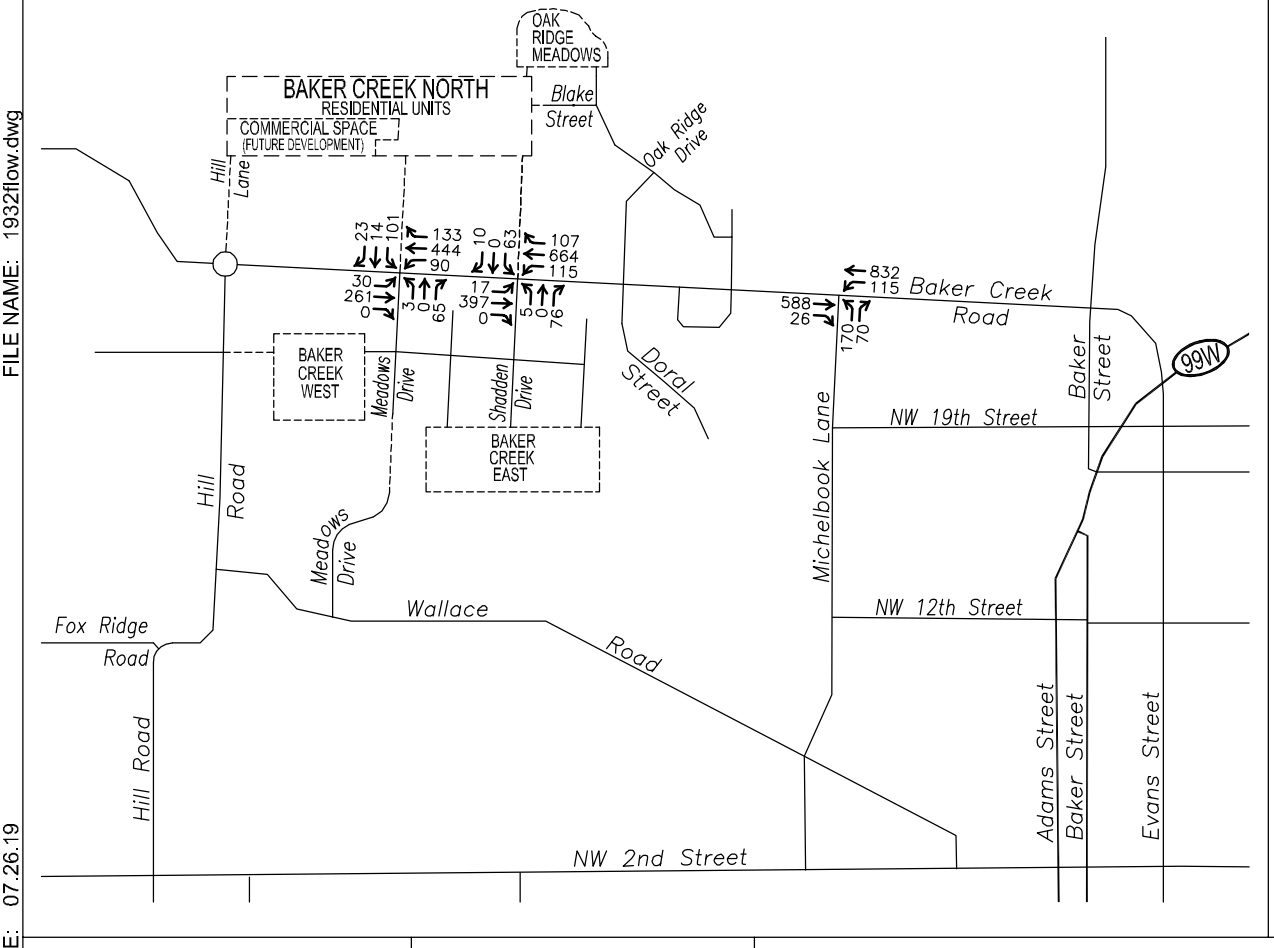
TRIP ASSIGNMENT - NEW TRIPS - RETAIL - BAKER CREEK NORTH

971

FIGURE 8



AM PEAK HOUR



PM PEAK HOUR

FILE NAME: 1932flow.dwg

PLOT DATE: 07.26.19

CHARBONNEAU ENGINEERING LLC

PROJECT: 19-32

NOTES: 2029 Total Traffic = 2029 Background Traffic + Trip Assignment (Residential, Retail Pass-by, & Retail New Trips).

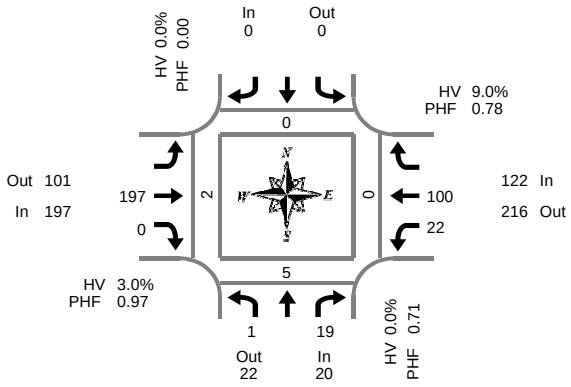
2029 TOTAL TRAFFIC
BAKER CREEK NORTH

972

FIGURE 9

Total Vehicle Summary

Clay Carney
(503) 833-2740



Peak Hour Summary
7:45 AM to 8:45 AM

NW Meadows Dr & NW Baker Creek Rd

Wednesday, July 10, 2019
7:00 AM to 9:00 AM

15-Minute Interval Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
7:00 AM	0		9	0				0		30	1	0	3	14		0	57	0	2	0	0
7:15 AM	0		9	0				0		35	1	0	0	15		0	60	0	2	0	0
7:30 AM	1		6	0				0		50	0	0	3	19		0	79	0	5	0	0
7:45 AM	0		6	0				0		51	0	0	5	34		0	96	0	0	0	0
8:00 AM	0		3	0				0		50	0	0	9	18		0	80	0	1	0	0
8:15 AM	0		4	0				0		45	0	0	4	23		0	76	0	2	0	0
8:30 AM	1		6	0				0		51	0	0	4	25		0	87	0	2	0	2
8:45 AM	1		6	0				0		33	0	0	4	32		0	76	0	1	0	0
Total Survey	3		49	0				0		345	2	0	32	180		0	611	0	15	0	2

Peak Hour Summary
7:45 AM to 8:45 AM

By Approach	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	20	22	42	0	0	0	0	0	197	101	298	0	122	216	338	0	339	0	5	0	2
%HV	0.0%				0.0%				3.0%				9.0%				5.0%				
PHF	0.71				0.00				0.97				0.78				0.88				

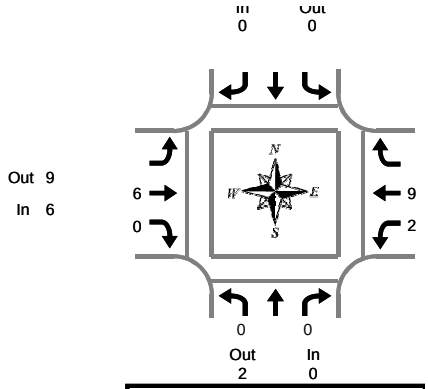
By Movement	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	1		19	20				0		197	0	197	22	100		122	339
%HV	0.0%	NA	0.0%	0.0%	NA	NA	NA	0.0%	NA	3.0%	0.0%	3.0%	9.1%	9.0%	NA	9.0%	5.0%
PHF	0.25		0.79	0.71				0.00		0.97	0.00	0.97	0.61	0.74		0.78	0.88

Rolling Hour Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
7:00 AM	1		30	0				0		166	2	0	11	82		0	292	0	9	0	0
7:15 AM	1		24	0				0		186	1	0	17	86		0	315	0	8	0	0
7:30 AM	1		19	0				0		196	0	0	21	94		0	331	0	8	0	0
7:45 AM	1		19	0				0		197	0	0	22	100		0	339	0	5	0	2
8:00 AM	2		19	0				0		179	0	0	21	98		0	319	0	6	0	2

Heavy Vehicle Summary

Clay Carney
(503) 833-2740



NW Meadows Dr & NW Baker Creek Rd

Wednesday, July 10, 2019
7:00 AM to 9:00 AM

Peak Hour Summary
7:45 AM to 8:45 AM

Heavy Vehicle 15-Minute Interval Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
7:00 AM	0		0	0				0		0	0	0	1	0		1	1
7:15 AM	0		0	0				0		1	0	1	0	2		2	3
7:30 AM	0		0	0				0		0	0	0	0	0		0	0
7:45 AM	0		0	0				0		0	0	0	0	4		4	4
8:00 AM	0		0	0				0		4	0	4	1	1		2	6
8:15 AM	0		0	0				0		0	0	0	1	3		4	4
8:30 AM	0		0	0				0		2	0	2	0	1		1	3
8:45 AM	0		0	0				0		1	0	1	0	4		4	5
Total Survey	0		0	0				0		8	0	8	3	15		18	26

Heavy Vehicle Peak Hour Summary
7:45 AM to 8:45 AM

By Approach	Northbound NW Meadows Dr			Southbound NW Meadows Dr			Eastbound NW Baker Creek Rd			Westbound NW Baker Creek Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	0	2	2	0	0	0	6	9	15	11	6	17	17
PHF	0.00			0.00			0.25			0.28			0.30

By Movement	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	0		0	0				0		6	0	6	2	9		11	17
PHF	0.00		0.00	0.00				0.00		0.25	0.00	0.25	0.25	0.28		0.28	0.30

Heavy Vehicle Rolling Hour Summary
7:00 AM to 9:00 AM

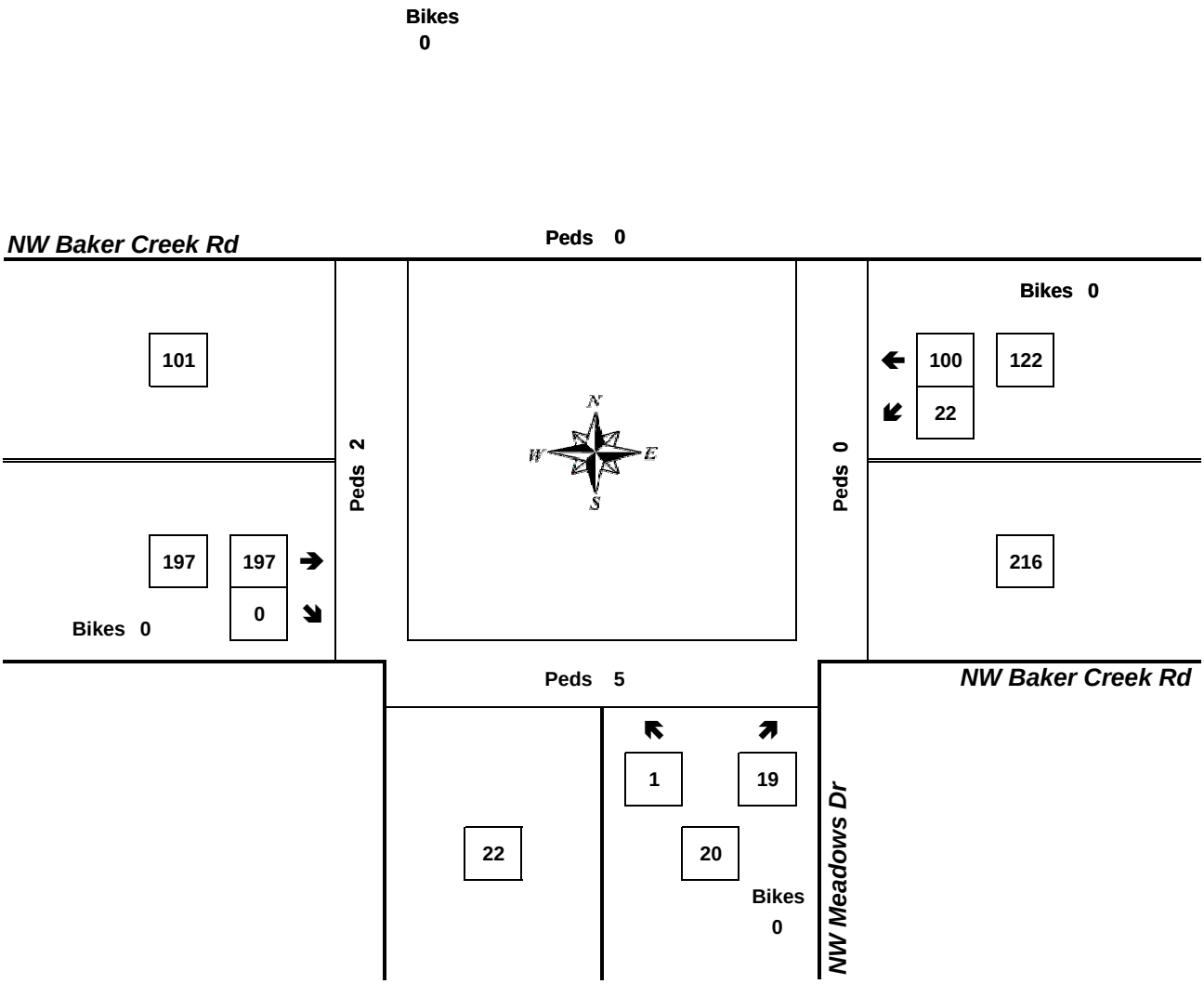
Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
7:00 AM	0		0	0				0		1	0	1	1	6		7	8
7:15 AM	0		0	0				0		5	0	5	1	7		8	13
7:30 AM	0		0	0				0		4	0	4	2	8		10	14
7:45 AM	0		0	0				0		6	0	6	2	9		11	17
8:00 AM	0		0	0				0		7	0	7	2	9		11	18

Peak Hour Summary

Clay Carney
(503) 833-2740

NW Meadows Dr & NW Baker Creek Rd

7:45 AM to 8:45 AM
Wednesday, July 10, 2019

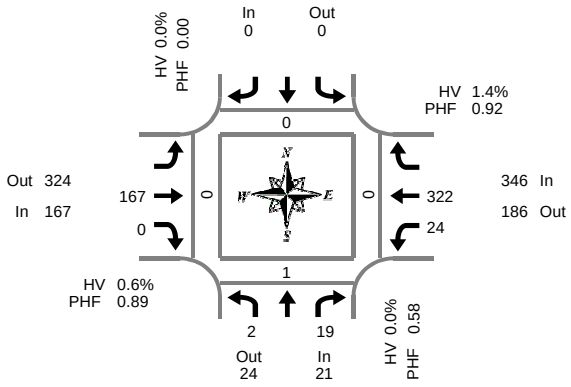


Approach	PHF	HV%	Volume
EB	0.97	3.0%	197
WB	0.78	9.0%	122
NB	0.71	0.0%	20
SB	0.00	0.0%	0
Intersection	0.88	5.0%	339

Count Period: 7:00 AM to 9:00 AM

Total Vehicle Summary

Clay Carney
(503) 833-2740



Peak Hour Summary
4:45 PM to 5:45 PM

NW Meadows Dr & NW Baker Creek Rd

Tuesday, July 09, 2019
4:00 PM to 6:00 PM

15-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
4:00 PM	0		3	0				0		38	3	0	8	60		0	112	0	0	0	0
4:15 PM	0		6	0				0		52	0	0	7	70		0	135	0	2	0	0
4:30 PM	2		4	0				0		44	1	0	3	62		0	116	0	0	0	0
4:45 PM	1		8	0				0		47	0	0	5	76		0	137	0	1	0	0
5:00 PM	0		3	0				0		41	0	0	4	90		0	138	0	0	0	0
5:15 PM	0		4	0				0		39	0	0	8	82		0	133	0	0	0	0
5:30 PM	1		4	0				0		40	0	0	7	74		0	126	0	0	0	0
5:45 PM	0		6	0				0		39	1	0	11	80		0	137	0	0	0	0
Total Survey	4		38	0				0		340	5	0	53	594		0	1,034	0	3	0	0

Peak Hour Summary
4:45 PM to 5:45 PM

By Approach	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	
Volume	21	24	45	0	0	0	0	0	167	324	491	0	346	186	532	0	534
%HV	0.0%				0.0%				0.6%				1.4%				1.1%
PHF	0.58				0.00				0.89				0.92				0.97

Pedestrians Crosswalk			
North	South	East	West
0	1	0	0

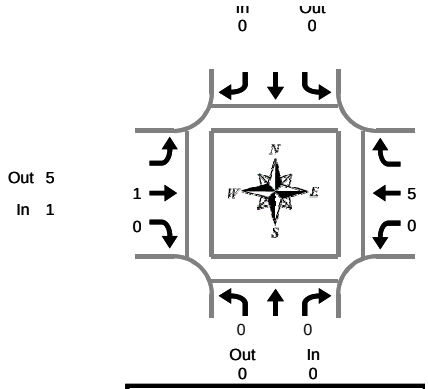
By Movement	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	2		19	21				0		167	0	167	24	322		346	534
%HV	0.0%	NA	0.0%	0.0%	NA	NA	NA	0.0%	NA	0.6%	0.0%	0.6%	0.0%	1.6%	NA	1.4%	1.1%
PHF	0.50		0.59	0.58				0.00		0.89	0.00	0.89	0.75	0.89		0.92	0.97

Rolling Hour Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
4:00 PM	3		21	0				0		181	4	0	23	268		0	500	0	3	0	0
4:15 PM	3		21	0				0		184	1	0	19	298		0	526	0	3	0	0
4:30 PM	3		19	0				0		171	1	0	20	310		0	524	0	1	0	0
4:45 PM	2		19	0				0		167	0	0	24	322		0	534	0	1	0	0
5:00 PM	1		17	0				0		159	1	0	30	326		0	534	0	0	0	0

Heavy Vehicle Summary

Clay Carney
(503) 833-2740



NW Meadows Dr & NW Baker Creek Rd

Tuesday, July 09, 2019
4:00 PM to 6:00 PM

Peak Hour Summary
4:45 PM to 5:45 PM

Heavy Vehicle 15-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
4:00 PM	0		0	0				0		1	0	1	0	0		0	1
4:15 PM	0		0	0				0		3	0	3	0	1		1	4
4:30 PM	0		0	0				0		1	0	1	0	0		0	1
4:45 PM	0		0	0				0		1	0	1	0	4		4	5
5:00 PM	0		0	0				0		0	0	0	0	0		0	0
5:15 PM	0		0	0				0		0	0	0	0	0		0	0
5:30 PM	0		0	0				0		0	0	0	0	1		1	1
5:45 PM	0		0	0				0		0	0	0	0	0		0	0
Total Survey	0		0	0				0		6	0	6	0	6		6	12

Heavy Vehicle Peak Hour Summary
4:45 PM to 5:45 PM

By Approach	Northbound NW Meadows Dr			Southbound NW Meadows Dr			Eastbound NW Baker Creek Rd			Westbound NW Baker Creek Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	0	0	0	0	0	0	1	5	6	5	1	6	6
PHF	0.00			0.00			0.05			0.25			0.15

By Movement	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	0		0	0				0		1	0	1	0	5		5	6
PHF	0.00		0.00	0.00				0.00		0.05	0.00	0.05	0.00	0.25		0.25	0.15

Heavy Vehicle Rolling Hour Summary
4:00 PM to 6:00 PM

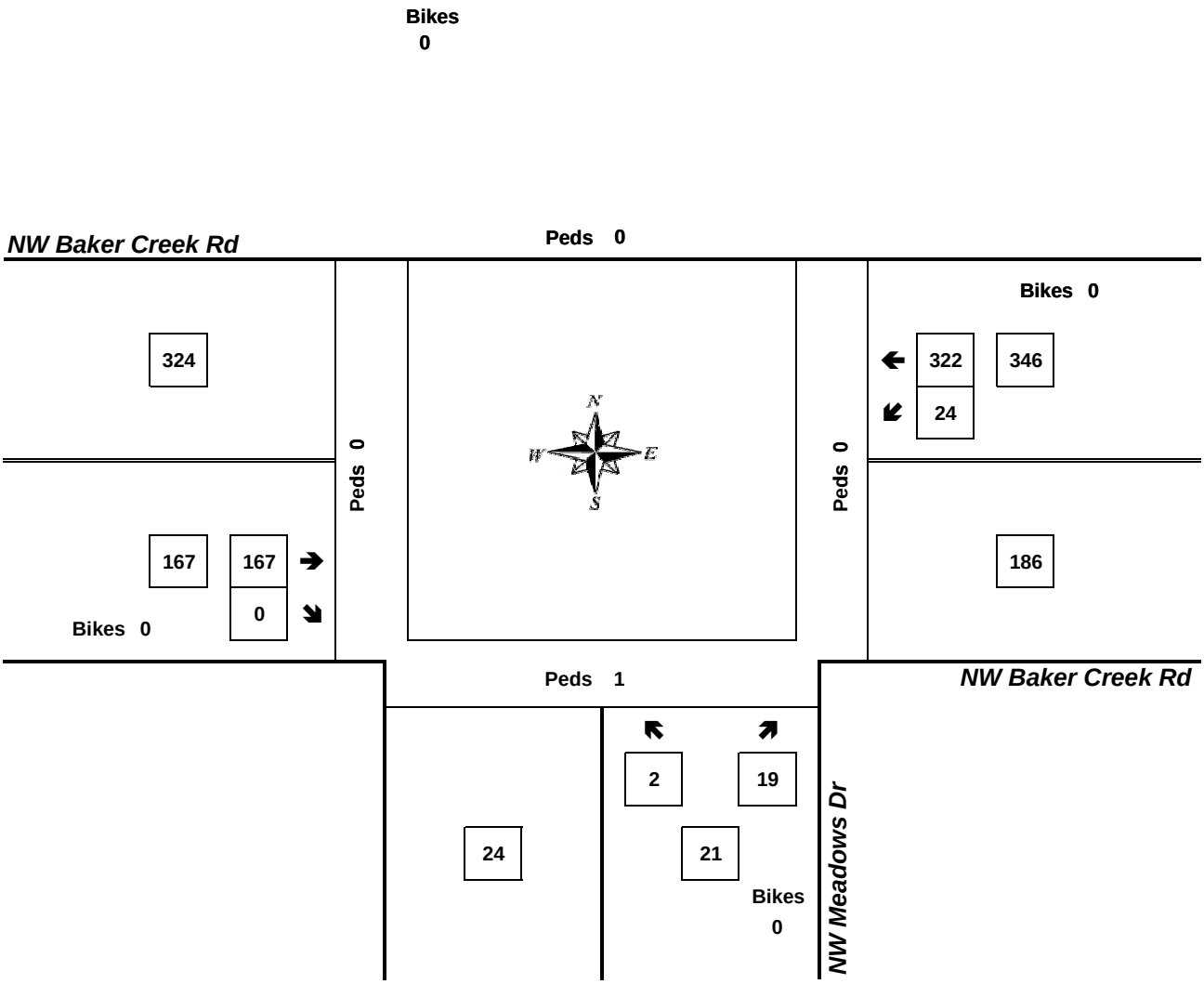
Interval Start Time	Northbound NW Meadows Dr				Southbound NW Meadows Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
4:00 PM	0		0	0				0		6	0	6	0	5		5	11
4:15 PM	0		0	0				0		5	0	5	0	5		5	10
4:30 PM	0		0	0				0		2	0	2	0	4		4	6
4:45 PM	0		0	0				0		1	0	1	0	5		5	6
5:00 PM	0		0	0				0		0	0	0	0	1		1	1

Peak Hour Summary

Clay Carney
(503) 833-2740

NW Meadows Dr & NW Baker Creek Rd

4:45 PM to 5:45 PM
Tuesday, July 09, 2019

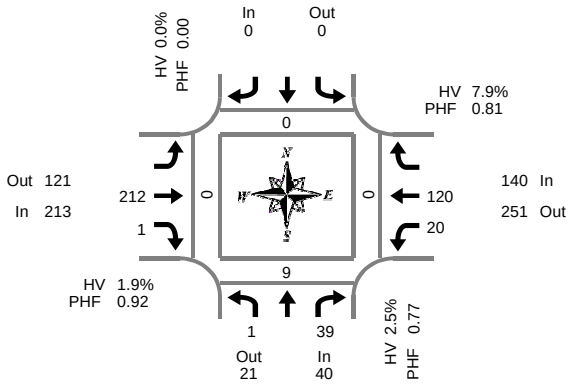


Approach	PHF	HV%	Volume
EB	0.89	0.6%	167
WB	0.92	1.4%	346
NB	0.58	0.0%	21
SB	0.00	0.0%	0
Intersection	0.97	1.1%	534

Count Period: 4:00 PM to 6:00 PM

Total Vehicle Summary

Clay Carney
(503) 833-2740



Peak Hour Summary
7:45 AM to 8:45 AM

NW Shadden Dr & NW Baker Creek Rd

Wednesday, July 10, 2019
7:00 AM to 9:00 AM

15-Minute Interval Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
7:00 AM	0		5	0				0		40	0	0	3	17		0	65	0	3	0	0
7:15 AM	0		11	0				0		45	0	0	6	15		0	77	0	2	0	0
7:30 AM	0		12	0				0		55	0	0	2	22		0	91	0	5	0	0
7:45 AM	0		10	0				0		58	0	0	5	38		0	111	0	4	0	0
8:00 AM	0		8	0				0		53	0	0	5	28		0	94	0	3	0	0
8:15 AM	0		13	0				0		47	1	0	5	27		0	93	0	0	0	0
8:30 AM	1		8	0				0		54	0	0	5	27		1	95	0	2	0	0
8:45 AM	0		6	0				0		42	0	0	3	36		0	87	0	2	1	0
Total Survey	1		73	0				0		394	1	0	34	210		1	713	0	21	1	0

Peak Hour Summary
7:45 AM to 8:45 AM

By Approach	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	
Volume	40	21	61	0	0	0	0	0	213	121	334	0	140	251	391	1	393
%HV	2.5%				0.0%				1.9%				7.9%				4.1%
PHF	0.77				0.00				0.92				0.81				0.89

Pedestrians Crosswalk			
North	South	East	West
0	9	0	0

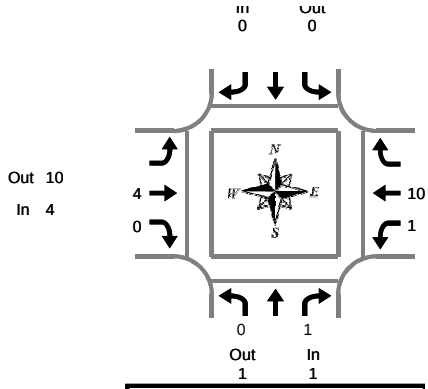
By Movement	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	1		39	40				0		212	1	213	20	120		140	393
%HV	0.0%	NA	2.6%	2.5%	NA	NA	NA	0.0%	NA	1.9%	0.0%	1.9%	5.0%	8.3%	NA	7.9%	4.1%
PHF	0.25		0.75	0.77				0.00		0.91	0.25	0.92	1.00	0.79		0.81	0.89

Rolling Hour Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
7:00 AM	0		38	0				0		198	0	0	16	92		0	344	0	14	0	0
7:15 AM	0		41	0				0		211	0	0	18	103		0	373	0	14	0	0
7:30 AM	0		43	0				0		213	1	0	17	115		0	389	0	12	0	0
7:45 AM	1		39	0				0		212	1	0	20	120		1	393	0	9	0	0
8:00 AM	1		35	0				0		196	1	0	18	118		1	369	0	7	1	0

Heavy Vehicle Summary

Clay Carney
(503) 833-2740



NW Shadden Dr & NW Baker Creek Rd

Wednesday, July 10, 2019
7:00 AM to 9:00 AM

Peak Hour Summary
7:45 AM to 8:45 AM

Heavy Vehicle 15-Minute Interval Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
7:00 AM	0		0	0				0		0	0	0	2	1		3	3
7:15 AM	0		1	1				0		1	0	1	1	2		3	5
7:30 AM	0		0	0				0		0	0	0	0	0		0	0
7:45 AM	0		0	0				0		0	0	0	0	3		3	3
8:00 AM	0		0	0				0		3	0	3	0	2		2	5
8:15 AM	0		0	0				0		0	0	0	1	4		5	5
8:30 AM	0		1	1				0		1	0	1	0	1		1	3
8:45 AM	0		1	1				0		1	0	1	0	5		5	7
Total Survey	0		3	3				0		6	0	6	4	18		22	31

Heavy Vehicle Peak Hour Summary
7:45 AM to 8:45 AM

By Approach	Northbound NW Shadden Dr			Southbound NW Shadden Dr			Eastbound NW Baker Creek Rd			Westbound NW Baker Creek Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	1	1	2	0	0	0	4	10	14	11	5	16	16
PHF	0.13			0.00			0.25			0.25			0.27

By Movement	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	0		1	1				0		4	0	4	1	10		11	16
PHF	0.00		0.13	0.13				0.00		0.25	0.00	0.25	0.08	0.25		0.25	0.27

Heavy Vehicle Rolling Hour Summary
7:00 AM to 9:00 AM

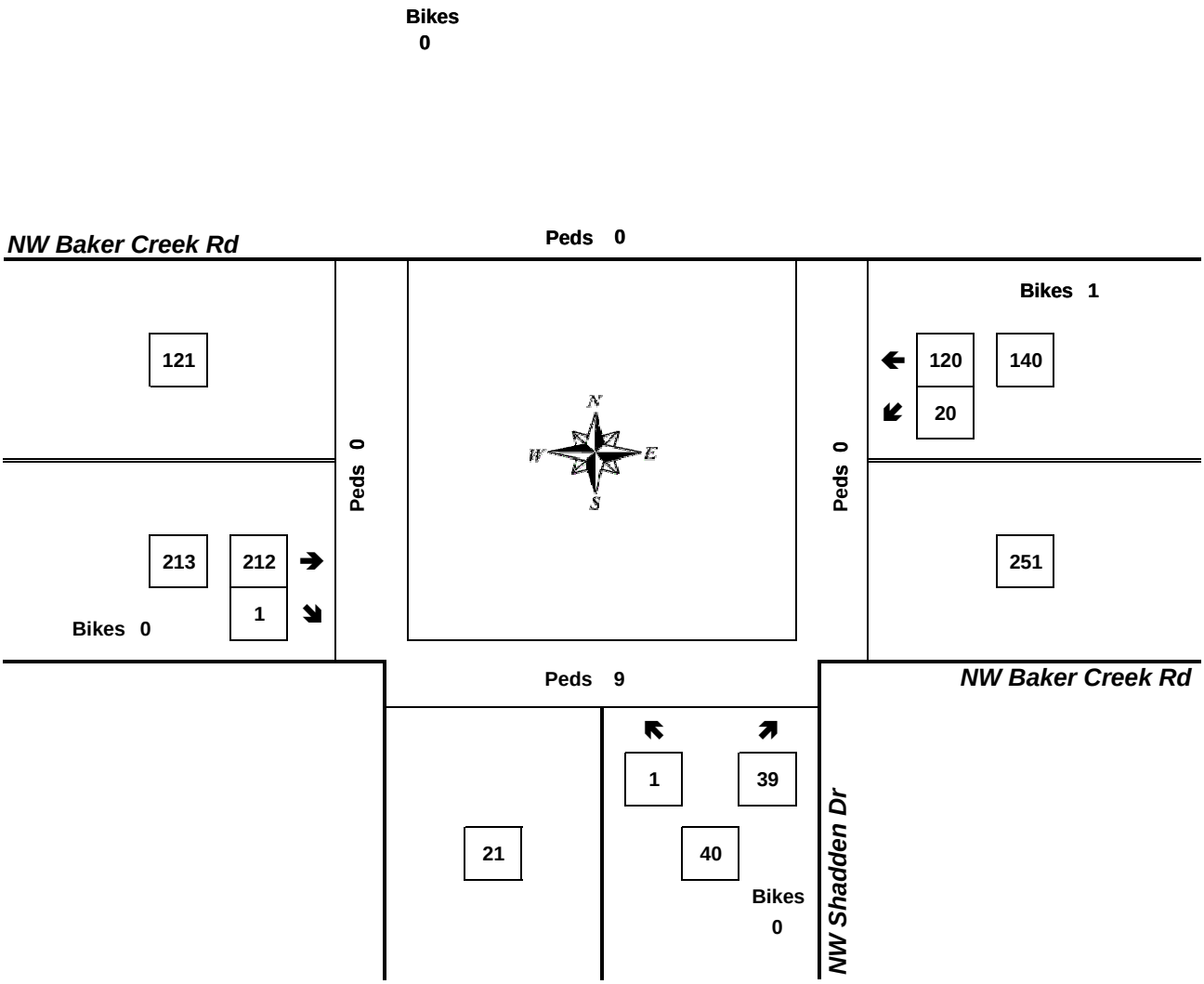
Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
7:00 AM	0		1	1				0		1	0	1	3	6		9	11
7:15 AM	0		1	1				0		4	0	4	1	7		8	13
7:30 AM	0		0	0				0		3	0	3	1	9		10	13
7:45 AM	0		1	1				0		4	0	4	1	10		11	16
8:00 AM	0		2	2				0		5	0	5	1	12		13	20

Peak Hour Summary

Clay Carney
(503) 833-2740

NW Shadden Dr & NW Baker Creek Rd

7:45 AM to 8:45 AM
Wednesday, July 10, 2019

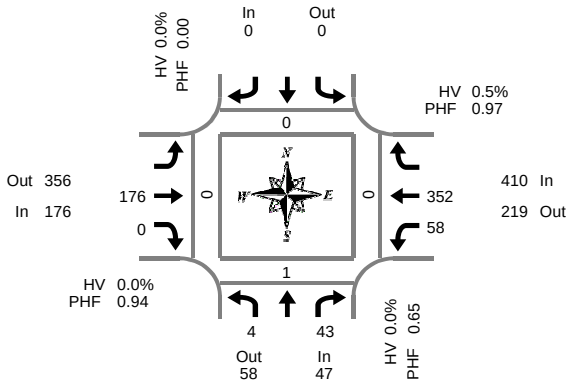


Approach	PHF	HV%	Volume
EB	0.92	1.9%	213
WB	0.81	7.9%	140
NB	0.77	2.5%	40
SB	0.00	0.0%	0
Intersection	0.89	4.1%	393

Count Period: 7:00 AM to 9:00 AM

Total Vehicle Summary

Clay Carney
(503) 833-2740



Peak Hour Summary
5:00 PM to 6:00 PM

NW Shadden Dr & NW Baker Creek Rd

Tuesday, July 09, 2019
4:00 PM to 6:00 PM

15-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
4:00 PM	0		12	0				0		42	0	0	15	67		0	136	0	0	0	0
4:15 PM	1		9	0				0		58	0	0	20	77		0	165	0	0	0	0
4:30 PM	0		7	0				0		50	0	0	15	64		0	136	0	2	0	0
4:45 PM	0		9	0				0		56	1	0	14	81		1	161	0	2	0	0
5:00 PM	0		11	0				0		43	0	0	12	94		0	160	0	0	0	0
5:15 PM	2		10	0				0		41	0	0	12	87		0	152	0	0	0	0
5:30 PM	1		5	0				0		47	0	0	19	81		0	153	0	0	0	0
5:45 PM	1		17	0				0		45	0	0	15	90		0	168	0	1	0	0
Total Survey	5		80	0				0		382	1	0	122	641		1	1,231	0	5	0	0

Peak Hour Summary
5:00 PM to 6:00 PM

By Approach	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	47	58	105	0	0	0	0	0	176	356	532	0	410	219	629	0	633	0	1	0	0
%HV	0.0%				0.0%				0.0%				0.5%				0.3%				
PHF	0.65				0.00				0.94				0.97				0.94				

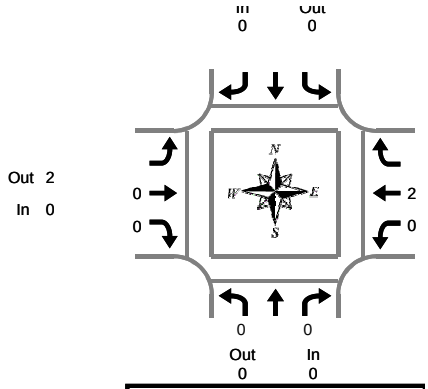
By Movement	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	4		43	47				0		176	0	176	58	352		410	633
%HV	0.0%	NA	0.0%	0.0%	NA	NA	NA	0.0%	NA	0.0%	0.0%	0.0%	0.0%	0.6%	NA	0.5%	0.3%
PHF	0.50		0.63	0.65				0.00		0.94	0.00	0.94	0.76	0.94		0.97	0.94

Rolling Hour Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
4:00 PM	1		37	0				0		206	1	0	64	289		1	598	0	4	0	0
4:15 PM	1		36	0				0		207	1	0	61	316		1	622	0	4	0	0
4:30 PM	2		37	0				0		190	1	0	53	326		1	609	0	4	0	0
4:45 PM	3		35	0				0		187	1	0	57	343		1	626	0	2	0	0
5:00 PM	4		43	0				0		176	0	0	58	352		0	633	0	1	0	0

Heavy Vehicle Summary

Clay Carney
(503) 833-2740



NW Shadden Dr & NW Baker Creek Rd

Tuesday, July 09, 2019
4:00 PM to 6:00 PM

Peak Hour Summary
5:00 PM to 6:00 PM

Heavy Vehicle 15-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
4:00 PM	0		0	0				0		1	0	1	0	0		0	1
4:15 PM	0		0	0				0		3	0	3	0	1		1	4
4:30 PM	0		0	0				0		1	0	1	0	0		0	1
4:45 PM	0		0	0				0		1	0	1	0	4		4	5
5:00 PM	0		0	0				0		0	0	0	0	0		0	0
5:15 PM	0		0	0				0		0	0	0	0	0		0	0
5:30 PM	0		0	0				0		0	0	0	0	2		2	2
5:45 PM	0		0	0				0		0	0	0	0	0		0	0
Total Survey	0		0	0				0		6	0	6	0	7		7	13

Heavy Vehicle Peak Hour Summary
5:00 PM to 6:00 PM

By Approach	Northbound NW Shadden Dr			Southbound NW Shadden Dr			Eastbound NW Baker Creek Rd			Westbound NW Baker Creek Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	0	0	0	0	0	0	0	2	2	2	0	2	2
PHF	0.00			0.00			0.00			0.10			0.05

By Movement	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	0		0	0				0		0	0	0	0	2		2	2
PHF	0.00		0.00	0.00				0.00		0.00	0.00	0.00	0.00	0.10		0.10	0.05

Heavy Vehicle Rolling Hour Summary
4:00 PM to 6:00 PM

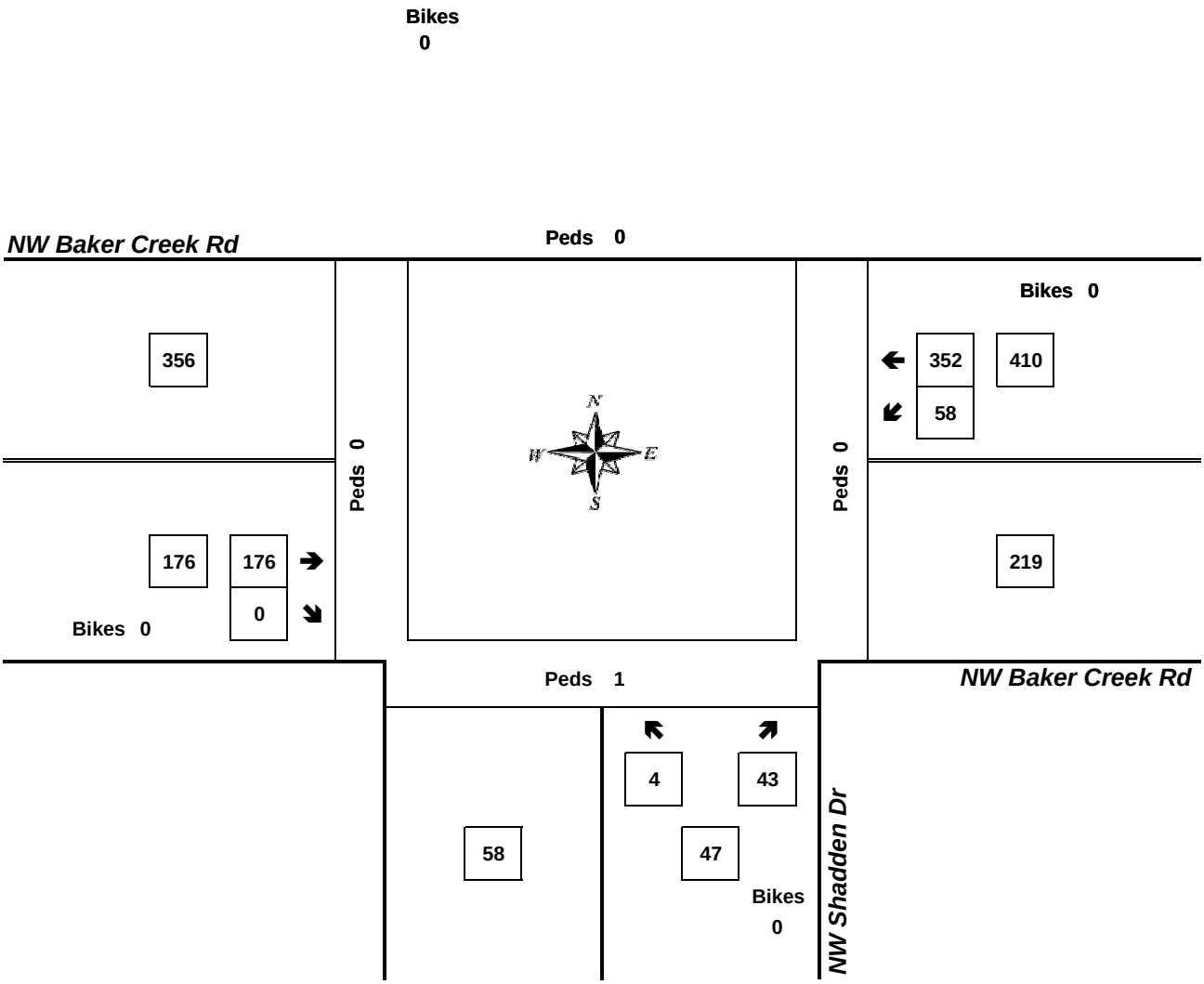
Interval Start Time	Northbound NW Shadden Dr				Southbound NW Shadden Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
4:00 PM	0		0	0				0		6	0	6	0	5		5	11
4:15 PM	0		0	0				0		5	0	5	0	5		5	10
4:30 PM	0		0	0				0		2	0	2	0	4		4	6
4:45 PM	0		0	0				0		1	0	1	0	6		6	7
5:00 PM	0		0	0				0		0	0	0	0	2		2	2

Peak Hour Summary

Clay Carney
(503) 833-2740

NW Shadden Dr & NW Baker Creek Rd

5:00 PM to 6:00 PM
Tuesday, July 09, 2019

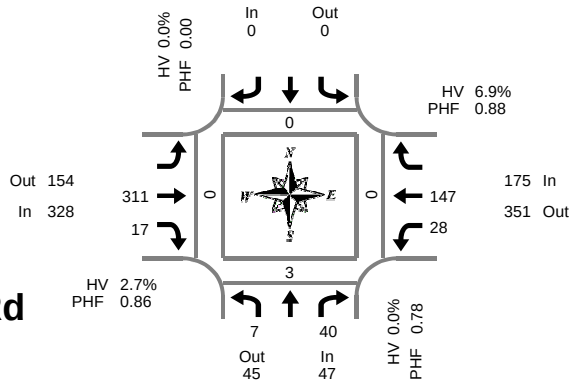


Approach	PHF	HV%	Volume
EB	0.94	0.0%	176
WB	0.97	0.5%	410
NB	0.65	0.0%	47
SB	0.00	0.0%	0
Intersection	0.94	0.3%	633

Count Period: 4:00 PM to 6:00 PM

Total Vehicle Summary

Clay Carney
(503) 833-2740



Peak Hour Summary
7:45 AM to 8:45 AM

NW Michelbrook Ln & NW Baker Creek Rd

Wednesday, July 10, 2019
7:00 AM to 9:00 AM

15-Minute Interval Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
7:00 AM	3		7	0				0		54	1	0	2	19		0	86	0	0	0	0
7:15 AM	0		7	0				0		61	3	0	5	22		0	98	0	2	0	0
7:30 AM	0		8	0				0		68	3	0	5	28		0	112	0	4	0	0
7:45 AM	0		13	0				0		91	4	0	3	42		0	153	0	0	0	0
8:00 AM	3		8	0				0		65	4	0	8	35		0	123	0	2	0	0
8:15 AM	2		6	0				0		73	3	0	7	30		0	121	0	0	0	0
8:30 AM	2		13	0				0		82	6	0	10	40		0	153	0	1	0	0
8:45 AM	2		12	0				0		60	8	0	4	46		0	132	0	2	0	0
Total Survey	12		74	0				0		554	32	0	44	262		0	978	0	11	0	0

Peak Hour Summary
7:45 AM to 8:45 AM

By Approach	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	
Volume	47	45	92	0	0	0	0	0	328	154	482	0	175	351	526	0	550
%HV	0.0%				0.0%				2.7%				6.9%				3.8%
PHF	0.78				0.00				0.86				0.88				0.90

Pedestrians Crosswalk			
North	South	East	West
0	3	0	0

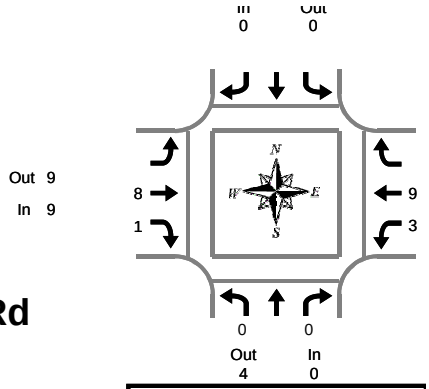
By Movement	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	7		40	47				0		311	17	328	28	147		175	550
%HV	0.0%	NA	0.0%	0.0%	NA	NA	NA	0.0%	NA	2.6%	5.9%	2.7%	10.7%	6.1%	NA	6.9%	3.8%
PHF	0.58		0.77	0.78				0.00		0.85	0.71	0.86	0.70	0.88		0.88	0.90

Rolling Hour Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
7:00 AM	3		35	0				0		274	11	0	15	111		0	449	0	6	0	0
7:15 AM	3		36	0				0		285	14	0	21	127		0	486	0	8	0	0
7:30 AM	5		35	0				0		297	14	0	23	135		0	509	0	6	0	0
7:45 AM	7		40	0				0		311	17	0	28	147		0	550	0	3	0	0
8:00 AM	9		39	0				0		280	21	0	29	151		0	529	0	5	0	0

Heavy Vehicle Summary

Clay Carney
(503) 833-2740



NW Michelbrook Ln & NW Baker Creek Rd

Wednesday, July 10, 2019
7:00 AM to 9:00 AM

Peak Hour Summary
7:45 AM to 8:45 AM

Heavy Vehicle 15-Minute Interval Summary
7:00 AM to 9:00 AM

Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
7:00 AM	0		0	0				0		0	0	0	0	3		3	3
7:15 AM	0		1	1				0		2	0	2	0	2		2	5
7:30 AM	0		1	1				0		1	0	1	1	0		1	3
7:45 AM	0		0	0				0		0	0	0	1	2		3	3
8:00 AM	0		0	0				0		6	0	6	0	3		3	9
8:15 AM	0		0	0				0		0	0	0	1	3		4	4
8:30 AM	0		0	0				0		2	1	3	1	1		2	5
8:45 AM	0		0	0				0		3	1	4	0	4		4	8
Total Survey	0		2	2				0		14	2	16	4	18		22	40

Heavy Vehicle Peak Hour Summary
7:45 AM to 8:45 AM

By Approach	Northbound NW Michelbrook Ln			Southbound NW Michelbrook Ln			Eastbound NW Baker Creek Rd			Westbound NW Baker Creek Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	0	4	4	0	0	0	9	9	18	12	8	20	21
PHF	0.00			0.00			0.25			0.30			0.29

By Movement	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	0		0	0				0		8	1	9	3	9		12	21
PHF	0.00		0.00	0.00				0.00		0.25	0.13	0.25	0.38	0.28		0.30	0.29

Heavy Vehicle Rolling Hour Summary
7:00 AM to 9:00 AM

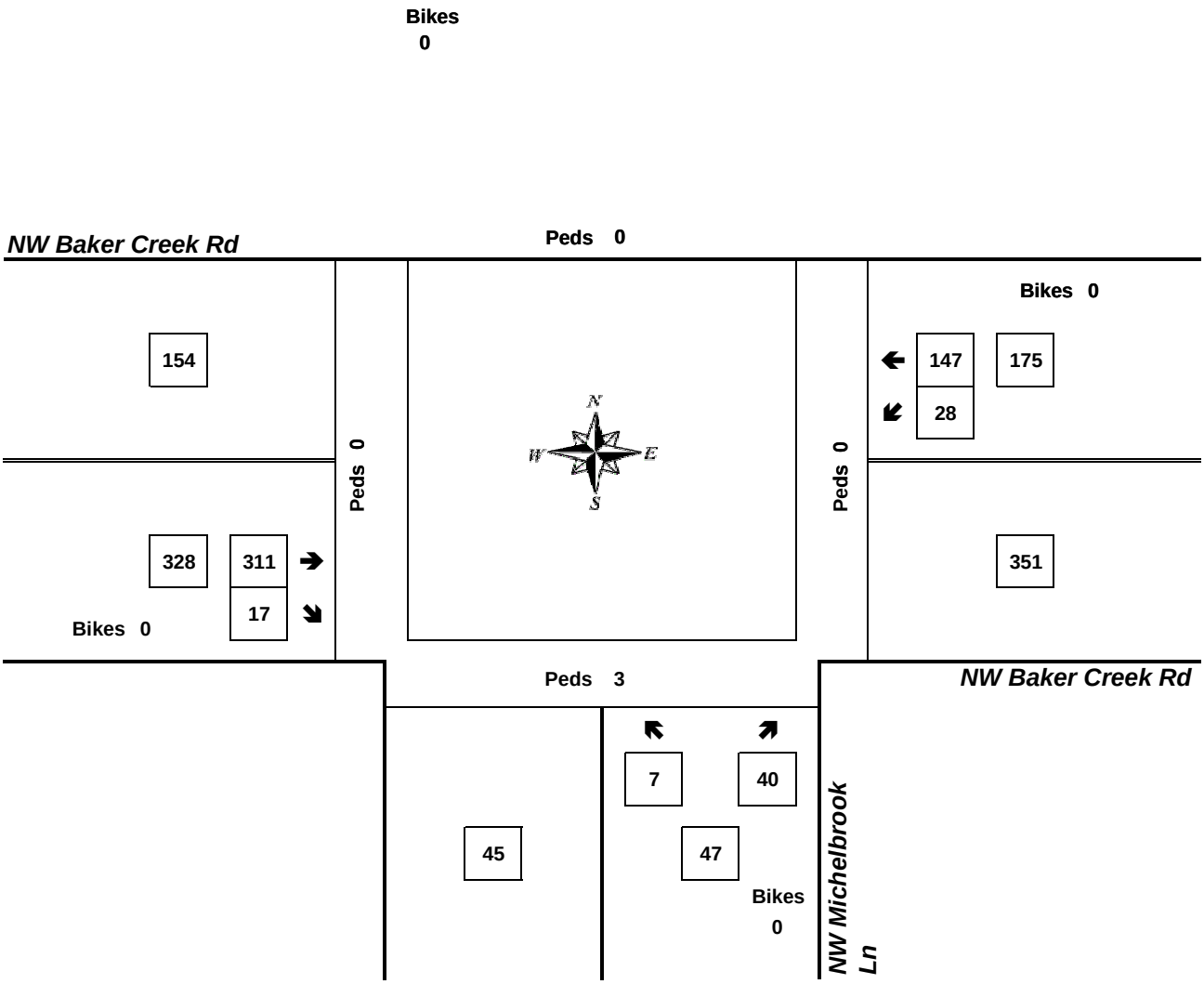
Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
7:00 AM	0		2	2				0		3	0	3	2	7		9	14
7:15 AM	0		2	2				0		9	0	9	2	7		9	20
7:30 AM	0		1	1				0		7	0	7	3	8		11	19
7:45 AM	0		0	0				0		8	1	9	3	9		12	21
8:00 AM	0		0	0				0		11	2	13	2	11		13	26

Peak Hour Summary

Clay Carney
(503) 833-2740

NW Michelbrook Ln & NW Baker Creek Rd

7:45 AM to 8:45 AM
Wednesday, July 10, 2019

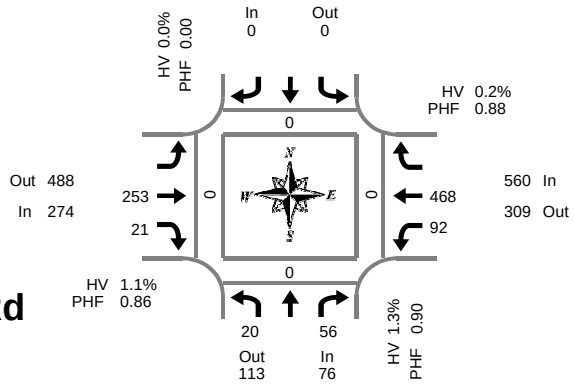


Approach	PHF	HV%	Volume
EB	0.86	2.7%	328
WB	0.88	6.9%	175
NB	0.78	0.0%	47
SB	0.00	0.0%	0
Intersection	0.90	3.8%	550

Count Period: 7:00 AM to 9:00 AM

Total Vehicle Summary

Clay Carney
(503) 833-2740



Peak Hour Summary
5:00 PM to 6:00 PM

NW Michelbrook Ln & NW Baker Creek Rd

Tuesday, July 09, 2019
4:00 PM to 6:00 PM

15-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
4:00 PM	7		14	0				0		67	5	0	22	88		0	203	0	0	0	0
4:15 PM	7		15	0				0		64	3	0	16	108		0	213	0	0	0	0
4:30 PM	8		15	0				0		63	3	0	19	93		0	201	0	0	0	0
4:45 PM	1		20	1				0		67	6	0	24	114		0	232	0	1	0	0
5:00 PM	3		16	1				0		56	6	0	28	131		0	240	0	0	0	0
5:15 PM	4		13	0				0		59	5	0	25	107		0	213	0	0	0	0
5:30 PM	9		12	0				0		62	6	0	20	107		0	216	0	0	0	0
5:45 PM	4		15	1				0		76	4	0	19	123		0	241	0	0	0	0
Total Survey	43		120	3				0		514	38	0	173	871		0	1,759	0	1	0	0

Peak Hour Summary
5:00 PM to 6:00 PM

By Approach	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	
Volume	76	113	189	2	0	0	0	0	274	488	762	0	560	309	869	0	910
%HV	1.3%				0.0%				1.1%				0.2%				0.5%
PHF	0.90				0.00				0.86				0.88				0.94

Pedestrians Crosswalk			
North	South	East	West
0	0	0	0

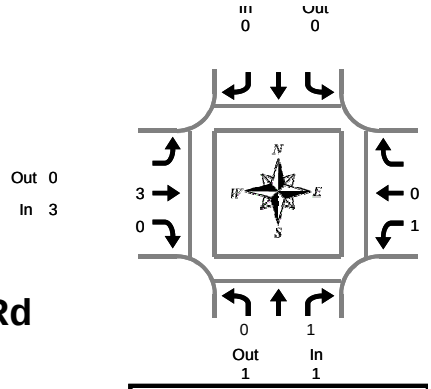
By Movement	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	20		56	76				0		253	21	274	92	468		560	910
%HV	0.0%	NA	1.8%	1.3%	NA	NA	NA	0.0%	NA	1.2%	0.0%	1.1%	1.1%	0.0%	NA	0.2%	0.5%
PHF	0.56		0.88	0.90				0.00		0.83	0.88	0.86	0.82	0.89		0.88	0.94

Rolling Hour Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total	Pedestrians Crosswalk			
	L		R	Bikes				Bikes		T	R	Bikes	L	T		Bikes		North	South	East	West
4:00 PM	23		64	1				0		261	17	0	81	403		0	849	0	1	0	0
4:15 PM	19		66	2				0		250	18	0	87	446		0	886	0	1	0	0
4:30 PM	16		64	2				0		245	20	0	96	445		0	886	0	1	0	0
4:45 PM	17		61	2				0		244	23	0	97	459		0	901	0	1	0	0
5:00 PM	20		56	2				0		253	21	0	92	468		0	910	0	0	0	0

Heavy Vehicle Summary

Clay Carney
(503) 833-2740



NW Michelbrook Ln & NW Baker Creek Rd

Tuesday, July 09, 2019
4:00 PM to 6:00 PM

Peak Hour Summary
5:00 PM to 6:00 PM

Heavy Vehicle 15-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
4:00 PM	0		0	0				0		2	1	3	0	0		0	3
4:15 PM	0		0	0				0		2	0	2	0	1		1	3
4:30 PM	0		0	0				0		1	0	1	0	0		0	1
4:45 PM	0		0	0				0		1	0	1	0	2		2	3
5:00 PM	0		1	1				0		0	0	0	0	0		0	1
5:15 PM	0		0	0				0		1	0	1	1	0		1	2
5:30 PM	0		0	0				0		0	0	0	0	0		0	0
5:45 PM	0		0	0				0		2	0	2	0	0		0	2
Total Survey	0		1	1				0		9	1	10	1	3		4	15

Heavy Vehicle Peak Hour Summary
5:00 PM to 6:00 PM

By Approach	Northbound NW Michelbrook Ln			Southbound NW Michelbrook Ln			Eastbound NW Baker Creek Rd			Westbound NW Baker Creek Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	1	1	2	0	0	0	3	0	3	1	4	5	5
PHF	0.25			0.00			0.13			0.08			0.18

By Movement	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Total
	L		R	Total				Total		T	R	Total	L	T		Total	
Volume	0		1	1				0		3	0	3	1	0		1	5
PHF	0.00		0.25	0.25				0.00		0.15	0.00	0.13	0.25	0.00		0.08	0.18

Heavy Vehicle Rolling Hour Summary
4:00 PM to 6:00 PM

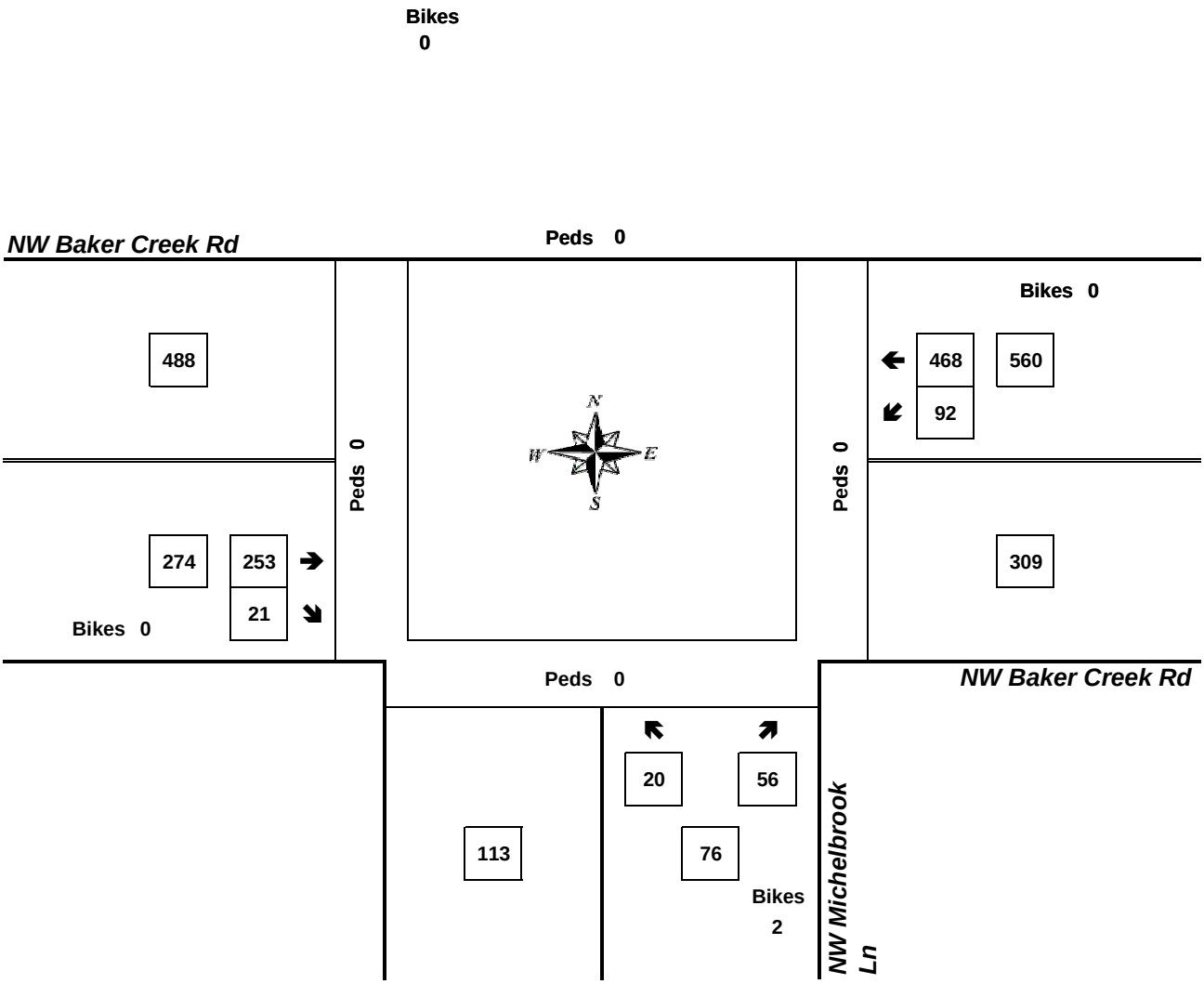
Interval Start Time	Northbound NW Michelbrook Ln				Southbound NW Michelbrook Ln				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				Interval Total
	L		R	Total				Total		T	R	Total	L	T		Total	
4:00 PM	0		0	0				0		6	1	7	0	3		3	10
4:15 PM	0		1	1				0		4	0	4	0	3		3	8
4:30 PM	0		1	1				0		3	0	3	1	2		3	7
4:45 PM	0		1	1				0		2	0	2	1	2		3	6
5:00 PM	0		1	1				0		3	0	3	1	0		1	5

Peak Hour Summary

Clay Carney
(503) 833-2740

NW Michelbrook Ln & NW Baker Creek Rd

5:00 PM to 6:00 PM
Tuesday, July 09, 2019



Approach	PHF	HV%	Volume
EB	0.86	1.1%	274
WB	0.88	0.2%	560
NB	0.90	1.3%	76
SB	0.00	0.0%	0
Intersection	0.94	0.5%	910

Count Period: 4:00 PM to 6:00 PM

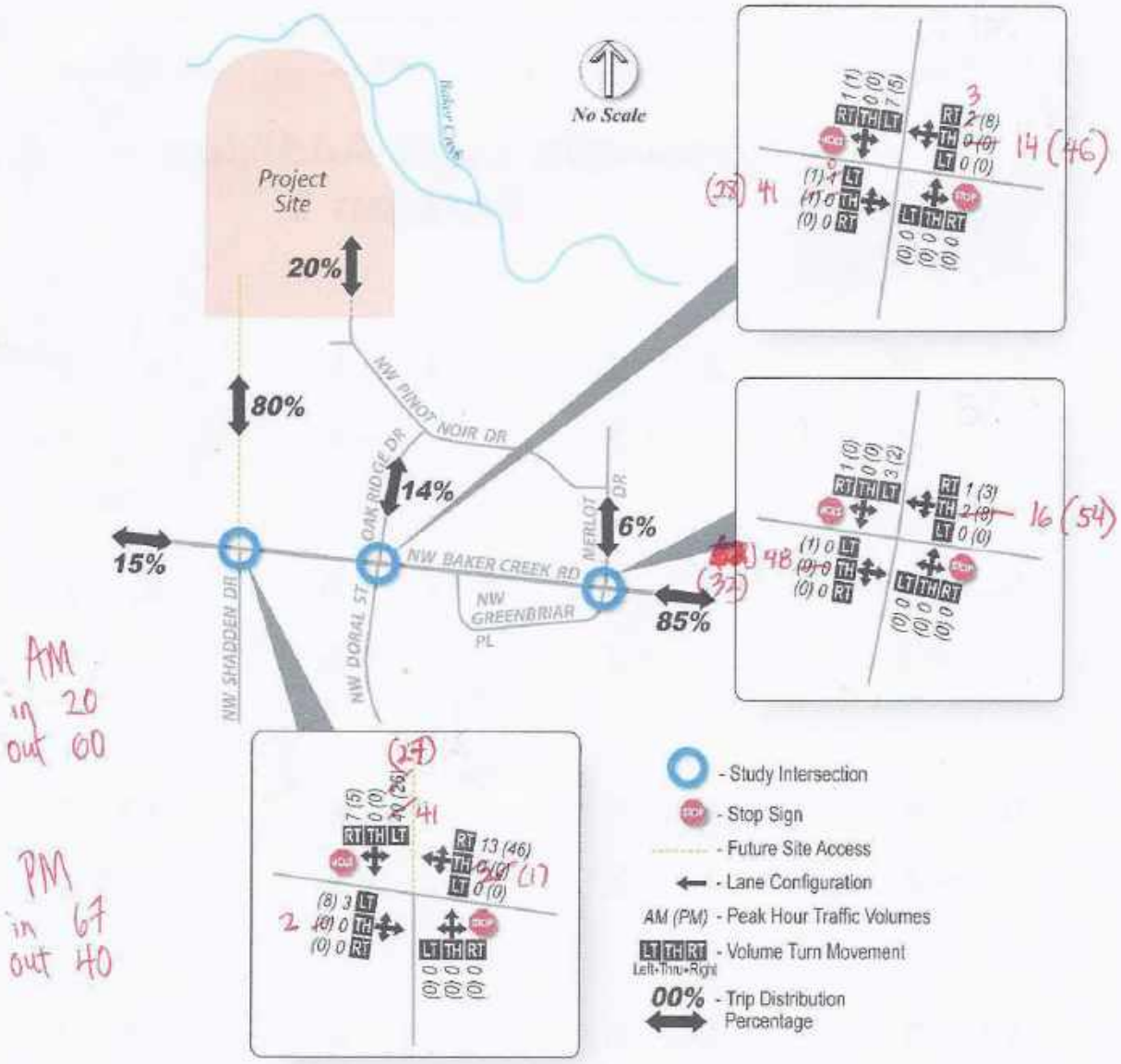


Figure 4: Final Build Trip Distribution and Project Trips

Interim Build Traffic Volumes and Operating Conditions

Future operating conditions were analyzed at the study intersections for the interim build scenario (without the NW Shadden Drive connection). Interim build traffic volumes at the study intersection are the sum of the existing traffic volumes and the project trips. The interim build traffic volumes are shown in Figure 5.

Exhibit F-1

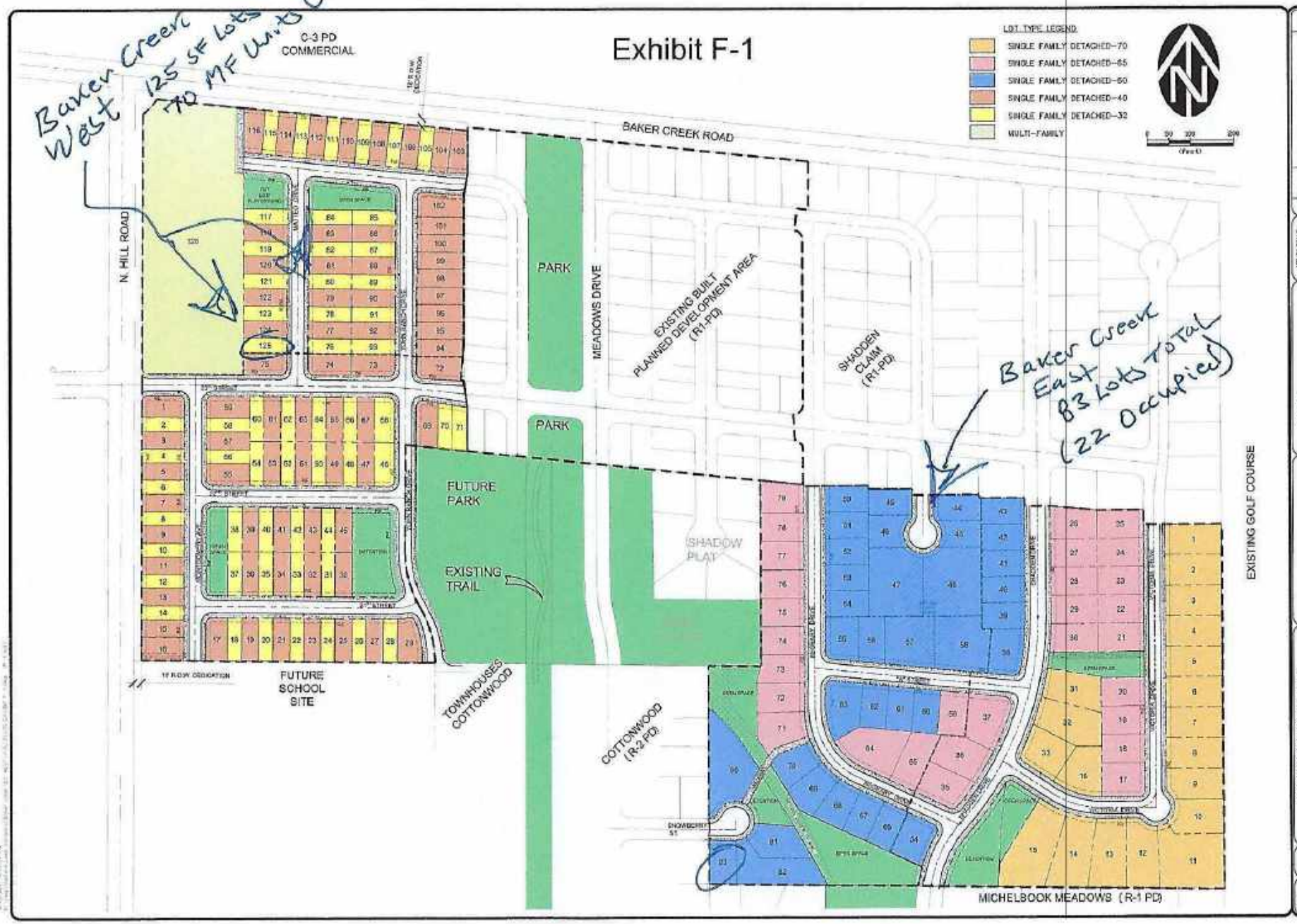

Baker Creek West 125 SF Lots (14 occupied) 70 MF Units (0 occupied)
C-3 PD COMMERCIAL
BAKER CREEK ROAD
N. HILL ROAD
LOT TYPE LEGEND
SINGLE FAMILY DETACHED-70
SINGLE FAMILY DETACHED-65
SINGLE FAMILY DETACHED-50
SINGLE FAMILY DETACHED-40
SINGLE FAMILY DETACHED-32
MULTI-FAMILY
PARK
MEADOWS DRIVE
EXISTING BUILT PLANNED DEVELOPMENT AREA (R1-PD)
SHADDEN CLAIM (R1-PD)
Baker Creek East 83 Lots Total (22 Occupied)
PARK
FUTURE PARK
EXISTING TRAIL
SHADOW PLAT
EXISTING GOLF COURSE
FUTURE SCHOOL SITE
TOWNHOUSES COTTONWOOD
COTTONWOOD (R-2 PD)
MICHELBOOK MEADOWS (R-1 PD)
BAKER CREEK DEVELOPMENT, LLC
BAKER CREEK SUBDIVISION
PLANNED DEVELOPMENT OVERLAY ZONING PLAN
DRAWING F-1
JOB NUMBER 2940.0000.0
REVIEW

Table 1. Projected trip generation for Baker Creek East.

ITE Land Use	Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Single-Family (#210)	61							
Generation Rate [1]		9.44	0.74	25%	75%	0.99	63%	37%
Site Trips		**576**	**45**	11	34	**60**	38	22

[1] Source: *Trip Generation*, 10th Edition, ITE, 2017, average rates.

Table 1. Projected trip generation for Baker Creek West.

ITE Land Use	Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Single-Family (#210)	111							
Generation Rate [1]		9.44	0.74	25%	75%	0.99	63%	37%
Site Trips		**1,048**	**82**	21	61	**110**	69	41
Apartment (#220)	70							
Generation Rate [1]		7.32	0.46	23%	77%	0.56	63%	37%
Site Trips		**512**	**32**	7	25	**39**	25	14
Total Trips		**1,560**	**114**	28	86	**149**	94	55

[1] Source: *Trip Generation*, 10th Edition, ITE, 2017, average rates.

TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

COUNTY ROAD CRASH LISTING

YAMHILL COUNTY

NW Baker Creek Rd & NW Hill Rd

January 1, 2013 through December 31, 2017

SER# INVEST UNLOC?	SPEED	ALC	DRUG/MJ	SCHL	WORK	DATE DAY/TIME LAT/LONG	MILEPNT DIST FROM INTERSECT	COUNTY ROADS FIRST STREET SECOND STREET INTERSECTION SEQ #	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CONTL	OFF-RD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR OWNER	QTY	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	AGE	SEX	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
00288	N	N	N	N	N	3/20/2014	1.85	BAKER ST /MCMINVL	INTER	3-LEG	N	N	CLR	ANGL-OTH	01	NONE	0	TURN-L											02
COUNTY			N			Thu 4P	0		CN		STOP SIGN	N	DRY	TURN		PRVTE		S W								000			00
No						*45 13 37.44 -123 13 39.50*			04	0		N	DAY	PDO		PSNGR CAR			01	DRVR	NONE	25	F	OR-Y OR<25	028	000			02
															02	NONE	0	STRGHT											
																PRVTE		W E								000			00
																PSNGR CAR			01	DRVR	NONE	54	F	OR-Y OR<25	000	000			00
00993	Y	N	N			9/16/2014	0.01	NORTH HILL RD	INTER	3-LEG	N	N	CLR	O-1STOP	01	NONE	0	STRGHT											05,01
NONE			N			Tue 4P			UN		STOP SIGN	N	DRY	SS-M		PRVTE		N S								000			00
No						*45 13 37.44 -123 13 39.50*			06	0		N	DAY	PDO		PSNGR CAR			01	DRVR	NONE	54	M	OR-Y OR<25	080	000			05,01
															02	NONE	0	STOP											
																PRVTE		S N								011			00
																PSNGR CAR			01	DRVR	NONE	61	F	OR-Y OR<25	000	000			00

TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

CITY OF MCMINNVILLE, YAMHILL COUNTY

NW Baker Creek Rd & NW Hill Rd

January 1, 2013 through December 31, 2017

SER# INVEST UNLOC?	SPED	ALC	DRUG/MJ	SCHL	WORK	DATE DAY/TIME LAT/LONG	FC DISTNC	CITY STREET FIRST STREET SECOND STREET INTERSECTION SEQ #	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CONTL	OFF-RD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR QTY OWNER	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	AGE	SEX	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
00151	N	N	N			02/19/2017	16	BAKER CREEK RD	INTER	3-LEG	N		N	CLR	S-1TURN	01	NONE 9	STRGHT										29
NONE			N			Sun 2P	0	HILL RD	CN		STOP SIGN		N	WET	TURN		N/A	E W								000		00
No						*45 13 37.47*	*-123 13 39.51*	1	01	0			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	U	UNK UNK	000	000		00
																02	NONE 9	TURN-L										
																	N/A	E S								000		00
																	PSNGR CAR		01	DRVR	NONE	00	U	UNK UNK	000	000		00
00915	N	N	N			09/10/2015	16	BAKER CREEK RD	INTER	3-LEG	N		N	CLR	ANGL-OTH	01	NONE 0	STRGHT										02
NO RPT			N			Thu 6A	0	HILL RD	CN		UNKNOWN		N	DRY	TURN		PRVTE	W E								000		00
No						*45 13 37.47*	*-123 13 39.51*	1	04	0			N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	17	M	OR-Y OR<25	000	000		00
																02	NONE 0	TURN-L										
																	PRVTE	S W								015		00
																	PSNGR CAR		01	DRVR	INJC	23	F	OR-Y OR<25	028	000		02

TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

CITY OF MCMINNVILLE, YAMHILL COUNTY

NW Baker Creek Rd & NW Shadden Dr

January 1, 2013 through December 31, 2017

SER# INVEST UNLOC?	SPED	ALC	DRUG/MJ	SCHL	WORK	DATE DAY/TIME LAT/LONG	FC DISTNC	CITY STREET FIRST STREET SECOND STREET INTERSECTION SEQ #	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CONTL	OFF-RD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR QTY OWNER	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	AGE	SEX	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
00428	N	N	N			05/17/2013	16	BAKER CREEK RD	INTER	3-LEG	N		N	CLR	S-1STOP	01	NONE 0	STRGHT										07
NONE			N			Fri 4P	0	SHADDEN DR	E		STOP SIGN		N	DRY	REAR		PRVTE	E W								000		00
No			*45 13 35.28*			*-123 13 9.87*		1	06	0			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	M	OR-Y OR<25	026	000		07
																02	NONE 0	STOP										
																	PRVTE	E W								011		00
																	PSNGR CAR		01	DRVR	NONE	15	F	NONE OR<25	000	000		00
01176	N	N	N			11/02/2014	16	BAKER CREEK RD	INTER	3-LEG	N		N	CLD	S-1STOP	01	NONE 0	STRGHT										07,32
CITY			N			Sun 12P	0	SHADDEN DR	E		NONE		N	DRY	REAR		PRVTE	E W								000		00
No			*45 13 35.28*			*-123 13 9.87*		1	06	0			N	DAY	INJ		PSNGR CAR		01	DRVR	INJC	77	F	OR-Y OR<25	043,026,052	000		07,32
																02	NONE 0	STOP										
																	PRVTE	E W								012		00
																	PSNGR CAR		01	DRVR	INJC	17	F	OR-Y OR<25	000	000		00
																			02	PSNG	INJC	18	F		000	000		00
																			03	PSNG	INJC	17	M		000	000		00

TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

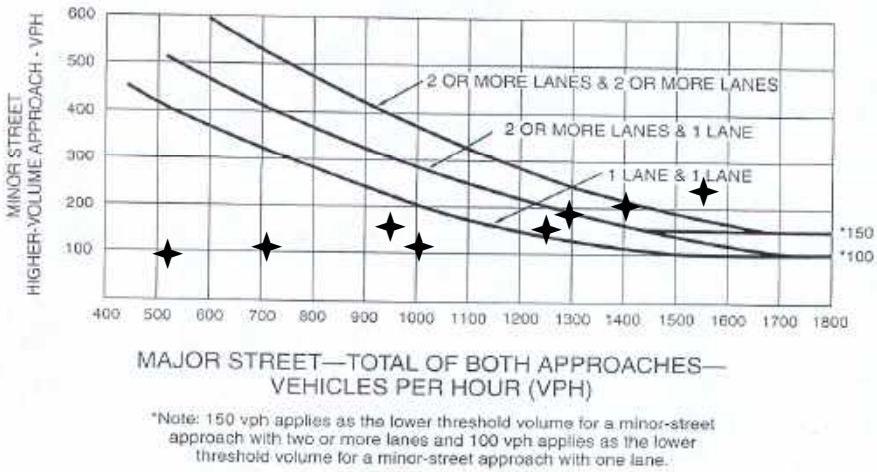
CITY OF MCMINNVILLE, YAMHILL COUNTY

NW Baker Creek Rd & NW Michelbook Ln

January 1, 2013 through December 31, 2017

SER# INVEST UNLOC?	SPEED	ALC	DRUG/MJ	SCHL	WORK	DATE DAY/TIME *LAT/LONG*	FC DISTNC	CITY STREET FIRST STREET SECOND STREET INTERSECTION SEQ #	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CONTL	OFF-RD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR QTY OWNER	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	AGE	SEX	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
01119	Y	N	N	N	N	10/18/2014	16	BAKER CREEK RD	INTER	3-LEG	N	Y	RAIN	FIX OBJ	01	NONE 0	STRGHT										040,091	01
CITY			N			Sat 1A	0	MICHELBOOK LN	N		STOP SIGN	N	WET	FIX		PRVTE	S N								000	040,091	00
No	*45*	*13*	*32.20*	*-123*	*12*	*27.01*		1	06	0		N	DARK	INJ		PSNGR CAR		01	DRVR	INJB	29	M	OR-Y OR<25		081	000		01
																		02	PSNG	INJB	25	F			000	000		00
00148	Y	N	N			02/07/2014	16	BAKER CREEK RD	INTER	3-LEG	N	N	SNOW	S-1STOP	01	NONE 0	STRGHT										124	01
NONE			N			Fri 1P	0	MICHELBOOK LN	S		STOP SIGN	N	SNO	REAR		PRVTE	S N								000	124	00
No	*45*	*13*	*32.20*	*-123*	*12*	*27.01*		1	06	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	M	UNK UNK		026	000		01
															02	NONE 0	STOP											
																PRVTE	S N								011		00
																PSNGR CAR		01	DRVR	NONE	64	M	OR-Y OR<25		000	000		00
00607	N	N	N	N	N	06/06/2014	16	BAKER CREEK RD	INTER	3-LEG	N	N	CLR	ANGL-OTH	01	NONE 0	TURN-L											02
STATE			N			Fri 4P	0	MICHELBOOK LN	CN		STOP SIGN	N	DRY	TURN		PRVTE	S W								000		00
No	*45*	*13*	*32.20*	*-123*	*12*	*27.01*		1	02	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	46	M	OR-Y OR<25		028	000		02
															02	NONE 0	TURN-L											
																PRVTE	E S								000		00
																PSNGR CAR		01	DRVR	INJB	63	F	OR-Y OR<25		000	000		00
00442	N	N	N	N	N	05/06/2017	16	BAKER CREEK RD	INTER	3-LEG	N	N	CLD	O-1 L-TURN	01	NONE 9	STRGHT											02,08
CITY			N			Sat 11A	0	MICHELBOOK LN	CN		STOP SIGN	N	DRY	TURN		N/A	W E								000		00
No	*45*	*13*	*32.23*	*-123*	*12*	*27.02*		1	03	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	U	UNK UNK		000	000		00
															02	NONE 9	TURN-L											
																N/A	E S								000		00
																PSNGR CAR		01	DRVR	NONE	00	U	UNK UNK		000	000		00

Figure 4C-3. Warrant 3, Peak Hour



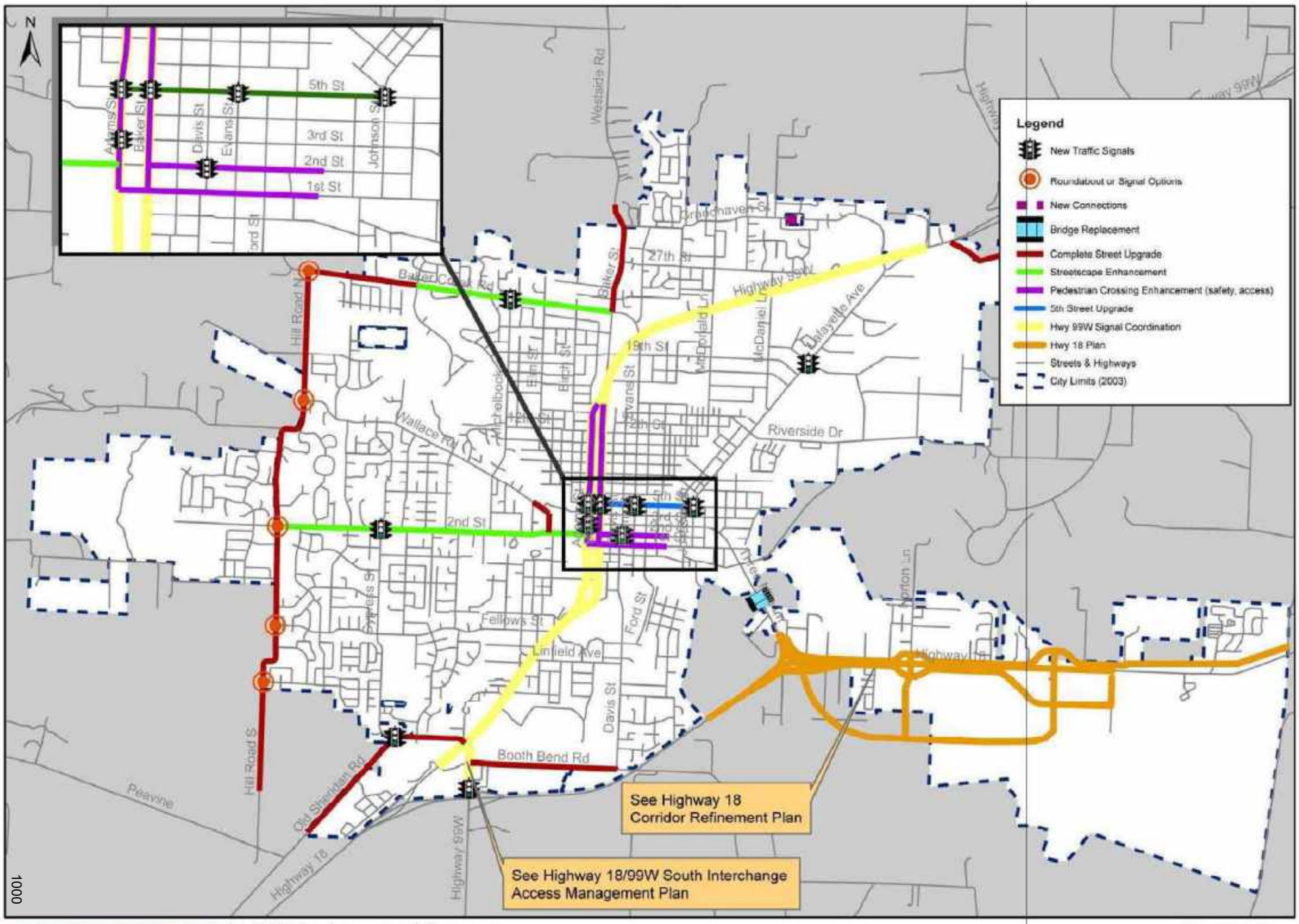
*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

Peak hour volume warrant for signalization data.

Intersection	Analysis Period	Major Street Speed (mph)	Major Street		Minor Street High Volume Approach		Signal Warranted?
			Volume (vph)	Lanes (#)	Volume (vph)	Lanes (#)	
Meadows Drive and Baker Creek Drive	2029 Total Traffic - AM Peak	35	525	2	92	1	No
	2029 Total Traffic - PM Peak		958		155		No
Shadden Lane and Baker Creek Drive	2029 Total Traffic - AM Peak	35	719	2	110	1	No
	2029 Total Traffic - PM Peak		1,300		81		No
Michelbook Lane and Baker Creek Drive	2029 Total Traffic - AM Peak	30	1,003	2	109	2	No
	2029 Total Traffic - PM Peak		1,561		240		Yes
	2029 Bkgd Traffic - PM Peak		1,254		151		No
	2029 Total Traffic (no Retail) - PM Peak		1,409		204		No

Source: *Manual on Uniform Traffic Control Devices (MUTCD)*, 2003 Edition.

WILL TRAVEL TO/FROM SOUTH ON HILL ROAD
4N
BAKER CREEK RD.
OAK RIDGE DRIVE
MEADOWS DRIVE
SHADOW DRIVE
CORAL ST
MICHEL BROOK LN
ELM ST.
BIRCH ST.
21ST ST.
19TH ST
17TH ST
14TH ST.
12TH ST
10TH ST.
ADAMS ST.
EVANS ST.
99W HWY
Flow Bundles
Link bars
Volume flow bundle PrT [veh] (AP)
Zones
Chart
Origin traffic flow bundle PrT [veh] (AP)
Destination traffic flow bundle PrT [veh] (AP)
Scaling



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CITY OF McMinnville OREGON

TSP Projects and Programs

McMinnville TSP

transpoGROUP

Exhibit 4-6

Transportation System Management

Transportation System Management (TSM) programs are designed to increase the usefulness and efficiency of existing facilities and systems through low cost improvements. TSM programs fitting McMinnville's needs include: traffic signal timing and coordination projects and neighborhood traffic calming program. Each TSM measure or program is discussed in this section.

Traffic Signal Timing and Coordination

Traffic signal systems must be retimed or upgraded periodically as growth occurs to ensure optimal operations at intersections, improve safety, meet city standards, and refresh or replace software.

In partial response to higher accident rates on Highway 99W at the McDonald Street and McDaniel Lane intersections, ODOT has programmed in its Statewide Transportation Improvement Program (STIP) for year 2010 the installation of median traffic separators and traffic signal interconnect equipment to better coordinate the two existing traffic signals. The City of McMinnville is also underway with re-designing the 3rd Street/Johnson Street traffic signal to better accommodate emerging traffic trends.

The City should coordinate with ODOT and encourage State assistance in the expansion of ODOT's new signal interconnect system for Highway 99W in the following sections:

- **One-way couplet** section along Adams and Baker Streets, between 2nd Street and 12th Street; *integrated with the City's downtown street signals on 3rd Street and new signals proposed on 5th Street (at Adams, Baker and Lafayette) and 2nd Street (at Davis)*
- **South McMinnville** – between new signal at the Highway 18 off-ramp to Fellows Drive

The City and ODOT should conduct further assessment to determine if these signal systems best work independently or as a single system.

The signal system upgrades and re-timings will help reduce traffic delay, improve operations, and increase safety for motorists and pedestrians. Reduced delay will also save motorists time, reduce fuel consumption, and reduce pollution and harmful particulate matter. Improvements to the communication equipment will aid traffic operations and vehicle detection.

Traffic Signal at 3rd & Johnson

The City of McMinnville should continue to coordinate with ODOT and review signals and signal timing plans and put in place a plan whereby signals are evaluated on a regular basis.

Intersection & Signal Improvements

Some of McMinnville's street corridors require minor improvements with new traffic signal control to help reduce congestion and vehicle emissions and increase safety. Intersection improvements can help reduce traffic delay at major cross-streets and relieve street system queuing and vehicle emissions, and improve pedestrian access.

Based on continued city-wide traffic growth, new traffic signals are either already warranted or likely to meet future warrants at the following intersections:

- Lafayette / Orchard (planned for completion in 2009)
- 5th Street at Adams (2010) and Baker (2010)
- 2nd Street / Davis Street (2013)
- Baker Creek Rd at Michelbook (2023) and Hill Rd (2023)
- Wallace Rd / Hill Rd (2023)
- West 2nd Street at Hill Rd (2023) and Cypress (2023)

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Traffic Volume (vph)	197	0	22	100	1	19
Future Volume (vph)	197	0	22	100	1	19
Confl. Peds. (#/hr)		5	5		2	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Heavy Vehicles (%)	3%	3%	9%	9%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 27.5%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	1.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	197	0	22	100	1	19
Future Vol, veh/h	197	0	22	100	1	19
Conflicting Peds, #/hr	0	5	5	0	2	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	3	3	9	9	0	0
Mvmt Flow	224	0	25	114	1	22

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	229	0	395	229
Stage 1	-	-	-	-	229	-
Stage 2	-	-	-	-	166	-
Critical Hdwy	-	-	4.19	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.281	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1299	-	614	815
Stage 1	-	-	-	-	814	-
Stage 2	-	-	-	-	868	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1293	-	598	811
Mov Cap-2 Maneuver	-	-	-	-	651	-
Stage 1	-	-	-	-	810	-
Stage 2	-	-	-	-	850	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.4	9.6
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	801	-	-	1293	-
HCM Lane V/C Ratio	0.028	-	-	0.019	-
HCM Control Delay (s)	9.6	-	-	7.8	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Traffic Volume (vph)	212	1	20	120	1	39
Future Volume (vph)	212	1	20	120	1	39
Confl. Peds. (#/hr)		9	9			
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Heavy Vehicles (%)	2%	2%	8%	8%	3%	3%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 26.6%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	1.4

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	212	1	20	120	1	39
Future Vol, veh/h	212	1	20	120	1	39
Conflicting Peds, #/hr	0	9	9	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	2	2	8	8	3	3
Mvmt Flow	238	1	22	135	1	44

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	248	0	427	248
Stage 1	-	-	-	-	248	-
Stage 2	-	-	-	-	179	-
Critical Hdwy	-	-	4.18	-	6.43	6.23
Critical Hdwy Stg 1	-	-	-	-	5.43	-
Critical Hdwy Stg 2	-	-	-	-	5.43	-
Follow-up Hdwy	-	-	2.272	-	3.527	3.327
Pot Cap-1 Maneuver	-	-	1283	-	583	788
Stage 1	-	-	-	-	791	-
Stage 2	-	-	-	-	850	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1272	-	568	781
Mov Cap-2 Maneuver	-	-	-	-	628	-
Stage 1	-	-	-	-	784	-
Stage 2	-	-	-	-	836	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.1	9.9
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	776	-	-	1272	-
HCM Lane V/C Ratio	0.058	-	-	0.018	-
HCM Control Delay (s)	9.9	-	-	7.9	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Traffic Volume (vph)	311	17	28	147	7	40
Future Volume (vph)	311	17	28	147	7	40
Confl. Peds. (#/hr)		3	3			
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	3%	3%	7%	7%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 33.3%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	1.3

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	311	17	28	147	7	40
Future Vol, veh/h	311	17	28	147	7	40
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	3	3	7	7	0	0
Mvmt Flow	346	19	31	163	8	44

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	368	0	584	359
Stage 1	-	-	-	-	359	-
Stage 2	-	-	-	-	225	-
Critical Hdwy	-	-	4.17	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.263	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1163	-	477	690
Stage 1	-	-	-	-	711	-
Stage 2	-	-	-	-	817	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1160	-	463	688
Mov Cap-2 Maneuver	-	-	-	-	552	-
Stage 1	-	-	-	-	709	-
Stage 2	-	-	-	-	795	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.3	10.9
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	664	-	-	1160	-
HCM Lane V/C Ratio	0.079	-	-	0.027	-
HCM Control Delay (s)	10.9	-	-	8.2	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.3	-	-	0.1	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	167	0	24	322	2	19
Future Volume (vph)	167	0	24	322	2	19
Confl. Peds. (#/hr)		1	1			
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97
Heavy Vehicles (%)	1%	1%	1%	1%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 26.9%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	0.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	167	0	24	322	2	19
Future Vol, veh/h	167	0	24	322	2	19
Conflicting Peds, #/hr	0	1	1	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	1	1	1	1	0	0
Mvmt Flow	172	0	25	332	2	20

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	173	0	555	173
Stage 1	-	-	-	-	173	-
Stage 2	-	-	-	-	382	-
Critical Hdwy	-	-	4.11	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.209	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1410	-	496	876
Stage 1	-	-	-	-	862	-
Stage 2	-	-	-	-	694	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1409	-	487	875
Mov Cap-2 Maneuver	-	-	-	-	562	-
Stage 1	-	-	-	-	861	-
Stage 2	-	-	-	-	682	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.5	9.4
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	831	-	-	1409	-
HCM Lane V/C Ratio	0.026	-	-	0.018	-
HCM Control Delay (s)	9.4	-	-	7.6	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	176	0	58	352	4	43
Future Volume (vph)	176	0	58	352	4	43
Confl. Peds. (#/hr)		1	1			
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	0%	0%	1%	1%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 28.5%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	1.4

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	176	0	58	352	4	43
Future Vol, veh/h	176	0	58	352	4	43
Conflicting Peds, #/hr	0	1	1	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	0	0	1	1	0	0
Mvmt Flow	187	0	62	374	4	46

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	188	0	686	188
Stage 1	-	-	-	-	188	-
Stage 2	-	-	-	-	498	-
Critical Hdwy	-	-	4.11	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.209	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1392	-	416	859
Stage 1	-	-	-	-	849	-
Stage 2	-	-	-	-	615	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1391	-	397	858
Mov Cap-2 Maneuver	-	-	-	-	484	-
Stage 1	-	-	-	-	848	-
Stage 2	-	-	-	-	587	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.1	9.8
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	805	-	-	1391	-
HCM Lane V/C Ratio	0.062	-	-	0.044	-
HCM Control Delay (s)	9.8	-	-	7.7	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	253	21	92	468	20	56
Future Volume (vph)	253	21	92	468	20	56
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	1%	1%	0%	0%	1%	1%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 35.9%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	1.8

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	253	21	92	468	20	56
Future Vol, veh/h	253	21	92	468	20	56
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	1	1	0	0	1	1
Mvmt Flow	269	22	98	498	21	60

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	291	0	974	280
Stage 1	-	-	-	-	280	-
Stage 2	-	-	-	-	694	-
Critical Hdwy	-	-	4.1	-	6.41	6.21
Critical Hdwy Stg 1	-	-	-	-	5.41	-
Critical Hdwy Stg 2	-	-	-	-	5.41	-
Follow-up Hdwy	-	-	2.2	-	3.509	3.309
Pot Cap-1 Maneuver	-	-	1282	-	280	761
Stage 1	-	-	-	-	770	-
Stage 2	-	-	-	-	498	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1282	-	259	761
Mov Cap-2 Maneuver	-	-	-	-	368	-
Stage 1	-	-	-	-	770	-
Stage 2	-	-	-	-	460	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.3	12
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	594	-	-	1282	-
HCM Lane V/C Ratio	0.136	-	-	0.076	-
HCM Control Delay (s)	12	-	-	8	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	-	-	0.2	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Traffic Volume (vph)	249	0	50	134	1	88
Future Volume (vph)	249	0	50	134	1	88
Confl. Peds. (#/hr)		5	5		2	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Heavy Vehicles (%)	3%	3%	9%	9%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 32.0%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	2.6

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	249	0	50	134	1	88
Future Vol, veh/h	249	0	50	134	1	88
Conflicting Peds, #/hr	0	5	5	0	2	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	3	3	9	9	0	0
Mvmt Flow	283	0	57	152	1	100

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	288	0	556	288
Stage 1	-	-	-	-	288	-
Stage 2	-	-	-	-	268	-
Critical Hdwy	-	-	4.19	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.281	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1235	-	496	756
Stage 1	-	-	-	-	766	-
Stage 2	-	-	-	-	782	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1229	-	470	752
Mov Cap-2 Maneuver	-	-	-	-	558	-
Stage 1	-	-	-	-	762	-
Stage 2	-	-	-	-	744	-

Approach	EB	WB	NB
HCM Control Delay, s	0	2.2	10.6
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	749	-	-	1229	-
HCM Lane V/C Ratio	0.135	-	-	0.046	-
HCM Control Delay (s)	10.6	-	-	8.1	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	-	-	0.1	-

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Traffic Volume (vph)	3	329	1	36	174	13	1	0	83	41	0	7
Future Volume (vph)	3	329	1	36	174	13	1	0	83	41	0	7
Confl. Peds. (#/hr)			9	9								
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Heavy Vehicles (%)	2%	2%	2%	8%	8%	8%	3%	3%	3%	2%	2%	2%
Shared Lane Traffic (%)												
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 40.1%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	3.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	329	1	36	174	13	1	0	83	41	0	7
Future Vol, veh/h	3	329	1	36	174	13	1	0	83	41	0	7
Conflicting Peds, #/hr	0	0	9	9	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	89	89	89	89	89	89	89	89	89	89	89	89
Heavy Vehicles, %	2	2	2	8	8	8	3	3	3	2	2	2
Mvmt Flow	3	370	1	40	196	15	1	0	93	46	0	8

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	211	0	0	380	0	0	674	677	380	707	670	204
Stage 1	-	-	-	-	-	-	386	386	-	284	284	-
Stage 2	-	-	-	-	-	-	288	291	-	423	386	-
Critical Hdwy	4.12	-	-	4.18	-	-	7.13	6.53	6.23	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.13	5.53	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.13	5.53	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.272	-	-	3.527	4.027	3.327	3.518	4.018	3.318
Pot Cap-1 Maneuver	1360	-	-	1146	-	-	367	373	665	350	378	837
Stage 1	-	-	-	-	-	-	635	608	-	723	676	-
Stage 2	-	-	-	-	-	-	717	670	-	609	610	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1360	-	-	1136	-	-	350	356	659	292	361	837
Mov Cap-2 Maneuver	-	-	-	-	-	-	350	356	-	292	361	-
Stage 1	-	-	-	-	-	-	628	601	-	722	652	-
Stage 2	-	-	-	-	-	-	685	647	-	522	603	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.1	1.3	11.5	18.4
HCM LOS			B	C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	652	1360	-	-	1136	-	-	323
HCM Lane V/C Ratio	0.145	0.002	-	-	0.036	-	-	0.167
HCM Control Delay (s)	11.5	7.7	-	-	8.3	-	-	18.4
HCM Lane LOS	B	A	-	-	A	-	-	C
HCM 95th %tile Q(veh)	0.5	0	-	-	0.1	-	-	0.6

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Traffic Volume (vph)	538	21	35	217	26	50
Future Volume (vph)	538	21	35	217	26	50
Confl. Peds. (#/hr)		3	3			
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	3%	3%	7%	7%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 40.8%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	1.8

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	538	21	35	217	26	50
Future Vol, veh/h	538	21	35	217	26	50
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	3	3	7	7	0	0
Mvmt Flow	598	23	39	241	29	56

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	624	0	932	613
Stage 1	-	-	-	-	613	-
Stage 2	-	-	-	-	319	-
Critical Hdwy	-	-	4.17	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.263	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	933	-	298	496
Stage 1	-	-	-	-	544	-
Stage 2	-	-	-	-	741	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	930	-	285	495
Mov Cap-2 Maneuver	-	-	-	-	285	-
Stage 1	-	-	-	-	542	-
Stage 2	-	-	-	-	710	-

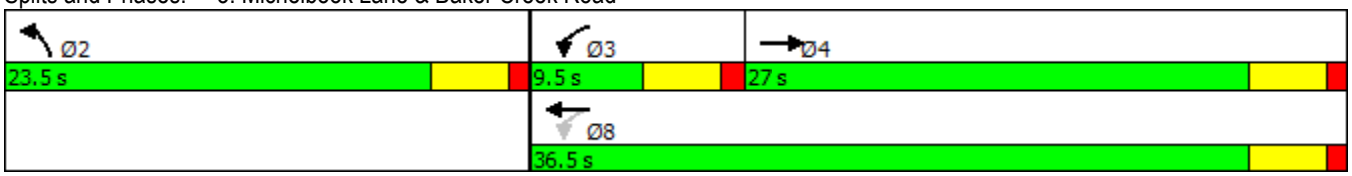
Approach	EB	WB	NB
HCM Control Delay, s	0	1.3	16.6
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	395	-	-	930	-
HCM Lane V/C Ratio	0.214	-	-	0.042	-
HCM Control Delay (s)	16.6	-	-	9	-
HCM Lane LOS	C	-	-	A	-
HCM 95th %tile Q(veh)	0.8	-	-	0.1	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	538	21	35	217	26	50
Future Volume (vph)	538	21	35	217	26	50
Confl. Peds. (#/hr)		3	3			
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	3%	3%	7%	7%	0%	0%
Shared Lane Traffic (%)						
Turn Type	NA		pm+pt	NA	Prot	
Protected Phases	4		3	8	2	
Permitted Phases			8			
Detector Phase	4		3	8	2	
Switch Phase						
Minimum Initial (s)	5.0		5.0	5.0	5.0	
Minimum Split (s)	22.5		9.5	22.5	22.5	
Total Split (s)	27.0		9.5	36.5	23.5	
Total Split (%)	45.0%		15.8%	60.8%	39.2%	
Yellow Time (s)	3.5		3.5	3.5	3.5	
All-Red Time (s)	1.0		1.0	1.0	1.0	
Lost Time Adjust (s)	0.0		0.0	0.0	0.0	
Total Lost Time (s)	4.5		4.5	4.5	4.5	
Lead/Lag	Lag		Lead			
Lead-Lag Optimize?	Yes		Yes			
Recall Mode	None		None	None	Min	
Act Effct Green (s)	18.8		21.7	21.7	6.8	
Actuated g/C Ratio	0.49		0.57	0.57	0.18	
v/c Ratio	0.68		0.10	0.24	0.24	
Control Delay	14.1		3.7	4.4	10.8	
Queue Delay	0.0		0.0	0.0	0.0	
Total Delay	14.1		3.7	4.4	10.8	
LOS	B		A	A	B	
Approach Delay	14.1			4.3	10.8	
Approach LOS	B			A	B	

Intersection Summary	
Cycle Length: 60	
Actuated Cycle Length: 38	
Natural Cycle: 60	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 0.68	
Intersection Signal Delay: 11.0	Intersection LOS: B
Intersection Capacity Utilization 41.6%	ICU Level of Service A
Analysis Period (min) 15	

Splits and Phases: 3: Michelbook Lane & Baker Creek Road



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	538	21	35	217	26	50
Future Volume (veh/h)	538	21	35	217	26	50
Number	4	14	3	8	5	12
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1845	1900	1776	1776	1900	1900
Adj Flow Rate, veh/h	598	23	39	241	29	56
Adj No. of Lanes	1	0	1	1	0	0
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	3	3	7	7	0	0
Cap, veh/h	793	30	400	1096	77	149
Arrive On Green	0.45	0.45	0.04	0.62	0.14	0.14
Sat Flow, veh/h	1765	68	1691	1776	566	1093
Grp Volume(v), veh/h	0	621	39	241	86	0
Grp Sat Flow(s),veh/h/ln	0	1832	1691	1776	1679	0
Q Serve(g_s), s	0.0	10.3	0.4	2.2	1.7	0.0
Cycle Q Clear(g_c), s	0.0	10.3	0.4	2.2	1.7	0.0
Prop In Lane		0.04	1.00		0.34	0.65
Lane Grp Cap(c), veh/h	0	823	400	1096	230	0
V/C Ratio(X)	0.00	0.75	0.10	0.22	0.37	0.00
Avail Cap(c_a), veh/h	0	1127	555	1554	872	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	0.0	8.4	6.0	3.1	14.4	0.0
Incr Delay (d2), s/veh	0.0	1.9	0.1	0.1	1.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	5.6	0.2	1.1	0.9	0.0
LnGrp Delay(d),s/veh	0.0	10.3	6.1	3.2	15.4	0.0
LnGrp LOS		B	A	A	B	
Approach Vol, veh/h	621			280	86	
Approach Delay, s/veh	10.3			3.6	15.4	
Approach LOS	B			A	B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs		2	3	4				8
Phs Duration (G+Y+Rc), s		9.5	6.1	20.9				27.1
Change Period (Y+Rc), s		4.5	4.5	4.5				4.5
Max Green Setting (Gmax), s		19.0	5.0	22.5				32.0
Max Q Clear Time (g_c+I1), s		3.7	2.4	12.3				4.2
Green Ext Time (p_c), s		0.2	0.0	4.1				6.4

Intersection Summary	
HCM 2010 Ctrl Delay	8.9
HCM 2010 LOS	A

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	219	0	102	409	3	65
Future Volume (vph)	219	0	102	409	3	65
Confl. Peds. (#/hr)		1	1			
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97
Heavy Vehicles (%)	1%	1%	1%	1%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 32.4%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	1.9

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	219	0	102	409	3	65
Future Vol, veh/h	219	0	102	409	3	65
Conflicting Peds, #/hr	0	1	1	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	1	1	1	1	0	0
Mvmt Flow	226	0	105	422	3	67

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	227	0	859	227
Stage 1	-	-	-	-	227	-
Stage 2	-	-	-	-	632	-
Critical Hdwy	-	-	4.11	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.209	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1347	-	329	817
Stage 1	-	-	-	-	815	-
Stage 2	-	-	-	-	534	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1346	-	303	816
Mov Cap-2 Maneuver	-	-	-	-	403	-
Stage 1	-	-	-	-	814	-
Stage 2	-	-	-	-	492	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.6	10.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	781	-	-	1346	-
HCM Lane V/C Ratio	0.09	-	-	0.078	-
HCM Control Delay (s)	10.1	-	-	7.9	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.3	-	-	0.3	-

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	8	263	0	115	513	46	5	0	76	27	0	5
Future Volume (vph)	8	263	0	115	513	46	5	0	76	27	0	5
Confl. Peds. (#/hr)			1	1								
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	0%	0%	2%	2%	2%
Shared Lane Traffic (%)												
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 51.6%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	2.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	8	263	0	115	513	46	5	0	76	27	0	5
Future Vol, veh/h	8	263	0	115	513	46	5	0	76	27	0	5
Conflicting Peds, #/hr	0	0	1	1	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	94	94	94	94	94	94	94	94	94	94	94	94
Heavy Vehicles, %	0	0	0	1	1	1	0	0	0	2	2	2
Mvmt Flow	9	280	0	122	546	49	5	0	81	29	0	5

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	595	0	0	281	0	0	1116	1138	281	1154	1114	571
Stage 1	-	-	-	-	-	-	299	299	-	815	815	-
Stage 2	-	-	-	-	-	-	817	839	-	339	299	-
Critical Hdwy	4.1	-	-	4.11	-	-	7.1	6.5	6.2	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Follow-up Hdwy	2.2	-	-	2.209	-	-	3.5	4	3.3	3.518	4.018	3.318
Pot Cap-1 Maneuver	991	-	-	1287	-	-	187	203	763	174	208	520
Stage 1	-	-	-	-	-	-	714	670	-	371	391	-
Stage 2	-	-	-	-	-	-	373	384	-	676	666	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	991	-	-	1286	-	-	170	182	762	143	186	520
Mov Cap-2 Maneuver	-	-	-	-	-	-	170	182	-	143	186	-
Stage 1	-	-	-	-	-	-	707	663	-	368	354	-
Stage 2	-	-	-	-	-	-	334	348	-	599	659	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	1.4	11.7	33.3
HCM LOS			B	D

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	627	991	-	-	1286	-	-	161
HCM Lane V/C Ratio	0.137	0.009	-	-	0.095	-	-	0.211
HCM Control Delay (s)	11.7	8.7	-	-	8.1	-	-	33.3
HCM Lane LOS	B	A	-	-	A	-	-	D
HCM 95th %tile Q(veh)	0.5	0	-	-	0.3	-	-	0.8

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	413	26	115	700	81	70
Future Volume (vph)	413	26	115	700	81	70
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	1%	1%	0%	0%	1%	1%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 52.3%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	7.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	413	26	115	700	81	70
Future Vol, veh/h	413	26	115	700	81	70
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	1	1	0	0	1	1
Mvmt Flow	439	28	122	745	86	74

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	467	0	1442	453
Stage 1	-	-	-	-	453	-
Stage 2	-	-	-	-	989	-
Critical Hdwy	-	-	4.1	-	6.41	6.21
Critical Hdwy Stg 1	-	-	-	-	5.41	-
Critical Hdwy Stg 2	-	-	-	-	5.41	-
Follow-up Hdwy	-	-	2.2	-	3.509	3.309
Pot Cap-1 Maneuver	-	-	1105	-	147	609
Stage 1	-	-	-	-	642	-
Stage 2	-	-	-	-	362	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1105	-	131	609
Mov Cap-2 Maneuver	-	-	-	-	131	-
Stage 1	-	-	-	-	642	-
Stage 2	-	-	-	-	322	-

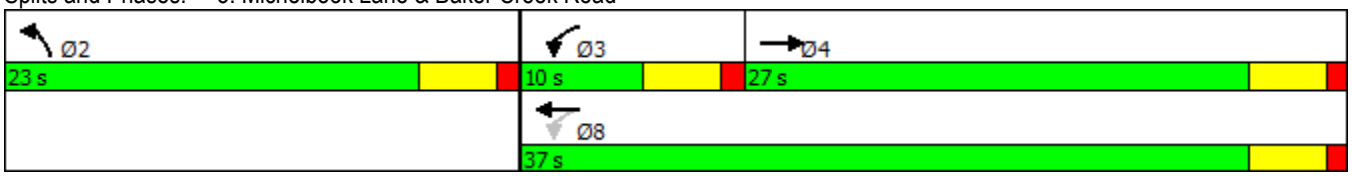
Approach	EB	WB	NB
HCM Control Delay, s	0	1.2	65.6
HCM LOS			F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	206	-	-	1105	-
HCM Lane V/C Ratio	0.78	-	-	0.111	-
HCM Control Delay (s)	65.6	-	-	8.7	-
HCM Lane LOS	F	-	-	A	-
HCM 95th %tile Q(veh)	5.4	-	-	0.4	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	413	26	115	700	81	70
Future Volume (vph)	413	26	115	700	81	70
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	1%	1%	0%	0%	1%	1%
Shared Lane Traffic (%)						
Turn Type	NA		pm+pt	NA	Prot	
Protected Phases	4		3	8	2	
Permitted Phases			8			
Detector Phase	4		3	8	2	
Switch Phase						
Minimum Initial (s)	5.0		5.0	5.0	5.0	
Minimum Split (s)	22.5		9.5	22.5	22.5	
Total Split (s)	27.0		10.0	37.0	23.0	
Total Split (%)	45.0%		16.7%	61.7%	38.3%	
Yellow Time (s)	3.5		3.5	3.5	3.5	
All-Red Time (s)	1.0		1.0	1.0	1.0	
Lost Time Adjust (s)	0.0		0.0	0.0	0.0	
Total Lost Time (s)	4.5		4.5	4.5	4.5	
Lead/Lag	Lag		Lead			
Lead-Lag Optimize?	Yes		Yes			
Recall Mode	None		None	None	Min	
Act Effct Green (s)	16.4		23.8	23.8	8.1	
Actuated g/C Ratio	0.40		0.57	0.57	0.20	
v/c Ratio	0.63		0.25	0.68	0.40	
Control Delay	15.6		5.3	10.0	13.5	
Queue Delay	0.0		0.0	0.0	0.0	
Total Delay	15.6		5.3	10.0	13.5	
LOS	B		A	A	B	
Approach Delay	15.6			9.3	13.5	
Approach LOS	B			A	B	

Intersection Summary	
Cycle Length: 60	
Actuated Cycle Length: 41.5	
Natural Cycle: 60	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 0.68	
Intersection Signal Delay: 11.7	Intersection LOS: B
Intersection Capacity Utilization 53.1%	ICU Level of Service A
Analysis Period (min) 15	

Splits and Phases: 3: Michelbook Lane & Baker Creek Road



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	413	26	115	700	81	70
Future Volume (veh/h)	413	26	115	700	81	70
Number	4	14	3	8	5	12
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1881	1900	1900	1900	1881	1900
Adj Flow Rate, veh/h	439	28	122	745	86	74
Adj No. of Lanes	1	0	1	1	0	0
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	1	1	0	0	0	0
Cap, veh/h	726	46	558	1183	135	116
Arrive On Green	0.41	0.41	0.09	0.62	0.15	0.15
Sat Flow, veh/h	1750	112	1810	1900	907	780
Grp Volume(v), veh/h	0	467	122	745	161	0
Grp Sat Flow(s),veh/h/ln	0	1861	1810	1900	1698	0
Q Serve(g_s), s	0.0	7.7	1.3	9.6	3.5	0.0
Cycle Q Clear(g_c), s	0.0	7.7	1.3	9.6	3.5	0.0
Prop In Lane		0.06	1.00		0.53	0.46
Lane Grp Cap(c), veh/h	0	772	558	1183	253	0
V/C Ratio(X)	0.00	0.60	0.22	0.63	0.64	0.00
Avail Cap(c_a), veh/h	0	1063	641	1567	797	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	0.0	9.0	5.5	4.6	15.8	0.0
Incr Delay (d2), s/veh	0.0	0.8	0.2	0.6	2.6	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	4.1	0.6	4.9	1.8	0.0
LnGrp Delay(d),s/veh	0.0	9.8	5.7	5.2	18.4	0.0
LnGrp LOS		A	A	A	B	
Approach Vol, veh/h	467			867	161	
Approach Delay, s/veh	9.8			5.2	18.4	
Approach LOS	A			A	B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs		2	3	4				8
Phs Duration (G+Y+Rc), s		10.4	8.2	20.9				29.0
Change Period (Y+Rc), s		4.5	4.5	4.5				4.5
Max Green Setting (Gmax), s		18.5	5.5	22.5				32.5
Max Q Clear Time (g_c+I1), s		5.5	3.3	9.7				11.6
Green Ext Time (p_c), s		0.4	0.1	6.6				8.8

Intersection Summary	
HCM 2010 Ctrl Delay	8.1
HCM 2010 LOS	A

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	11	261	0	50	156	47	1	0	88	72	0	20
Future Volume (vph)	11	261	0	50	156	47	1	0	88	72	0	20
Confl. Peds. (#/hr)			5	5			2					2
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Heavy Vehicles (%)	3%	3%	3%	9%	9%	9%	0%	0%	0%	2%	2%	2%
Shared Lane Traffic (%)												
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 37.9%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	4.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	11	261	0	50	156	47	1	0	88	72	0	20
Future Vol, veh/h	11	261	0	50	156	47	1	0	88	72	0	20
Conflicting Peds, #/hr	0	0	5	5	0	0	2	0	0	0	0	2
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	-	100	-	-	-	-	-	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	88	88	88	88	88	88
Heavy Vehicles, %	3	3	3	9	9	9	0	0	0	2	2	2
Mvmt Flow	13	297	0	57	177	53	1	0	100	82	0	23

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	230	0	0	302	0	0	659	672	302	691	646	206
Stage 1	-	-	-	-	-	-	328	328	-	318	318	-
Stage 2	-	-	-	-	-	-	331	344	-	373	328	-
Critical Hdwy	4.13	-	-	4.19	-	-	7.1	6.5	6.2	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Follow-up Hdwy	2.227	-	-	2.281	-	-	3.5	4	3.3	3.518	4.018	3.318
Pot Cap-1 Maneuver	1332	-	-	1220	-	-	380	380	742	359	390	835
Stage 1	-	-	-	-	-	-	689	651	-	693	654	-
Stage 2	-	-	-	-	-	-	687	640	-	648	647	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1332	-	-	1214	-	-	352	357	738	297	366	833
Mov Cap-2 Maneuver	-	-	-	-	-	-	352	357	-	297	366	-
Stage 1	-	-	-	-	-	-	679	641	-	686	623	-
Stage 2	-	-	-	-	-	-	636	610	-	555	637	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	1.6	10.7	19
HCM LOS			B	C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	729	1332	-	-	1214	-	-	297	833
HCM Lane V/C Ratio	0.139	0.009	-	-	0.047	-	-	0.275	0.027
HCM Control Delay (s)	10.7	7.7	-	-	8.1	-	-	21.7	9.4
HCM Lane LOS	B	A	-	-	A	-	-	C	A
HCM 95th %tile Q(veh)	0.5	0	-	-	0.1	-	-	1.1	0.1

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	6	410	1	36	235	31	1	0	83	95	0	15
Future Volume (vph)	6	410	1	36	235	31	1	0	83	95	0	15
Confl. Peds. (#/hr)			9	9								
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Heavy Vehicles (%)	2%	2%	2%	8%	8%	8%	3%	3%	3%	2%	2%	2%
Shared Lane Traffic (%)												
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 46.9%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	5.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	6	410	1	36	235	31	1	0	83	95	0	15
Future Vol, veh/h	6	410	1	36	235	31	1	0	83	95	0	15
Conflicting Peds, #/hr	0	0	9	9	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	-	100	-	-	-	-	-	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	89	89	89	89	89	89	89	89	89	89	89	89
Heavy Vehicles, %	2	2	2	8	8	8	3	3	3	2	2	2
Mvmt Flow	7	461	1	40	264	35	1	0	93	107	0	17

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	299	0	0	471	0	0	855	864	471	884	847	282
Stage 1	-	-	-	-	-	-	485	485	-	362	362	-
Stage 2	-	-	-	-	-	-	370	379	-	522	485	-
Critical Hdwy	4.12	-	-	4.18	-	-	7.13	6.53	6.23	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.13	5.53	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.13	5.53	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.272	-	-	3.527	4.027	3.327	3.518	4.018	3.318
Pot Cap-1 Maneuver	1262	-	-	1060	-	-	277	291	591	266	299	757
Stage 1	-	-	-	-	-	-	561	550	-	657	625	-
Stage 2	-	-	-	-	-	-	648	613	-	538	552	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1262	-	-	1051	-	-	260	276	586	216	283	757
Mov Cap-2 Maneuver	-	-	-	-	-	-	260	276	-	216	283	-
Stage 1	-	-	-	-	-	-	553	542	-	653	601	-
Stage 2	-	-	-	-	-	-	609	590	-	450	544	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.1	1	12.5	33.2
HCM LOS			B	D

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	577	1262	-	-	1051	-	-	216	757
HCM Lane V/C Ratio	0.164	0.005	-	-	0.038	-	-	0.494	0.022
HCM Control Delay (s)	12.5	7.9	-	-	8.6	-	-	36.9	9.9
HCM Lane LOS	B	A	-	-	A	-	-	E	A
HCM 95th %tile Q(veh)	0.6	0	-	-	0.1	-	-	2.5	0.1

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	681	21	35	266	59	50
Future Volume (vph)	681	21	35	266	59	50
Confl. Peds. (#/hr)		3	3			
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	3%	3%	7%	7%	0%	0%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 50.1%	ICU Level of Service A
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	3.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	681	21	35	266	59	50
Future Vol, veh/h	681	21	35	266	59	50
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	3	3	7	7	0	0
Mvmt Flow	757	23	39	296	66	56

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	783	0	1146	772
Stage 1	-	-	-	-	772	-
Stage 2	-	-	-	-	374	-
Critical Hdwy	-	-	4.17	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.263	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	813	-	222	403
Stage 1	-	-	-	-	459	-
Stage 2	-	-	-	-	700	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	811	-	211	402
Mov Cap-2 Maneuver	-	-	-	-	211	-
Stage 1	-	-	-	-	458	-
Stage 2	-	-	-	-	666	-

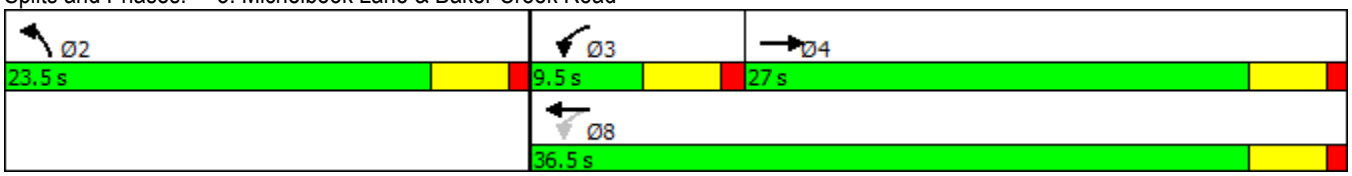
Approach	EB	WB	NB
HCM Control Delay, s	0	1.1	28.7
HCM LOS			D

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	270	-	-	811	-
HCM Lane V/C Ratio	0.449	-	-	0.048	-
HCM Control Delay (s)	28.7	-	-	9.7	-
HCM Lane LOS	D	-	-	A	-
HCM 95th %tile Q(veh)	2.2	-	-	0.2	-

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	681	21	35	266	59	50
Future Volume (vph)	681	21	35	266	59	50
Confl. Peds. (#/hr)		3	3			
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	3%	3%	7%	7%	0%	0%
Shared Lane Traffic (%)						
Turn Type	NA		pm+pt	NA	Prot	
Protected Phases	4		3	8	2	
Permitted Phases			8			
Detector Phase	4		3	8	2	
Switch Phase						
Minimum Initial (s)	5.0		5.0	5.0	5.0	
Minimum Split (s)	22.5		9.5	22.5	22.5	
Total Split (s)	27.0		9.5	36.5	23.5	
Total Split (%)	45.0%		15.8%	60.8%	39.2%	
Yellow Time (s)	3.5		3.5	3.5	3.5	
All-Red Time (s)	1.0		1.0	1.0	1.0	
Lost Time Adjust (s)	0.0		0.0	0.0	0.0	
Total Lost Time (s)	4.5		4.5	4.5	4.5	
Lead/Lag	Lag		Lead			
Lead-Lag Optimize?	Yes		Yes			
Recall Mode	None		None	None	Min	
Act Effct Green (s)	23.0		26.2	26.2	7.3	
Actuated g/C Ratio	0.54		0.61	0.61	0.17	
v/c Ratio	0.79		0.12	0.27	0.35	
Control Delay	20.0		4.3	4.8	13.7	
Queue Delay	0.0		0.0	0.0	0.0	
Total Delay	20.0		4.3	4.8	13.7	
LOS	C		A	A	B	
Approach Delay	20.0			4.7	13.7	
Approach LOS	C			A	B	

Intersection Summary	
Cycle Length: 60	
Actuated Cycle Length: 42.7	
Natural Cycle: 70	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 0.79	
Intersection Signal Delay: 15.3	Intersection LOS: B
Intersection Capacity Utilization 51.0%	ICU Level of Service A
Analysis Period (min) 15	

Splits and Phases: 3: Michelbook Lane & Baker Creek Road



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	681	21	35	266	59	50
Future Volume (veh/h)	681	21	35	266	59	50
Number	4	14	3	8	5	12
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1845	1900	1776	1776	1900	1900
Adj Flow Rate, veh/h	757	23	39	296	66	56
Adj No. of Lanes	1	0	1	1	0	0
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	3	3	7	7	0	0
Cap, veh/h	890	27	337	1162	114	96
Arrive On Green	0.50	0.50	0.04	0.65	0.12	0.12
Sat Flow, veh/h	1781	54	1691	1776	921	781
Grp Volume(v), veh/h	0	780	39	296	123	0
Grp Sat Flow(s),veh/h/ln	0	1835	1691	1776	1716	0
Q Serve(g_s), s	0.0	15.0	0.4	2.8	2.7	0.0
Cycle Q Clear(g_c), s	0.0	15.0	0.4	2.8	2.7	0.0
Prop In Lane		0.03	1.00		0.54	0.46
Lane Grp Cap(c), veh/h	0	917	337	1162	212	0
V/C Ratio(X)	0.00	0.85	0.12	0.25	0.58	0.00
Avail Cap(c_a), veh/h	0	1019	471	1402	805	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	0.0	8.8	7.2	2.9	16.8	0.0
Incr Delay (d2), s/veh	0.0	6.5	0.2	0.1	2.5	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	9.0	0.2	1.4	1.4	0.0
LnGrp Delay(d),s/veh	0.0	15.3	7.4	3.0	19.3	0.0
LnGrp LOS		B	A	A	B	
Approach Vol, veh/h	780			335	123	
Approach Delay, s/veh	15.3			3.5	19.3	
Approach LOS	B			A	B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs		2	3	4				8
Phs Duration (G+Y+Rc), s		9.5	6.3	24.7				31.0
Change Period (Y+Rc), s		4.5	4.5	4.5				4.5
Max Green Setting (Gmax), s		19.0	5.0	22.5				32.0
Max Q Clear Time (g_c+I1), s		4.7	2.4	17.0				4.8
Green Ext Time (p_c), s		0.3	0.0	3.2				8.7

Intersection Summary	
HCM 2010 Ctrl Delay	12.5
HCM 2010 LOS	B

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	30	261	0	90	444	133	3	0	65	101	14	23
Future Volume (vph)	30	261	0	90	444	133	3	0	65	101	14	23
Confl. Peds. (#/hr)			1	1								
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	0%	0%	0%	2%	2%	2%
Shared Lane Traffic (%)												
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 57.8%	ICU Level of Service B
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	8.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	30	261	0	90	444	133	3	0	65	101	14	23
Future Vol, veh/h	30	261	0	90	444	133	3	0	65	101	14	23
Conflicting Peds, #/hr	0	0	1	1	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	-	100	-	-	-	-	-	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	1	1	1	1	1	1	0	0	0	2	2	2
Mvmt Flow	31	269	0	93	458	137	3	0	67	104	14	24

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	595	0	0	270	0	0	1064	1113	270	1078	1045	527
Stage 1	-	-	-	-	-	-	332	332	-	713	713	-
Stage 2	-	-	-	-	-	-	732	781	-	365	332	-
Critical Hdwy	4.11	-	-	4.11	-	-	7.1	6.5	6.2	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Follow-up Hdwy	2.209	-	-	2.209	-	-	3.5	4	3.3	3.518	4.018	3.318
Pot Cap-1 Maneuver	986	-	-	1299	-	-	202	210	774	196	229	551
Stage 1	-	-	-	-	-	-	686	648	-	423	435	-
Stage 2	-	-	-	-	-	-	416	408	-	654	644	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	986	-	-	1298	-	-	169	189	773	165	206	551
Mov Cap-2 Maneuver	-	-	-	-	-	-	169	189	-	165	206	-
Stage 1	-	-	-	-	-	-	664	627	-	410	404	-
Stage 2	-	-	-	-	-	-	356	379	-	579	623	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.9	1.1	11	56.2
HCM LOS			B	F

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	668	986	-	-	1298	-	-	169	551
HCM Lane V/C Ratio	0.105	0.031	-	-	0.071	-	-	0.702	0.043
HCM Control Delay (s)	11	8.8	-	-	8	-	-	65.1	11.8
HCM Lane LOS	B	A	-	-	A	-	-	F	B
HCM 95th %tile Q(veh)	0.4	0.1	-	-	0.2	-	-	4.2	0.1

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	17	397	0	115	664	107	5	0	76	63	0	10
Future Volume (vph)	17	397	0	115	664	107	5	0	76	63	0	10
Confl. Peds. (#/hr)			1	1								
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	0%	0%	2%	2%	2%
Shared Lane Traffic (%)												
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 64.9%	ICU Level of Service C
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	8.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	17	397	0	115	664	107	5	0	76	63	0	10
Future Vol, veh/h	17	397	0	115	664	107	5	0	76	63	0	10
Conflicting Peds, #/hr	0	0	1	1	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	-	100	-	-	-	-	-	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	94	94	94	94	94	94	94	94	94	94	94	94
Heavy Vehicles, %	0	0	0	1	1	1	0	0	0	2	2	2
Mvmt Flow	18	422	0	122	706	114	5	0	81	67	0	11

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	820	0	0	423	0	0	1472	1523	423	1506	1466	763
Stage 1	-	-	-	-	-	-	459	459	-	1007	1007	-
Stage 2	-	-	-	-	-	-	1013	1064	-	499	459	-
Critical Hdwy	4.1	-	-	4.11	-	-	7.1	6.5	6.2	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.12	5.52	-
Follow-up Hdwy	2.2	-	-	2.209	-	-	3.5	4	3.3	3.518	4.018	3.318
Pot Cap-1 Maneuver	818	-	-	1142	-	-	106	119	635	99	128	404
Stage 1	-	-	-	-	-	-	586	570	-	290	319	-
Stage 2	-	-	-	-	-	-	291	302	-	554	566	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	818	-	-	1141	-	-	93	104	634	78	112	404
Mov Cap-2 Maneuver	-	-	-	-	-	-	93	104	-	78	112	-
Stage 1	-	-	-	-	-	-	573	557	-	284	285	-
Stage 2	-	-	-	-	-	-	253	270	-	473	553	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.4	1.1	14.5	137.3
HCM LOS			B	F

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	466	818	-	-	1141	-	-	78	404
HCM Lane V/C Ratio	0.185	0.022	-	-	0.107	-	-	0.859	0.026
HCM Control Delay (s)	14.5	9.5	-	-	8.5	-	-	156.8	14.2
HCM Lane LOS	B	A	-	-	A	-	-	F	B
HCM 95th %tile Q(veh)	0.7	0.1	-	-	0.4	-	-	4.4	0.1

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	588	26	115	832	170	70
Future Volume (vph)	588	26	115	832	170	70
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	1%	1%	0%	0%	1%	1%
Shared Lane Traffic (%)						
Sign Control	Free			Free	Stop	

Intersection Summary	
Control Type: Unsignalized	
Intersection Capacity Utilization 64.2%	ICU Level of Service C
Analysis Period (min) 15	

Intersection	
Int Delay, s/veh	97.4

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	588	26	115	832	170	70
Future Vol, veh/h	588	26	115	832	170	70
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	1	1	0	0	1	1
Mvmt Flow	626	28	122	885	181	74

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	654	0	1769	640
Stage 1	-	-	-	-	640	-
Stage 2	-	-	-	-	1129	-
Critical Hdwy	-	-	4.1	-	6.41	6.21
Critical Hdwy Stg 1	-	-	-	-	5.41	-
Critical Hdwy Stg 2	-	-	-	-	5.41	-
Follow-up Hdwy	-	-	2.2	-	3.509	3.309
Pot Cap-1 Maneuver	-	-	943	-	~ 92	477
Stage 1	-	-	-	-	527	-
Stage 2	-	-	-	-	310	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	943	-	~ 80	477
Mov Cap-2 Maneuver	-	-	-	-	~ 80	-
Stage 1	-	-	-	-	527	-
Stage 2	-	-	-	-	270	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.1	$ 726.4
HCM LOS			F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	106	-	-	943	-
HCM Lane V/C Ratio	2.409	-	-	0.13	-
HCM Control Delay (s)	$ 726.4	-	-	9.4	-
HCM Lane LOS	F	-	-	A	-
HCM 95th %tile Q(veh)	22.9	-	-	0.4	-

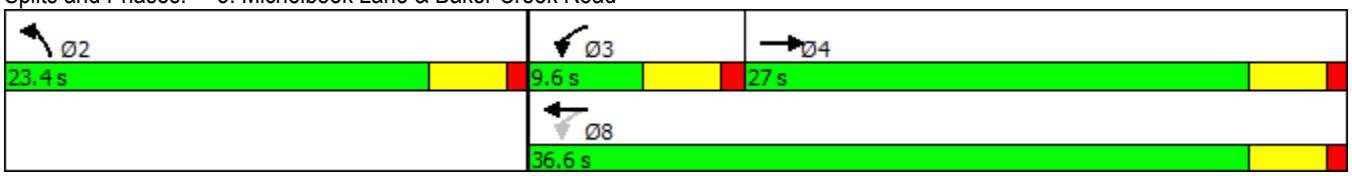
Notes

~: Volume exceeds capacity $: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	588	26	115	832	170	70
Future Volume (vph)	588	26	115	832	170	70
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	1%	1%	0%	0%	1%	1%
Shared Lane Traffic (%)						
Turn Type	NA		pm+pt	NA	Prot	
Protected Phases	4		3	8	2	
Permitted Phases			8			
Detector Phase	4		3	8	2	
Switch Phase						
Minimum Initial (s)	5.0		5.0	5.0	5.0	
Minimum Split (s)	22.5		9.5	22.5	22.5	
Total Split (s)	27.0		9.6	36.6	23.4	
Total Split (%)	45.0%		16.0%	61.0%	39.0%	
Yellow Time (s)	3.5		3.5	3.5	3.5	
All-Red Time (s)	1.0		1.0	1.0	1.0	
Lost Time Adjust (s)	0.0		0.0	0.0	0.0	
Total Lost Time (s)	4.5		4.5	4.5	4.5	
Lead/Lag	Lag		Lead			
Lead-Lag Optimize?	Yes		Yes			
Recall Mode	None		None	None	Min	
Act Effct Green (s)	21.9		29.0	29.0	11.8	
Actuated g/C Ratio	0.44		0.58	0.58	0.24	
v/c Ratio	0.80		0.37	0.81	0.58	
Control Delay	24.7		8.8	17.2	21.0	
Queue Delay	0.0		0.0	0.0	0.0	
Total Delay	24.7		8.8	17.2	21.0	
LOS	C		A	B	C	
Approach Delay	24.7			16.2	21.0	
Approach LOS	C			B	C	

Intersection Summary	
Cycle Length: 60	
Actuated Cycle Length: 50.2	
Natural Cycle: 60	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 0.81	
Intersection Signal Delay: 19.8	Intersection LOS: B
Intersection Capacity Utilization 65.0%	ICU Level of Service C
Analysis Period (min) 15	

Splits and Phases: 3: Michelbook Lane & Baker Creek Road



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	588	26	115	832	170	70
Future Volume (veh/h)	588	26	115	832	170	70
Number	4	14	3	8	5	12
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1881	1900	1900	1900	1881	1900
Adj Flow Rate, veh/h	626	28	122	885	181	74
Adj No. of Lanes	1	0	1	1	0	0
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	1	1	0	0	0	0
Cap, veh/h	786	35	412	1174	237	97
Arrive On Green	0.44	0.44	0.08	0.62	0.19	0.19
Sat Flow, veh/h	1787	80	1810	1900	1224	501
Grp Volume(v), veh/h	0	654	122	885	256	0
Grp Sat Flow(s),veh/h/ln	0	1867	1810	1900	1732	0
Q Serve(g_s), s	0.0	14.4	1.5	15.9	6.7	0.0
Cycle Q Clear(g_c), s	0.0	14.4	1.5	15.9	6.7	0.0
Prop In Lane		0.04	1.00		0.71	0.29
Lane Grp Cap(c), veh/h	0	821	412	1174	335	0
V/C Ratio(X)	0.00	0.80	0.30	0.75	0.76	0.00
Avail Cap(c_a), veh/h	0	879	453	1276	685	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	0.0	11.5	8.2	6.5	18.2	0.0
Incr Delay (d2), s/veh	0.0	4.9	0.4	2.4	3.6	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	8.4	0.8	8.9	3.5	0.0
LnGrp Delay(d),s/veh	0.0	16.4	8.6	8.9	21.9	0.0
LnGrp LOS		B	A	A	C	
Approach Vol, veh/h	654			1007	256	
Approach Delay, s/veh	16.4			8.9	21.9	
Approach LOS	B			A	C	

Timer	1	2	3	4	5	6	7	8
Assigned Phs		2	3	4				8
Phs Duration (G+Y+Rc), s		13.8	8.5	25.5				34.0
Change Period (Y+Rc), s		4.5	4.5	4.5				4.5
Max Green Setting (Gmax), s		18.9	5.1	22.5				32.1
Max Q Clear Time (g_c+I1), s		8.7	3.5	16.4				17.9
Green Ext Time (p_c), s		0.6	0.0	4.6				9.1

Intersection Summary	
HCM 2010 Ctrl Delay	13.2
HCM 2010 LOS	B

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
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www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **January 14, 2020**
TO: **Mayor and City Councilors**
FROM: **Jamie Fleckenstein, Associate Planner**
SUBJECT: **Ordinance No. 5090 (Zone Change ZC 4-19)**
Ordinance No. 5091 (Conditional Use Permit CU 4-19)

STRATEGIC PRIORITY & GOALS:

GROWTH & DEVELOPMENT CHARACTER
Guide growth & development strategically, responsively & responsibly to enhance our unique character.

ECONOMIC PROSPERITY
Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.

HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)
Create diverse housing opportunities that support great neighborhoods.

Report in Brief:

This action is the consideration of Ordinance Nos. 5090 and 5091, ordinances approving the following land-use actions for the property at 1945 NW 2nd Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.):

1. **Ordinance No. 5090: ZC 4-19, Zone Change** from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential).

2. **Ordinance No. 5091: CU 4-19, Conditional Use Permit** to allow the development of a dental clinic on R-4 (Multiple-Family Residential) zoned property.

The land-use decisions would allow a phased development concept that would include a dental clinic and approximately nine (9) townhouse style multi-family dwelling units.

The two (2) land-use applications were submitted by the applicant for concurrent review, as allowed by Section 17.72.070 of the MMC. When applications are submitted for concurrent review, the applications are subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission made recommendations on both applications to the City Council, and the City Council will make the final decisions on both applications.

These land-use requests were considered at a public hearing by the McMinnville Planning Commission on December 19, 2019. The public hearing was closed on December 19, 2019, following which the

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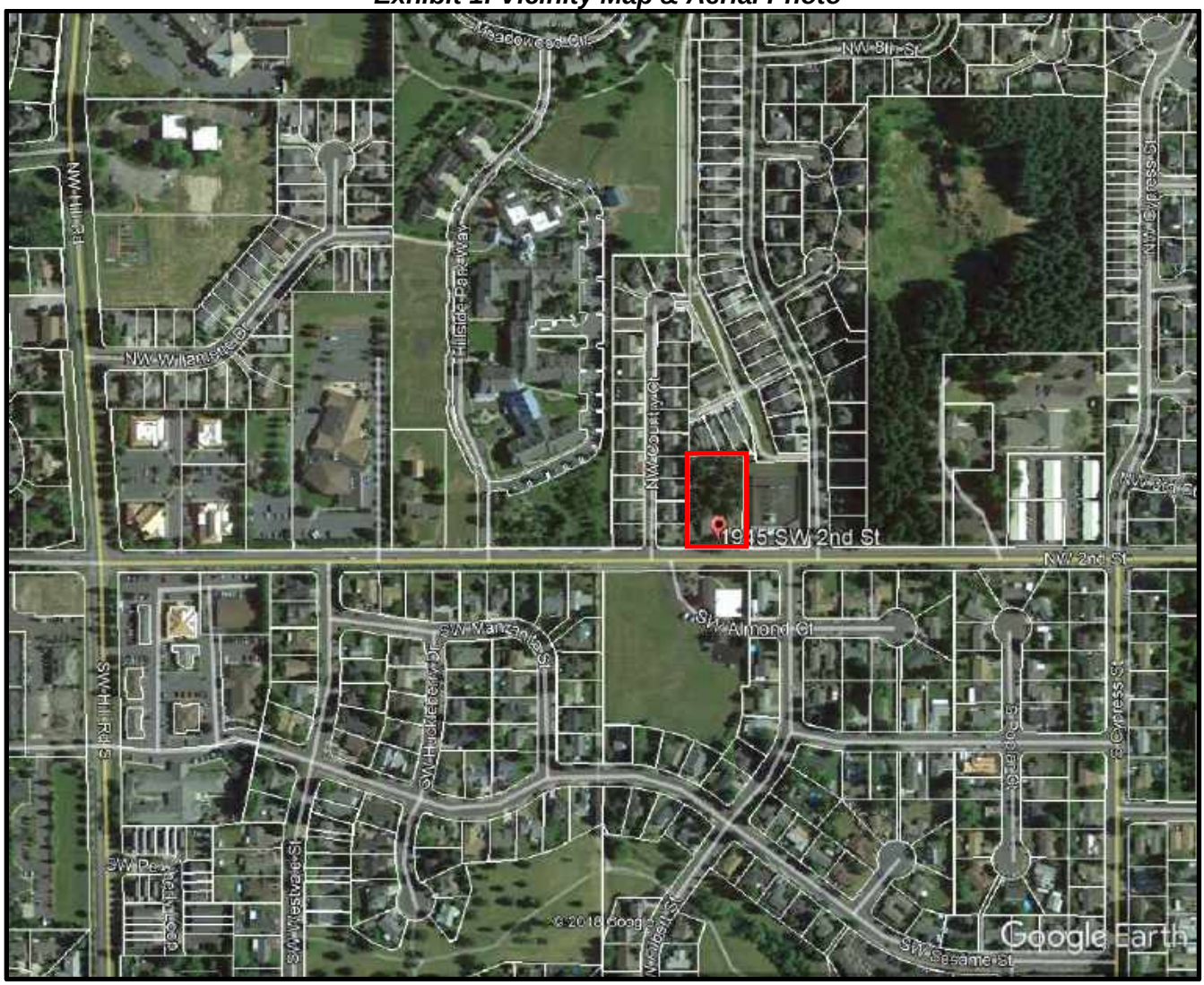
Planning Commission deliberated and voted to recommend that the Council consider and approve the Zone Change and Conditional Use Permit requests subject to conditions outlined in Ordinances No. 5090 and 5091, based on the Findings of Fact, the Planning Commission's Conclusionary Findings for Approval, and the materials submitted by the applicant.

Background:

Subject Property and Request

The subject property is a 0.82 acre parcel located at 1945 NW 2nd Street, on the north side of 2nd Street between NW Meadows Drive and NW Hill Road. ***See Exhibit 1 (Vicinity Map & Aerial Photo).***

Exhibit 1: Vicinity Map & Aerial Photo



The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. ***See Exhibit 2 (Current Zoning).*** Predominant adjacent uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2nd Street to the south. Hillside, a continuing care

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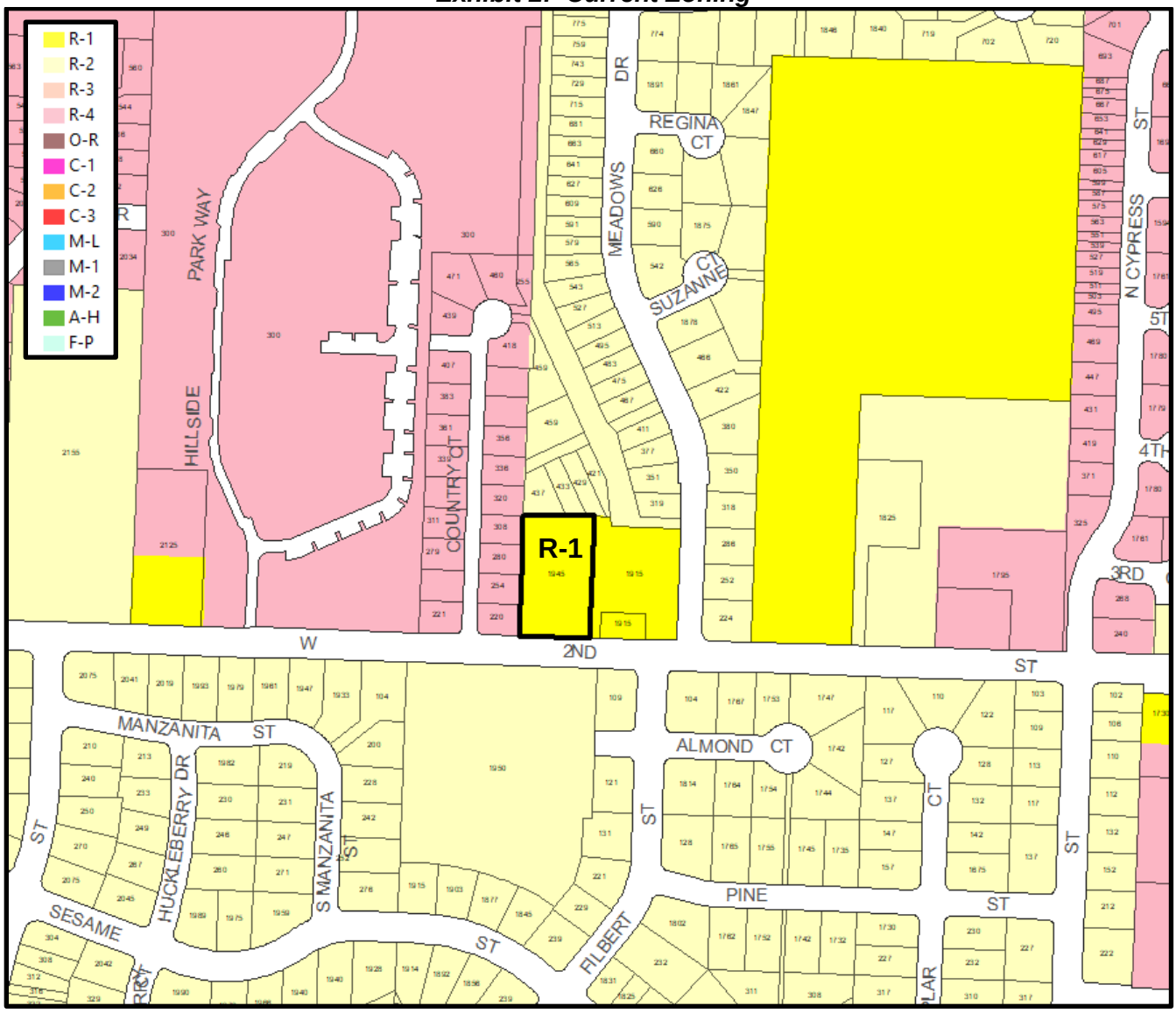
retirement community, is located further west from the site along 2nd Street, and Calvary Chapel and a multi-family apartment complex are located further east of the site along 2nd Street. The subject property is developed with a single-family residence and accessory structures, and mature trees provide substantial tree cover as shown in the aerial photo.

Exhibit 2: Current Zoning



The concurrent requests would rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) to allow multiple-family residential housing and approve a dental clinic as a conditional use. ***See Exhibit 3 (Proposed Zoning).*** The proposal would be developed in two phases: the first phase would include an approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2nd Street, and a future phase of development would include up to nine (9) townhouse-style multiple-family dwelling units on the northern half of the property. ***Exhibit 4 (Proposed Preliminary Site Plan)*** is provided for reference.

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Exhibit 3: Proposed Zoning

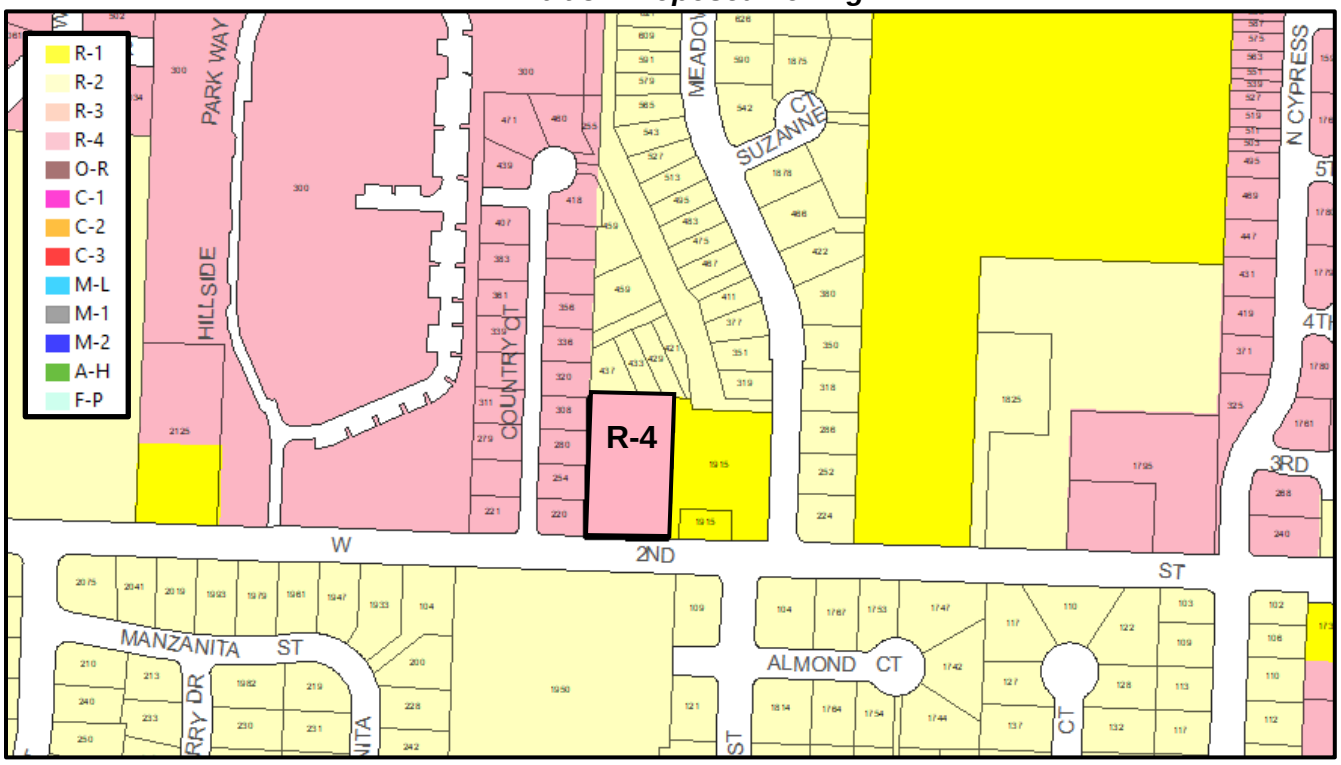
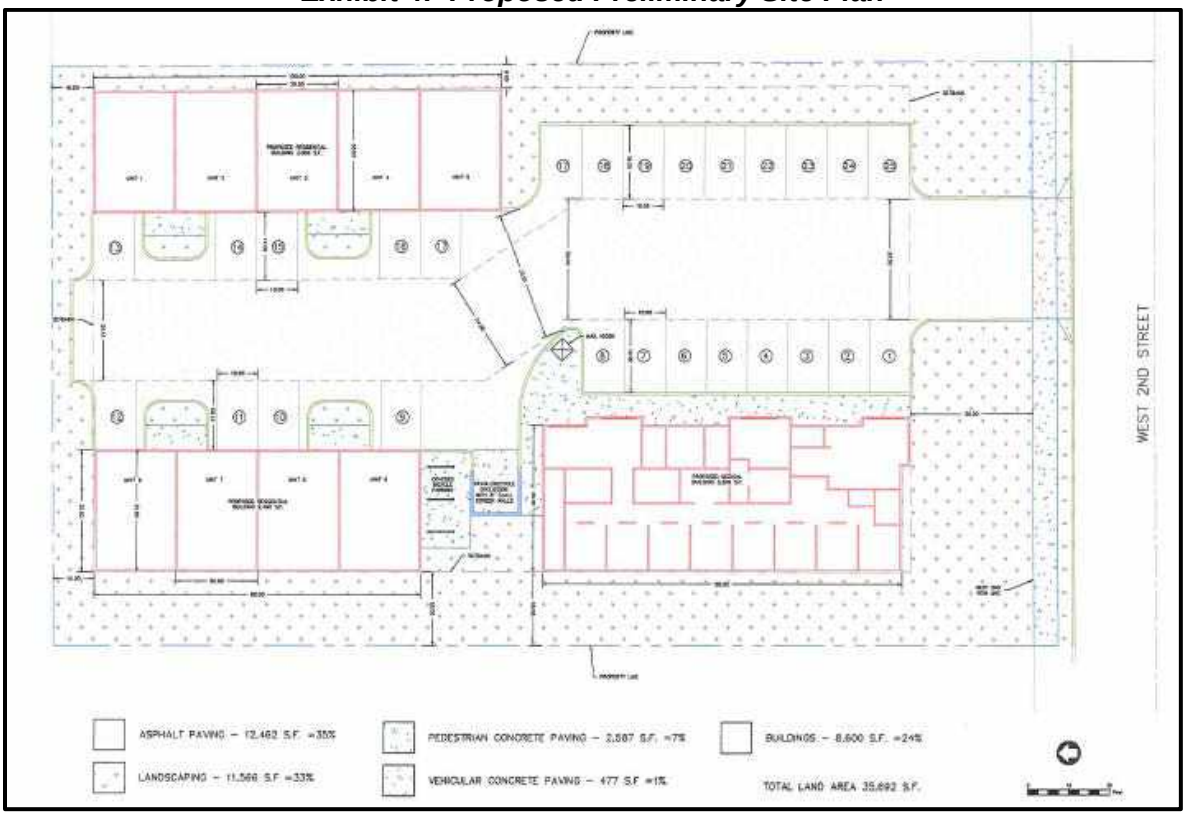


Exhibit 4: Proposed Preliminary Site Plan



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Summary of Review Criteria

Decisions and/or recommendations for both land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are two (2) different decision documents that provide the recommended Findings of Fact and Conclusionary Findings for each land-use application from the Planning Commission. These documents outline the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

Zone Change

The Zone Change (ZC 4-19) request is subject to the review criteria in Section 17.74.020 of the MMC and require the applicant to demonstrate that:

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 serve 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 statute), 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.

Conditional Use Permit

The Conditional Use Permit (CU 4-19) request is subject to the review criteria in Section 17.74.020 of the MMC requiring that the applicant demonstrate that:

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;

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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.

Additionally, conditions may be imposed when permitting a new conditional use 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.

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Analysis of Land-Use Requests

The applicant has provided findings to support the requests for the land use applications described above. The applicant's findings are provided in their application materials. Staff prepared Decision Documents for each land-use application and request, where the applicant's findings are reiterated and in some cases refined or amended with a condition of approval in order to meet the applicable Comprehensive Plan policies and review criteria. These were considered and voted on by the Planning Commission as a recommendation to the City Council after conducting a public hearing. The detailed analysis, findings and conditions of approval are contained in each Decision Document attached to this staff report, but staff has also provided an overview of each land-use application and recommendation below.

Zone Change (ZC 4-19)

The applicant is requesting to rezone the subject site from its existing R-1 (Single-Family Residential) zoning to R-4 (Multiple-Family Residential). The R-4 zone would maintain consistency with the site's Residential designation on the Comprehensive Plan Map.

The rezone request meets most of the locational requirements for higher density housing found in McMinnville's Comprehensive Plan. The site is located on and accessed from 2nd Street, an arterial street and current public transit route. Neighborhood and general commercial areas are located nearby. The site is situated such that it can be buffered from adjacent low density residential areas. The site is not committed to low or medium density housing, nor is it subject to development limitations. The applicant submitted a trip generation evaluation, finding that the increase in traffic generated by the land-use requests would not significantly affect the capacity of surrounding transportation facilities, and therefore not requiring a more detailed Traffic Impact Analysis. However, one locational requirement is not currently achieved by the site. Despite close proximity to public open space, the site is not adjacent to private or public open space. To address the unsatisfied locational requirement, a condition of approval is recommended to require open space be provided as part of future multiple-family residential development. Also, to ensure the integrity of the surrounding transportation facilities, a condition of approval is recommended that will require a traffic impact analysis if the development (allowed by the R-4 zone) generates an increase of more than 200 average daily vehicular trips and/or more than 20 p.m. peak hour trips compared to the trip generation of existing development (allowed by the R-1 zone).

Provision of utility services is an identified issue for rezoning the property to allow more intense development. Urban services, including sanitary sewer collection and disposal lines, storm sewer and drainage lines, improved streets, and municipal water distribution facilities and water supplies, currently are available to the property and adequately serve the current use, a single-family residence and zoning, R-1 (Single Family Residential). Water and power can efficiently serve increased development allowed by the rezone. However, downstream pipeline capacity issues have been identified in the sanitary and storm sewer systems that would not accommodate full development of the site as allowed by the proposed R-4 zone. The current utility systems would allow for partial development of the site at R-4 intensity and density, however. To address the provision of the urban services to accommodate full development as allowed by the R-4 zone and to ensure future development does not overburden downstream utilities, a condition of approval is suggested to limit development of the site to the sanitary sewer flows assigned to the site under its current R-1 zoning until such time as downstream capacity of the sanitary sewer system is increased and can accommodate full development of the site at R-4 intensity. On-site stormwater detention would address system capacity issues.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

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Issue	Notes	Condition to Help Meet Criteria
Compatibility with Comprehensive Plan Locational Requirements for High Density Residential	• Adjacent to Arterial Street Intended to Support More Intense Development • Adjacent to Transit Route and Stops • Nearby Commercial Areas • Surrounding Low Density Residential Can Be Buffered • No Geographical or Topographical Development Limitations • Site Not Adjacent to Open Space	*ZC 4-19 Condition of Approval #2:* Requires Traffic Impact Analysis if trip generation thresholds are exceeded *ZC 4-19 Condition of Approval #4:* Requires Planning Dept. review and approval to remove mature trees from the site. *ZC 4-19 Condition of Approval #8:* Requires increased setbacks if building height exceeds 35 feet *ZC 4-19 Condition of Approval #9:* Requires landscape buffer along north property line *ZC 4-19 Condition of Approval #10:* Requires provision of open space on-site for multi-family residential development *ZC 4-19 Condition of Approval #12,13:* Requires landscape plan and street trees
Orderly and Timely Considering Surrounding Pattern of Development and Uses	• Variety of Housing Types and Densities in the Surrounding Area • Variety of Uses in the Surrounding Area	
Provision of Utilities and Services	• Sanitary Sewer System Capacity Limited Downstream • Storm Sewer System Capacity Limited Downstream • 2nd Street Not Affected By Traffic Increase	*ZC 4-19 Condition of Approval #1:* Limits sewer discharge from site until capacity is increased *ZC 4-19 Condition of Approval #2:* Requires Traffic Impact Analysis if trip generation thresholds are exceeded *ZC 4-19 Condition of Approval #3:* Requires stormwater detention

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Zone Change (ZC 4-19) Recommended Conditions of Approval

1. That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

2. That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

3. That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

4. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.

5. That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.

6. That prior to the issuance of building permits, the applicant shall dedicate a 10 (ten) foot public utility easement along the site's NW 2nd Street frontage.

7. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).

8. That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

9. That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single-family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.

10. That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

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11. That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.

12. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk 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.

13. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

Conditional Use Permit

Subsequent to the Zone Change (ZC 4-19) request, if approved, the applicant is requesting approval of a conditional use permit to allow for the development of a dental clinic on the property, now rezoned to R-4 (Multiple-Family Residential). A clinic is defined in the MMC as "A medical facility for the treatment and examination of outpatients, conducted by a group of physicians, dentists and other licensed practitioners." "Hospital and clinic" is a conditional use allowed in the R-4 zone.

The approximately 3,200 square foot dental clinic, as shown in Exhibit 4 (Proposed Site Plan) above, is proposed to be located on the southwest portion of the site adjacent to 2nd Street. An associated parking lot providing required off-street parking would be located beside the building, on the southeast portion of the site. Access to the use would be from 2nd Street. The application indicates the development of the dental clinic would be the first phase of development on the property. For reference, a future second phase of multi-family residential housing would follow when required conditions of ZC 4-19 are met, allowing more intense development.

In judging whether or not a conditional use proposal shall be approved or denied, its appropriateness and desirability or the public convenience or necessity to be served must be weighed against any adverse conditions that would result from authorizing the particular development at the location proposed.

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Overall, the Planning Commission concurred with the applicant's findings and supports the approval of the Conditional Use, subject to some conditions to mitigate potential adverse conditions and protect the best interest of the surrounding area or the community as a whole.

The location, size, design, and operating characteristics of the conditional use as proposed would have minimal impact on the surrounding neighborhood. While specific architectural plans and elevations for the clinic structure were not included in the application, the site plan concept is for a residential-scale building on the southern portion of the site, oriented to the east. The site orientation would focus the activity of the use and off-street parking away from single-family residences adjacent to the site to the north and west. The adjacent use to the east is a substation, which would not be impacted by the conditional use. The dental clinic structure would relate in scale to the single-family residences to the west, and would help preserve the privacy of the rear yards of those residences. Suggested conditions of approval to limit the height of the clinic structure to 35 feet, to provide sight-obscuring fencing between the existing residences to the west and the subject site, and to limit the off-site impact of lighting will help minimize the impact of the conditional use on the surrounding area. Operationally, the clinic is anticipated to be open during typical business hours, and a condition is recommended to limit the hours of operation to between 7:00 AM and 8:00 PM.

An issue surrounding sufficient sewer service to the property, including the conditional use, was addressed more specifically in the zone change (ZC 4-19) request, where a condition would limit fixtures producing sanitary sewer flow for all development on the site until downstream pipeline capacity is increased. Similarly, the traffic impact of the proposed dental clinic and future multi-family residential development was evaluated as part of the zone change (ZC 4-19) request. It was found in that review that increases in traffic resulting from the currently proposed development would not significantly impact the surrounding street network. To ensure the integrity of the street network, a condition of approval was included to require a traffic impact analysis if identified trip generation thresholds are exceeded by the proposed uses on the site, including any conditional use.

Landscaping would be a requirement for development of the site, including landscaping around the building, parking lot, and street trees in the public right-of-way adjacent to the site. The applicant has stated that landscaping will be used to buffer and enhance the site. Factors considered during the review of landscape plans by the Landscape Review Committee include the screening of uses and inclusion of appropriate parking lot landscaping and street trees. Additionally, a condition of the Zone Change (ZC 4-19) approval would be that mature trees on the site are not to be removed without prior review and approval of the Planning Department.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

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Issue	Notes	Condition to Help Meet Criteria
Compatibility of Development with Surrounding Neighborhood	• Size and Height of Building • Location of Building on Site • Landscaping and Street Trees	*CU 4-19 Condition of Approval #2:* Limit building height to 35 feet *CU 4-19 Condition of Approval #3:* Requires privacy fencing along west property line *CU 4-19 Condition of Approval #4:* Requires focusing and/or shielding of site and accent lighting to on-site targets *ZC 4-19 Condition of Approval #9:* Requires landscape buffer along north property line *ZC 4-19 Condition of Approval #12,13:* Requires landscape plan and street trees
No Impacts on Livability, Value, or Appropriate Development of Abutting Properties	• Access to Site From 2nd Street (Minor Arterial) • Trips Generated By Use Will Not Affect Transportation Network • Development Limited By Sewer System Capacity Downstream	*ZC 4-19 Condition of Approval #1:* Limits sewer discharge from site until capacity is increased *ZC 4-19 Condition of Approval #2:* Requires Traffic Impact Analysis if trip generation thresholds are exceeded
Operations of Facility	• Off-Street Parking Provided • Typical Business Hours	*CU 4-19 Condition of Approval #5:* Restricts business hours to between 7AM and 8PM
Preservation of Natural Features	• Mature Trees On Site	*ZC 4-19 Condition of Approval #4:* Requires Planning Dept. review and approval to remove mature trees from the site.

Conditional Use Permit (CU 4-19) Recommended Conditions of Approval

1. That the decision for approval of the Conditional Use Permit (CU 4-19) is not rendered, and does not take effect, until and unless the concurrent Zone Change (ZC 4-19) request is approved by City Council. All applicable conditions from Docket Number ZC 4-19 shall be satisfied.

2. That the structure housing the dental clinic shall be no more thirty-five feet in height.

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3. That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.

4. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.

5. That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

Discussion:

The McMinnville Planning Commission held a public hearing for the Zone Change (ZC 4-19) and Conditional Use Permit (CU 4-19) land-use requests at their regular meeting on December 19, 2019. No public testimony was received by the Planning Department prior to the public hearing. One oral testimony was provided during the public hearing. The testimony did not support or oppose the land-use requests, but expressed general concern over increasing traffic and congestion on 2nd Street.

It should be noted that the applicant provided a trip generation evaluation of the proposed Zone Change and Conditional Use requests that concluded the traffic impact of the proposals on 2nd Street would be negligible. McMinnville currently has no standard for requiring a more detailed traffic impact analysis (TIA) that would study impact of a proposed development on the level of service of the surrounding street network, and recommended mitigation, if necessary. The trip generation evaluation found that the increase in the number of trips generated by the proposed development over the trips generated by existing development would not surpass adopted thresholds used by comparable and nearby communities to determine when TIAs are required. A condition of approval would require a TIA to be submitted and accepted by the City if any proposed development on the site generates an increase in traffic that exceeds the strictest standards identified in the applicant's tip generation evaluation.

The public hearing was closed on December 19, 2019, following which the Planning Commission deliberated. The Planning Commission had discussion about the applications, and supported the approval of the requests to allow a dental clinic in proximity to other nearby medical offices. The Planning Commission then voted on each land-use request. By a vote of 7-0, the Planning Commission voted to recommend that the Council consider and approve Zone Change ZC 4-19 subject to the conditions described in detail in Ordinance No. 5090. By a vote of 7-0, the Planning Commission voted to recommend that the Council consider and approve Conditional Use Permit CU 4-19 subject to the conditions described in detail in Ordinance No. 5091.

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Fiscal Impact:

Not Applicable to these Quasi-Judicial Applications.

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Ordinance 5090 (ZC 4-19) Alternative Courses of Action:

1. **ADOPT THE ORDINANCE** approving ZC 4-19 and adopting the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings per the decision document provided.

2. **CALL FOR A PUBLIC HEARING,** date specific to a future City Council meeting. The 120-day land use decision time limit expires on February 8, 2020. In order to hold a public hearing and meet all necessary noticing requirements, the public hearing would need to be scheduled for no sooner than February 4, 2020.

3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and/or conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5090.

Ordinance 5090 (ZC 4-19) Recommendation:

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found the criteria for the Zone Change were satisfied and **RECOMMENDED APPROVAL WITH CONDITIONS** of the application.

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the application as recommended by the Planning Commission.

Ordinance 5090 (ZC 4-19) Suggested Motion:

"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE TO ADOPT ORDINANCE NO. 5090."

Ordinance No. 5091 (CU 4-19) Alternative Courses of Action:

1. **ADOPT ORDINANCE 5091,** approving CU 4-19 and adopting the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings per the decision document provided.

2. **CALL FOR A PUBLIC HEARING,** date specific to a future City Council meeting. The 120-day land use decision time limit expires on February 8, 2020. In order to hold a public hearing and meet all necessary noticing requirements, the public hearing would need to be scheduled for no sooner than February 4, 2020.

3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and/or conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5091.

Ordinance No. 5091 (CU 4-19) Recommendation:

Attachments:
Attachment A: Ordinance No. 5090 including Exhibit A – ZC 4-19 Decision Document
Attachment B: Ordinance No. 5091 including Exhibit A – CU 4-19 Decision Document
Attachment C: Public Notices
Attachment D: Draft Planning Commission Minutes, December 19, 2019
Attachment E: ZC 4-19, CU 4-19 Application Materials

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found the criteria for the Conditional Use Permit were satisfied and **RECOMMENDED APPROVAL WITH CONDITIONS** of the application.

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the application as recommended by the Planning Commission.

Ordinance 5091 (CU 4-19) Suggested Motion:

"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE TO ADOPT ORDINANCE NO. 5091."

JF

Attachments:
Attachment A: Ordinance No. 5090 including Exhibit A – ZC 4-19 Decision Document
Attachment B: Ordinance No. 5091 including Exhibit A – CU 4-19 Decision Document
Attachment C: Public Notices
Attachment D: Draft Planning Commission Minutes, December 19, 2019
Attachment E: ZC 4-19, CU 4-19 Application Materials

ATTACHMENT A

ORDINANCE NO. 5090

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) FOR A 0.82 ACRE PARCEL ON NW 2nd STREET.

RECITALS:

The Planning Department received application ZC 4-19 (Zone Change) from Doug Egan of MD Builders, Inc., on behalf of Melinda Judd, property owner, requesting approval of a Zone Change from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) for the subject property; and

The subject site is located at 1945 NW 2nd Street, and is more specifically described as Tax Lot 1500, Section 19AD, T. 4 S., R 4 W., W.M.; and

A public hearing before the McMinnville Planning Commission was held on December 19, 2019, after due notice had been provided in the local newspaper on December 10, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said request, found that the requested Zone Change conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission, by a vote of 7-0, recommended approval of said Zone Change to the Council; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A approving ZC 4-19; and

2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 14th day of January 2020, by the following votes:

Ayes: _____

Nays: _____

_____

MAYOR

Attest: _____

CITY RECORDER

Approved as to form: _____

CITY ATTORNEY

EXHIBIT A to Ordinance No. 5090

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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) FOR A 0.82 ACRE PARCEL ON NW 2nd STREET

DOCKET:	ZC 4-19 (Zone Change)
REQUEST:	Application for a zone change from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential)
LOCATION:	1945 NW 2nd Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.)
ZONING:	R-1 (Single-Family Residential)
APPLICANT:	Doug Egan, MD Builders, Inc., on behalf of Melinda Judd, property owner
STAFF:	Jamie Fleckenstein, Associate Planner
DATE DEEMED COMPLETE:	October 11, 2019
DECISION MAKING BODY & ACTION:	The McMinnville City Council is the final decision-making body after a recommendation of approval by the McMinnville Planning Commission.
DECISION DATE & LOCATION:	City Council, January 14, 2020, Civic Hall, 200 NE 2nd Street, McMinnville. Planning Commission, December 19, 2019, Civic Hall, 200 NE 2nd Street, McMinnville.
PROCEDURE:	An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.
CRITERIA:	The applicable criteria for a Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
APPEAL:	As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including

resolution of any local appeal. The deadline for the 120 day processing timeline is February 8, 2020.

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. Comments were received from the McMinnville Engineering Department and Oregon Department of State Lands. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council **APPROVES** the Zone Change (ZC 4-19) **subject to the conditions of approval provided in Section II of this document.**

//

DECISION: APPROVAL WITH CONDITIONS

//

City Council:____ Date:____________________
Scott Hill, Mayor of McMinnville

Planning Commission:__________________________________ Date:____________________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: __________________________________ Date:____________________
Heather Richards, Planning Director

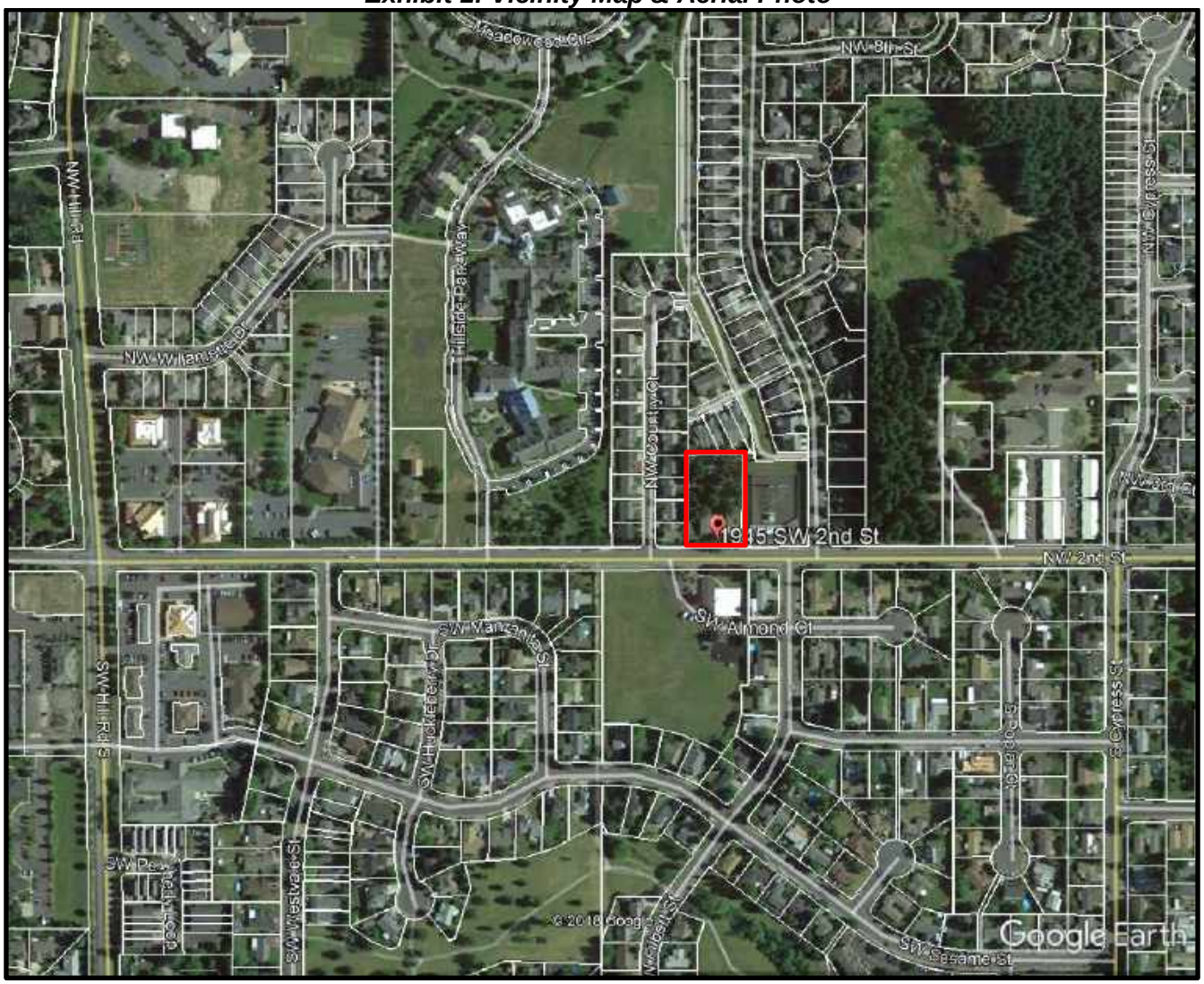
I. APPLICATION SUMMARY:

The proposal is an application for Zone Change (ZC 4-19) to rezone the subject property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). The application was submitted concurrently with an application for a Condition Use Permit application to allow a dental clinic on the site.

Subject Property & Request

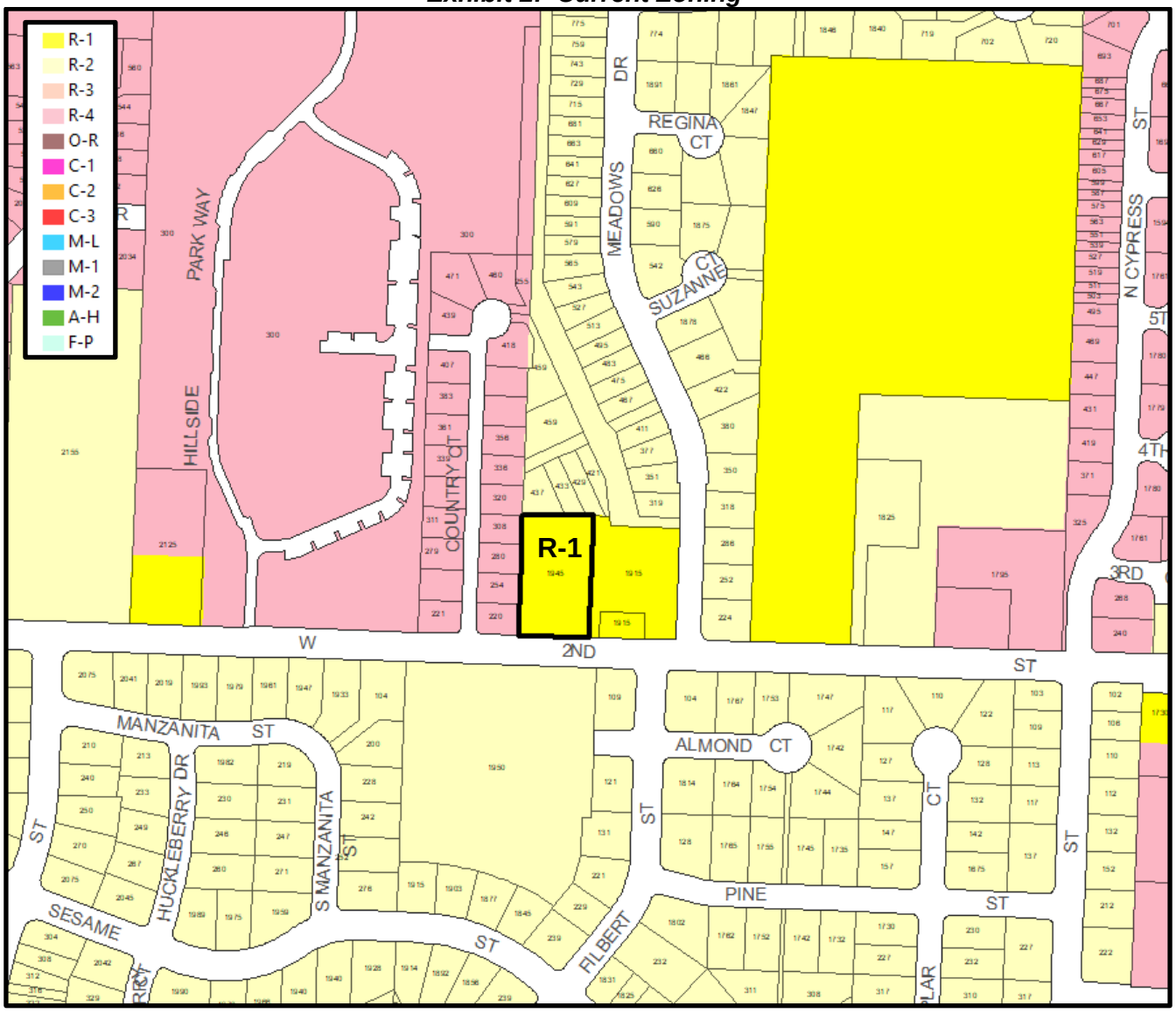
The subject property is a 0.82 acre parcel located at 1945 NW 2nd Street, on the north side of NW 2nd Street between Meadows Drive and Hill Road. ***See Exhibit 1: Vicinity Map & Aerial Photo.***

Exhibit 1: Vicinity Map & Aerial Photo



The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. ***See Exhibit 2: Current Zoning.*** Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2nd Street to the south. The subject property is developed with a single-family residence and accessory structures, and mature trees provide substantial tree cover as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on NW 2nd Street.

Exhibit 2: Current Zoning



The concurrent requests would rezone the property from R-1 to R-4 to allow multiple-family residential housing and approve a dental clinic as a conditional use. ***See Exhibit 3: Proposed Zoning.*** The proposal would be developed in two phases: the first phase would include an approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2nd Street, and a future phase of development would include up to nine (9) townhouse-style multiple-family dwelling units on the northern half of the property. ***Exhibit 4: Proposed Preliminary Site Plan*** is provided for reference.

Exhibit 3: Proposed Zoning

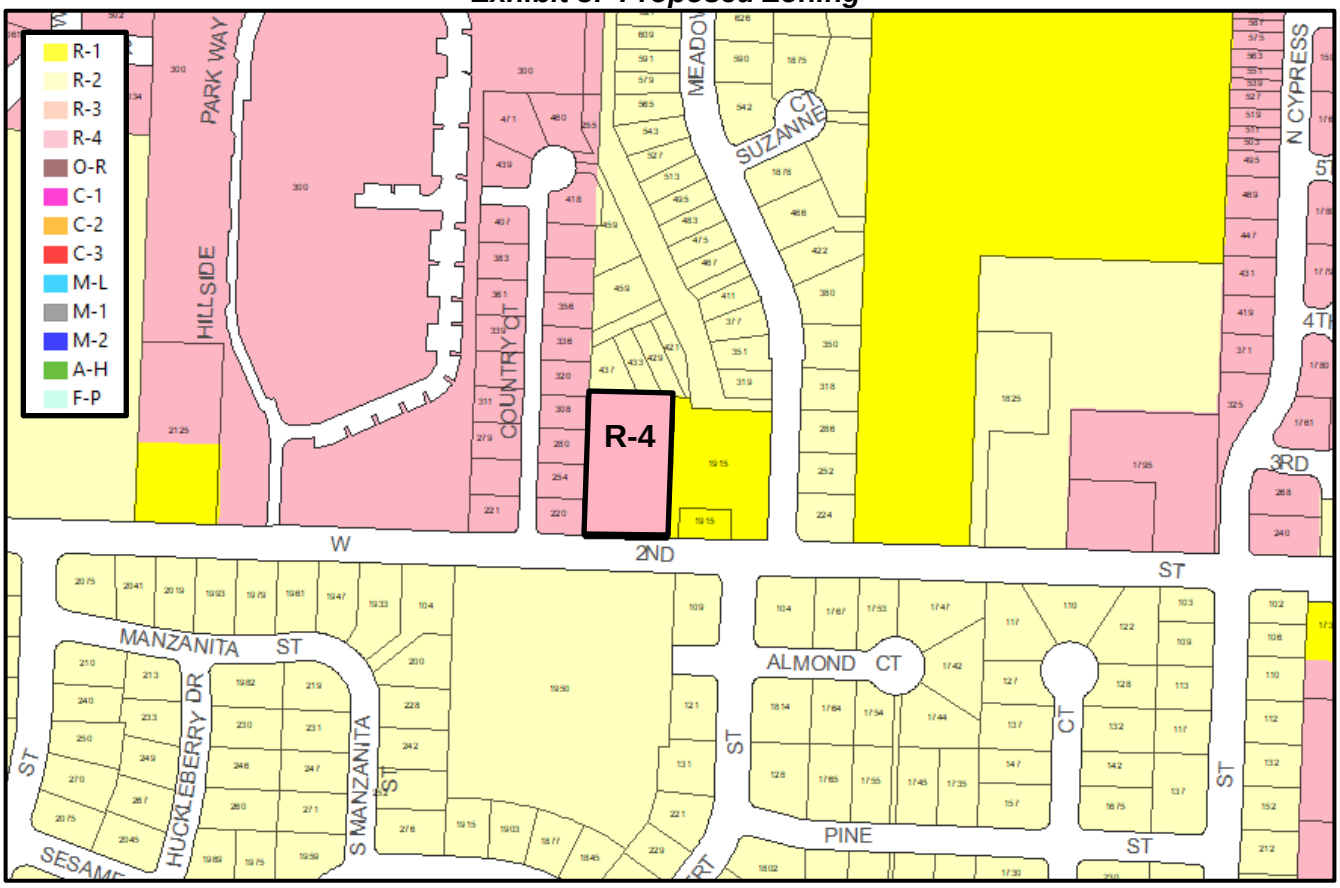
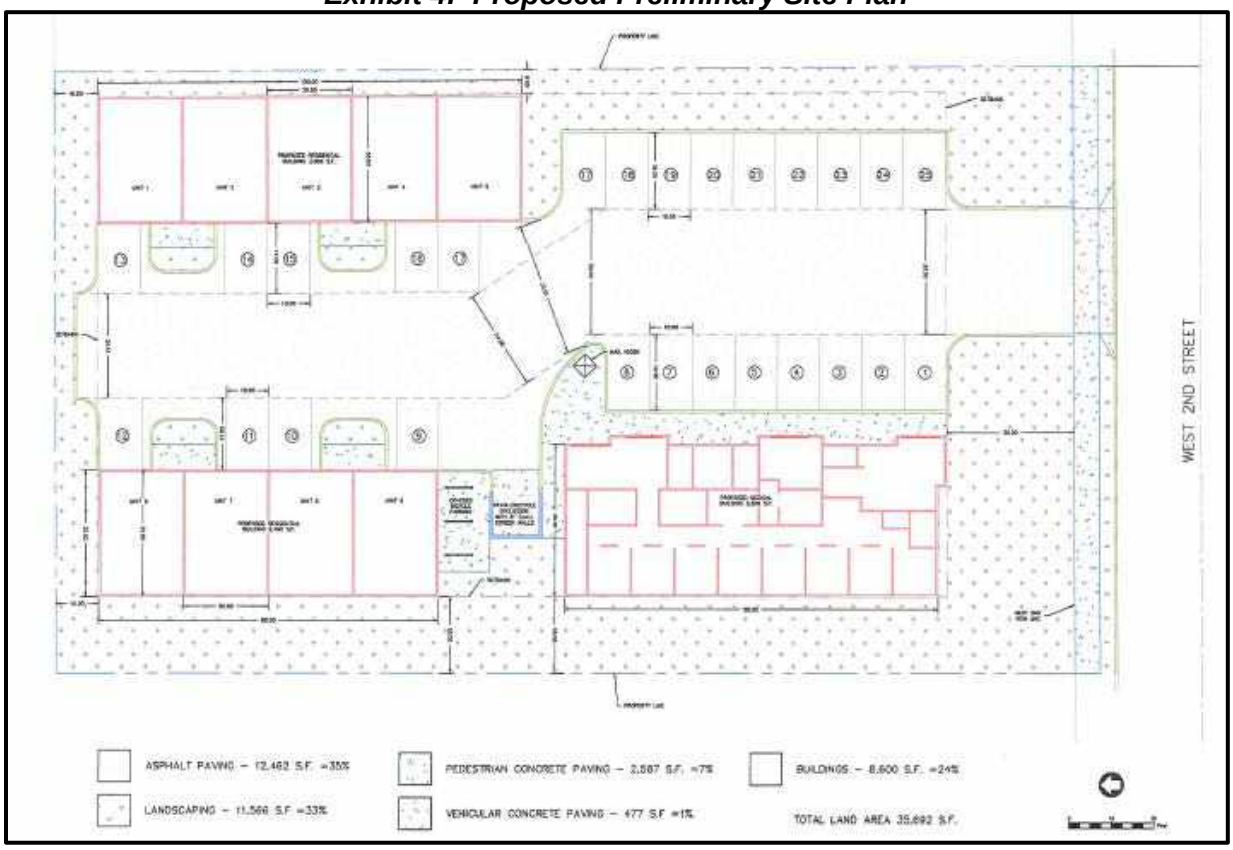


Exhibit 4: Proposed Preliminary Site Plan



Summary of Criteria & Issues

The application (ZC 1-19) is subject to Zone Change review criteria in Section 17.74.020 of the McMinnville Municipal Code (MMC). Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

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 serve 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 statute), 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.

The applicant has provided findings to support the request for a Zone Change. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

2. That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

3. That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

4. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.

5. That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.

6. That prior to the issuance of building permits, the applicant shall dedicate a 10 (ten) foot public utility easement along the site's NW 2nd Street frontage.

7. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).

8. That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

9. That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single-family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.

10. That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

11. That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.

12. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk 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.

13. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

III. ATTACHMENTS:

1. ZC 4-19 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. In addition, notice was provided to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

  Good morning – We have reviewed proposed ZC 4-19 and CU 4-19, and noted that neither application included any discussion re: the expected increase in traffic due to the proposals. Therefore, the applications should be considered incomplete, and they should be denied.

  Other comments re: the proposals include:

  - 2nd Street is classified as a minor arterial in the City's Transportation System Plan (TSP). The existing right-of-way width for 2nd Street is 60', and the TSP identifies a right-of-way width of 76' for minor arterials. Prior to this issuance of building permits for the project, the applicant will need to dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.

  - Prior to the issuance of building permits, the applicant shall also dedicate a 10' wide public utility easement along the property's 2nd Street frontage.

  - As part of the development of the subject site, the applicant shall construct sidewalks meeting the TSP standard of 10-12' wide for commercial uses abutting a minor arterial.

  - The City's adopted Sanitary Sewer Conveyance System Master plan (October 2008) was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre. The proposed upzoning of the site was analyzed using the City's conveyance system model, and it was determined that there in insufficient system capacity downstream of the subject site. The applicant was notified of the downstream capacity issues on April 5, 2019 (see attached). There are no current plans to address the identified downstream capacity issues. Thus, as noted in the applicant's materials, until such time as the downstream sanitary sewer capacity issues are addressed, the development of the site will be limited to the flows assigned in the Sanitary Sewer Conveyance System Master plan: 3.29 equivalent dwelling units (0.94 acres x 3.5 equivalent dwelling units per acre).

  - The site plan does not reflect the existing 15' wide storm drainage easement along the site's west boundary.

- The City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. The City does not have identified funding to address storm system capacity issues. Thus, the development of the subject site will require the installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

Good morning – The following information is in addition to the comments previously provided via email on October 21, 2019.

The revised materials related to traffic generation do not seem to be accurate. No technical information / data was provided with the materials, the narrative simply states the estimated average daily trips generated by the development will be 30.

The 10th Edition of the Institute of Traffic Engineers' "*Trip Generation Manual*" provides the following information for trip generation for the proposed uses:

- Multi-family housing (ITE code 220): Average rate for daily vehicle trip generation is 7.32 daily trips per dwelling unit; and
- Medical-Dental Office Building (ITE code 720): Average rate for daily vehicle trip generation is 34.80 daily trips per 1,000 square feet of gross floor area.

Thus the expected daily trip generation for the proposed development will be 177 vehicle trips:

- 7.32 trips per dwelling unit x 9 units = 66 daily trips for the residential use; and
- 34.80 trips per 1,000 sq ft x 3.2 = 111 daily trips for the dental office.

Given the lack of data to support the estimated daily trip number (30) provided by the applicant, and the lack of evidence to support that the transportation network will handle the actual estimated trip generation of 177 vehicle trips per day, the applications should be considered incomplete and they should be denied.

NOTE: A Trip Generation Memorandum was submitted on November 27, 2019, and after review, McMinnville Engineering had no further comments regarding the traffic impact.

- <u>McMinnville Water & Light</u>
  No issues with Conditional Use. Developer, contact MWL to further discuss outlined section of attached PDF regarding power supply as well as water for phases I & II.

- <u>Department of State Lands</u>
  Please refer to the Statewide Wetlands Inventory (for you still the NWI for a few more months) and submit a wetland land use notice (WLUN) to the Department of State Lands if wetlands or waters are mapped near the project area. If construction will be delayed from the zone change and the applicant is still working on design the WLUN may be delayed. However, if aquatic resources are on site, then the sooner the identification of resource boundaries is done, then the applicant can have more surety in design etc. No time like the present. For more information about WLUN see https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx , or contact me. If it has been determined that no aquatic resources are within the project area, or you have already submitted a WLUN, please disregard this message.
  I have provided this notice to our proprietary program, they will comment separately if needed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, December 10, 2019. As of the date of the Planning Commission public hearing on November 21, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Doug Egan of MD Builders, Inc., held a neighborhood meeting on July 29, 2019.

2. The applicant submitted the Zone Change application (ZC 4-19) on August 23, 2019.

3. The application was deemed incomplete on September 19, 2019. The applicant submitted revised application materials on October 2, 2019.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Notice was also provided to the Oregon Department of State Lands. In addition, notice was provided to the Oregon Department of Land Conservation and Development. Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 19, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Wednesday, November 27, 2019.

6. Notice of the application and the December 19, 2019 Planning Commission public hearing was published in the News Register on Tuesday, December 10, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance. Notice of the application was also provided to the Department of Land Conservation and Development on October 17, 2019.

7. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

8. On December 19, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1945 NW 2nd Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.):

2. **Size:** 0.82 acres

3. **Comprehensive Plan Map Designation:** Residential

4. **Zoning:** Current: R-1, Requested: R-4

5. **Overlay Zones/Special Districts:** None

6. **Current Use:** Single-family Residence

7. **Inventoried Significant Resources:**
   a. **Natural Resources:** None
   b. **Other:** None Identified

8. **Other Features:** Generally level site slightly sloping north to south towards 2nd Street. A stormwater easement runs along the west property line.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on 2nd Street.

10. **Transportation:** 2nd Street is identified as a Minor Arterial in the 2010 McMinnville Transportation System Plan (TSP). 2nd Street currently has a right-of-way width of 60 feet along the property frontage, which is improved with two (2) vehicular travel lanes, a dedicated bicycle lane on the north side of the street, shoulders, curb and gutter, and curb-tight sidewalks. The TSP identifies a right-of-way width of 76 feet for minor arterials. Transit is available on 2nd Street, with nearby stops at Meadows Street and Hillside Park Way.

11. **Parks & Public Facilities:** Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot walk from the site. West McMinnville Linear Park is located south of 2nd Street, approximately 1000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

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

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

APPLICANT'S RESPONSE: (58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00 […]) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple- family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options.

FINDING: SATISFIED. Approval of the Zone Change request from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) will allow for the opportunity to develop the property and increase the variety of housing types and densities in this area. Higher density residential development is consistent with the surrounding development pattern, as surrounding properties are zoned R-2 (Single-Family Residential) and R-4 (Multiple-Family Residential). Findings for residential policies regarding locational factors are provided in more detail below.

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

Policy 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.*

Policy 71.00 *The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

Policy 71.05 *The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal to rezone this land as requested is encouraged by the existing Residential designation of the site on the Comprehensive Plan Map. In addition, rezoning of this site to allow higher residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. Rezoning the property to R-4 (Multi-Family Residential) would provide additional supply of land planned and zoned for multi-family housing, a needed housing type identified in McMinnville's 2001 Residential Land Needs Analysis.

Policy 71.07 *The R-1 Zoning Designation shall be applied to limited areas within the McMinnville urban growth boundary. These include:*

1. *The steeply sloped portions of the West Hills;*
2. *Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities (Michelbook, for example);*

3. *Fox Ridge Road area;*
4. *Redmond Hill Road area;*
5. *Residential lands adjacent to existing or planned industrial areas.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is not in one of the limited areas that is to be committed to low density development. The property is not in the steeply sloped portion of the West Hills, Fox Ridge Road Area, Redmond Hill Road area, nor is it adjacent to existing or planned industrial areas. The site is currently zoned R-1 and developed to R-1 density, but the site is isolated and not in a neighborhood or group of properties approved for and developed to R-1 density, as exemplified in the above policy. Surrounding properties are zoned R-2 and R-4, with the exception of the adjacent power substation and the undeveloped Quarry Park site further east. Both of those sites are zoned R-1 and are not intended to develop residentially, but rather as public facilities. Therefore, the subject site is not committed to low density development as described in the above policy.

Policy 71.09 *Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 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.*

APPLICANT'S RESPONSE: The development will be high-density residential units with nine townhouse style dwellings units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #8, and #9. The subject site is not committed to low density residential, as described in more detail in the finding for Policy 71.07 above. The site is accessed from 2nd Street, classified as a Minor Arterial in the 2010 McMinnville Transportation System Plan. A public transportation route is located along 2nd Street, and there are bus stops immediately east and west of the site at Meadows Drive and Hillcrest Parkway. Both stops are within one-quarter mile of the site. There are no identified limitations to development based on the physical characteristics of the site.

As a minor arterial, 2nd Street is designed to accommodate 20,000 average daily trips (ADT) and to be adjacent to medium to high intensity development. A Trip Generation Memorandum dated November 27, 2019, evaluated potential traffic impacts associated with the zone change request concluded that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. Although the City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, the City evaluated standards in six comparable nearby cities and finds that the estimated trip generation created by the applicant's request does not warrant a more detailed traffic impact analysis, since the most conservative standard of comparable cities was that any development generating more than 200 ADT or 20 PM Peak Hour trips may have an effect on the transportation system and needs to conduct a Traffic Impact Analysis. The City finds that the trip increase due to the proposed development would not have significant effect on the existing transportation facilities and that there is capacity for the proposed development. To ensure that the future development of the site does not significantly effect the surrounding transportation network, a condition of approval has been included limiting uses on the site to those that generate trip increases of less than 200 ADT and 20 PM Peak Hour unless a Traffic Impact Analysis is completed and accepted by the City.

The final factor to be considered in the designation of an area for higher density residential use is that the site can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. The areas immediately adjacent to the subject site to the north are established low density, single-family residential areas. Based on the orientation of the subject site and its access onto 2nd Street, the front yard of the site would be along the south property line. This would result in the north property line being treated as the rear yard. The rear yard setback in the R-4 zone is 20 feet. While this will provide space between the adjacent single family uses and the multiple-family residential uses that would be allowed on the site, there still could be adverse impacts of multiple-family development on the adjacent single family uses. One of those impacts could be additional vehicular traffic, noise, and headlight glare, as drive aisles and parking spaces do not require any specific setback in the R-4 zone.

To mitigate this, and to meet the Comprehensive Plan policy that requires buffering from low density residential areas, a condition of approval is included to require a dedicated 10 foot landscaped area along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family development site. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.

In addition, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded to better buffer the multiple-family development site from the adjacent low density residential areas. Currently the R-4 (Multiple-Family Residential) zone states all yards shall be increased over the requirements of the R-4 section by one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, it is recommended that the language for increasing the yard setbacks relative to building height over 35 (thirty-five) feet be increased to one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet (which is the maximum building height in the adjacent R-2 zone).

CONDITION FOR FINDING: That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area.

Policy 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.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #8, #9, AND #10. The subject site is currently zoned for low-density residential development. However, the site better meets the locational criteria for high-density residential development. As discussed in findings above, the site is not committed to low or medium density development as described in the Comprehensive Plan.

The subject site can be buffered by landscaping from adjacent lower density residential areas immediately to the north. A condition of approval is included to require landscaping as buffering along the northern property line to maximize the privacy of established lower density residential areas adjacent to the site. The condition of approval also requires that a landscape plan be submitted for review, at which time the Landscape Review Committee would ensure that any proposed landscaping is achieving the required buffering effect.

In addition, because the request is to rezone a property with a lower residential density to a higher residential density that has adjacency to existing single family development, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded. Currently the R-4 (Multiple Family Residential) zone states that a front yard shall not be less than 15 feet, a side yard shall not be less than six (6) feet, an exterior side yard shall not be less than 15 feet, and a rear yard shall not be less than 20 feet. Also, all yards shall be increased over the requirements of this section, one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040).

Since the subject site is adjacent to existing single family residential development, a condition of approval is included to require that yards be increased by one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet. Because there are no specific architectural plans associated with the applicant's request, this condition of approval will ensure that adequate spacing and buffering is provided.

Lower density residential areas south of the site are buffered by 2nd Street, which is identified as a minor arterial in the 2010 McMinnville Transportation System Plan. The minor arterial 2nd Street provides direct access to the property.

The site is not subject to development limitations, as the site has just a gentle slope from north to south and does not contain any significant natural or topographic features that would reduce or limit the developable area of the property.

The subject site is accessed and served by 2nd Street, identified as a minor arterial in the 2010 McMinnville Transportation System Plan. Minor arterials are designed to accommodate 20,000 Average Daily Trips and are intended to have medium to high density adjacent uses. An evaluation of proposed development's potential traffic impacts was completed by the applicant. On the applicant's behalf, DKS Associates provided a Trip Generation Memorandum dated November 27, 2019 concluding that the increase in trips generated as a result of the proposed development following the concurrent zone change and conditional use permit requests would not contribute a significant effect on 2nd Street and the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate 188 average daily trips (ADT) and 16 PM Peak Hour trips, an increase of 159 ADT and 13 PM Peak Hour trips. See Table 5 from the Memorandum below:

Table 5: Proposed Development Trip Generation

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise)	9 DU[a]	66	4	5
Clinic (630)	3.2 KSF[b]	122	12	11
Total Trips Generated (Proposed Development)		**188**	**16**	**16**
Total Trips Generated (Existing R-1 Zoning)		**29**	**3**	**3**
Net New Trips (Proposed Development – R-1 Zoning)		**159**	**13**	**13**

[a] DU = Dwelling Unit
[b] KSF = 1,000 square-feet

The Memorandum did not provide a Traffic Impact Analysis (TIA) of the proposed development on the surrounding transportation network. A TIA would typically study Average Intersection Delay, Intersection Level of Service, and Volume-to-Capacity Ratio to determine the impact of the proposed development and if mitigation was necessary. However, the Memorandum concluded that a TIA was not necessary because the increase in trips generated by the proposed development would not contribute to a significant effect on the transportation system and would be consistent with the statewide Transportation Planning Rule Goal 12 requirements.

The City of McMinnville does not currently have standards that specify when a Traffic Impact Analysis is required. To determine what was considered to be a "significant effect" DKS Associates considered thresholds from other sources to quantify what is significant. Below is a table of other comparable municipalities and their thresholds for requiring a TIA:

Municipality	Trip Generation Increase Requiring Traffic Impact Analysis	
	Average Daily Trips	**PM Peak Hour**
Redmond, OR	200	20

Independence, OR	200	20
Grants Pass, OR	500[1]	25[1]
Newberg, OR	n/a	40
Albany, OR	n/a	50
Newport, OR	n/a	100
Salem, OR	1000[1]	n/a
Salem, OR	200[2]	n/a

[1] Arterial or Collector streets only
[2] Local streets only

The strictest standards for requiring a TIA are trip generation increases of 200 or more average daily trips or 20 or more PM Peak Hour trips (Redmond, OR and Independence, OR). Given that the proposed development would generate an increase of 159 ADT and 13 PM Peak Hour trips, both below the most conservative comparable standards for requiring a TIA, the Trip Generation Memorandum concludes that the applicant's requests does not warrant a more detailed traffic impact analysis. The City finds that the trip increase due to the proposed development would not have significant effect on the existing transportation facilities and that there is capacity for the proposed development.

The City concurs that the conservative standards of trip generation increases of 200 or more ADT or 20 or more PM Peak Hour trips are appropriate thresholds for determining significant effect on transportation systems, thereby requiring a Traffic Impact Analysis for a proposed development. To ensure that the future development of the site does not contribute significant effect to the surrounding transportation network by this standard, a condition of approval has been included limiting uses on the site to those that generate trip increases of less than 200 ADT and 20 PM Peak Hour unless a Traffic Impact Analysis is completed and accepted by the City.

Public transit is available adjacent to the property on 2nd Street. Yamhill County Transit Route 4 (McMinnville West Loop) has hourly stops immediately east and west of the site at Hillside Parkway and Meadows Drive during the service period Monday through Friday. ***See Exhibit 5: Yamhill County Transit Route Map.*** The site is located less than one-quarter mile from commercially zoned areas near the intersection of Hill Road and 2nd Street. ***See Exhibit 6: Commercial Areas Within ¼ Mile Radius.***

The final criteria for determining areas appropriate for high-density residential development is adjacency of the site to public or private open space. The subject site is centrally located between several nearby parks and open spaces. Within a ¼ mile radius of the site are the Westside Bicycle/Pedestrian Greenway, Linear Park, and the undeveloped Quarry Park site. ***See Exhibit 7: Public Parks Within ¼ Mile Radius.*** However, despite its proximity to public open space, the subject site is not adjacent to public or private open space. The applicant has indicated that usable open space will be provided on-site for residents of the future multiple-family development. Therefore, a condition of approval is included to require seven (7) percent of the gross area of the site committed to multiple-family residential development be reserved for usable open space. Also included in the condition are minimum dimensional requirements to ensure the usability of the open space.

Exhibit 5: Yamhill County Transit Route Map

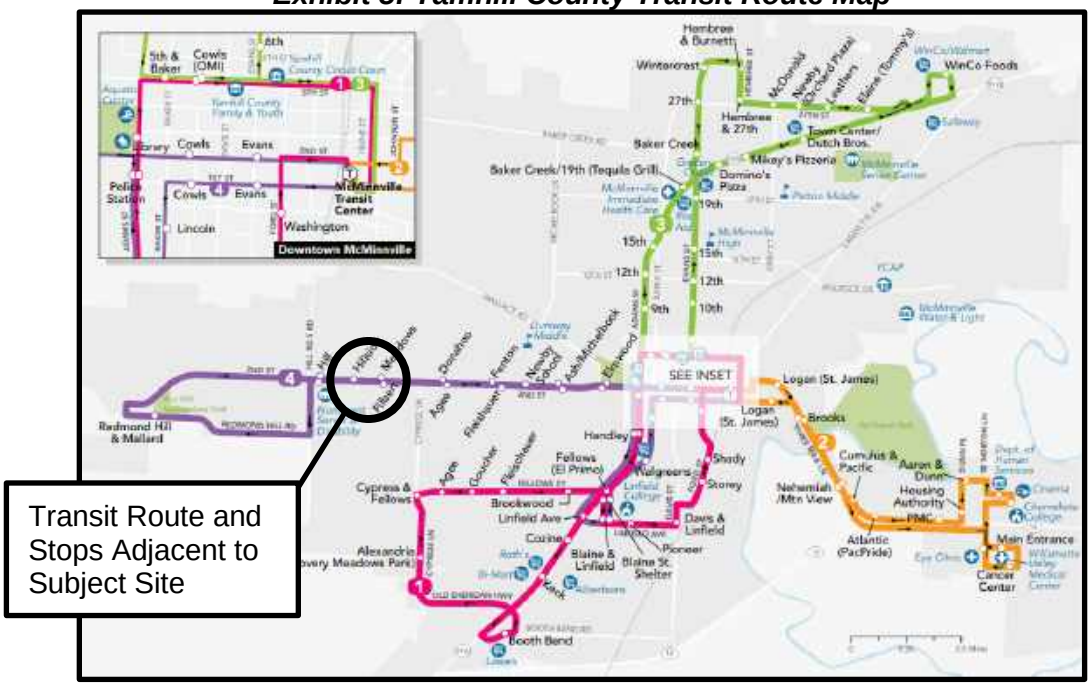


Exhibit 6: Commercial Areas Within ¼ Mile Radius

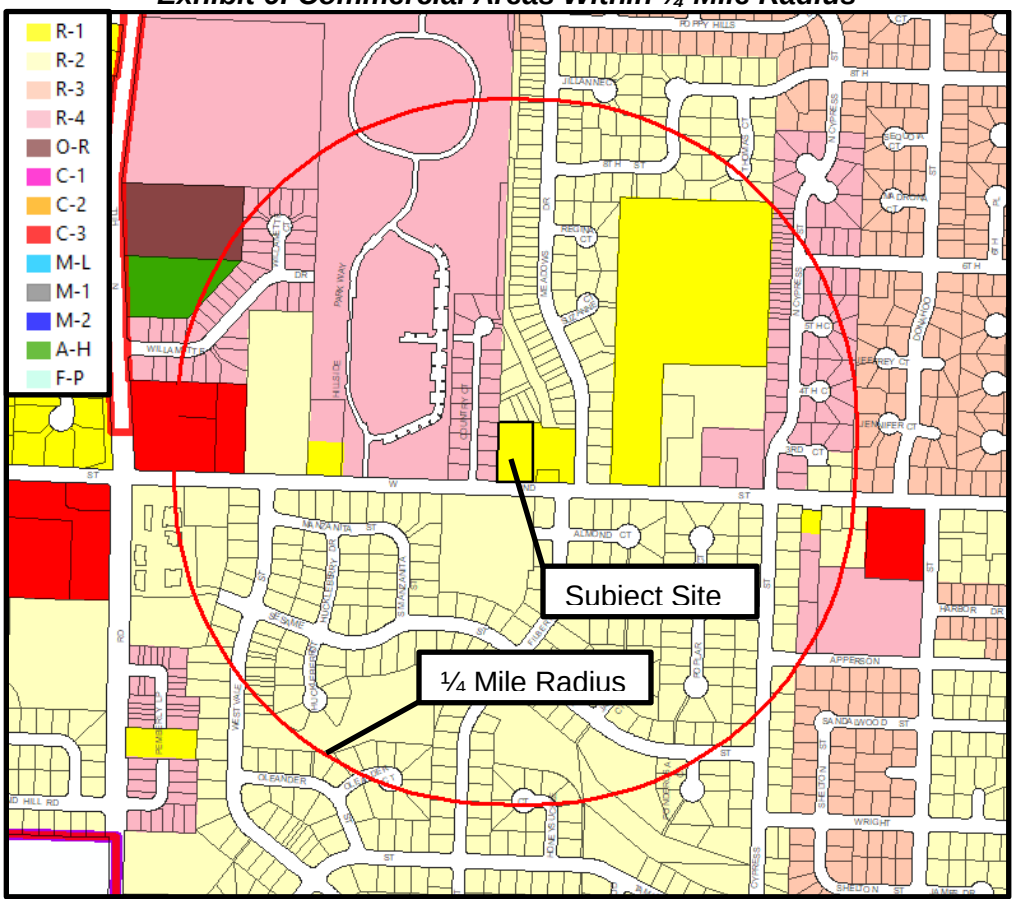
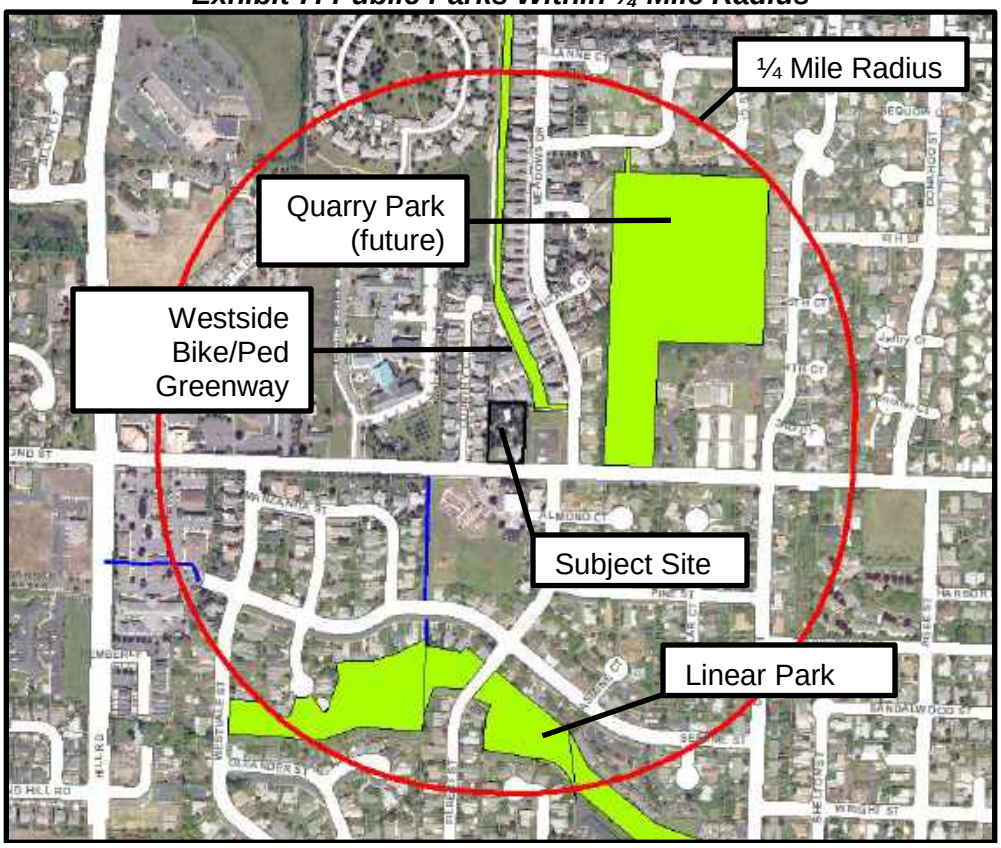


Exhibit 7: Public Parks Within ¼ Mile Radius



CONDITIONS FOR FINDING: That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.

That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

Policy 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.

APPLICANT'S RESPONSE: The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities.

FINDING: SATISFIED. The proposed zone change will allow for multiple-family housing in an area of the city that is not predominately high density residential housing. This disperses the density of the city throughout the community, but still does not result in an inundation of high density housing in the area of the subject site. The only other high density residential area in proximity to the subject site is a senior living community located immediately to the west. The other areas in proximity to the subject site are zoned for lower density residential uses, and the potential impacts of the proposed zone change and allowance for higher density residential uses on the subject site will be mitigated through the conditions of approval described in more detail above.

Policy 89.00 Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #13. Landscaping is required for development in the R-4 zone, and a landscape plan will be required to be submitted for review and approval by the Landscape Review Committee prior to issuance of building permits for the site.

CONDITION FOR FINDING: That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.

Policy 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.

Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

APPLICANT'S RESPONSE: Located on SW 2nd Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east.

FINDING: SATISFIED. The subject site is accessed from 2nd Street, which is classified as a Minor Arterial in the 2010 McMinnville Transportation System Plan. An existing Yamhill County Transit Route is located on 2nd Street with stops immediately east and west of the subject site at Meadows Drive and Hillside Parkway. The site is within one-quarter mile of the commercially zoned area at the intersection of 2nd Street and Hill Road. ***See Exhibit 5: Yamhill County***

Transit Route Map (above) and Exhibit 6: Commercial Areas Within ¼ Mile Radius (above).

An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, established standards in nearby cities suggest that estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis.

Policy 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.

APPLICANT'S RESPONSE: The proposed development is surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on R1 zoned land directly east of the site is screened. Plant material will be used to further enhance the site and buffer the uses.

FINDING: SATISFIED. City concurs with the applicant's findings. All land adjacent to the subject site is designated as Residential on the Comprehensive Plan Map, indicating the adjacent uses are compatible. The site is adjacent to a McMinnville Water and Light electric substation that is currently screened by a privacy fence. The applicant notes that plant material will be used to buffer the uses. Landscaping is a requirement for development in the R-4 zone, and could be used to further screen and buffer the adjacent substation. A landscape plan for the proposed development would be required to be submitted for review and approval by the McMinnville Landscape Review Committee prior to the issuance of building permits.

Policy 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.

APPLICANT'S RESPONSE: The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks.

FINDING: SATISFIED. The subject property is located approximately 2,800 feet (0.54 miles) west of Newby Elementary School and Duniway Middle School, and approximately 1,000 feet (0.20 miles) east of the commercially zoned area at the intersection of 2nd Street and Hill Road. Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot (0.10 mile) walk from the site. West McMinnville Linear Park is located south of 2nd Street, approximately 1,000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site. Public transportation is available on 2nd Street, with nearby bus stops at Meadows Drive and Hillside Parkway. ***See Exhibit 5: Yamhill County Transit Route Map (above), Exhibit 6: Commercial Areas Within ¼ Mile Radius (above), and Exhibit 7: Public Parks Within ¼ Mile Radius (above).***

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

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

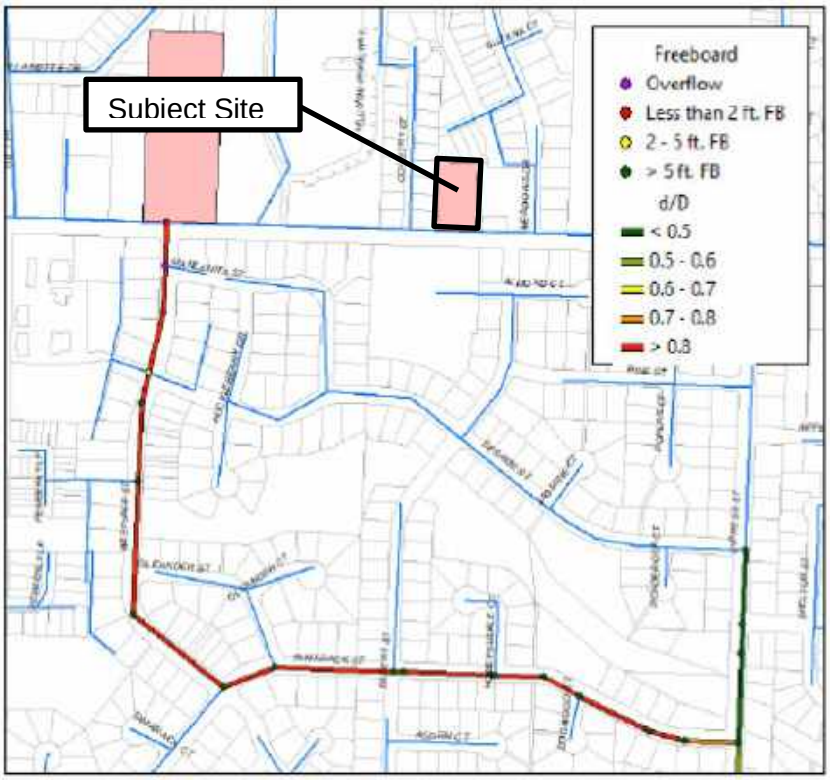
APPLICANT'S RESPONSE: All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 AND #3. Urban services, including sanitary sewer collection and disposal lines, storm sewer and drainage lines, improved streets, and municipal water distribution facilities and water supplies, currently are available to the property and adequately serve the current use, a single-family residence and zoning, R-1 (Single Family Residential). If approved, the request to rezone the property from R-1 to R-4 (Multiple-Family Residential) along with the concurrent conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone.

The Engineering Department reviewed the application, and provided comments that the current sanitary sewer and storm water conveyance systems would not support the more intense development allowed by the change to the R-4 zone. The City's adopted Sanitary Sewer Conveyance System Master Plan from October, 2008 was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre, illustrated by the adequate service to the existing use. The proposed upzone to R-4 was analyzed using the City's conveyance system model, and it was determined that there is insufficient capacity downstream of the subject site for full development at densities allowed in the R-4 zone. Currently, the City has no plan in place to address the identified downstream capacity issues. ***See Exhibit 8: Sanitary Sewer Capacity Analysis.***

Exhibit 8: Sanitary Sewer Capacity Analysis



Pipe is full under future conditions.
No available freeboard for additional flow.

Therefore, a condition of approval is included to require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed.

The calculation to determine the Equivalent Dwelling Unit (EDU) fixture units currently allowed for the site that are accommodated by the Sanitary Sewer Conveyance System Master Plan is shown below:

48 EDU Fixture Units = [0.82 acres x 3.5 EDU/acre] x 16 Fixture Units/EDU
= 3 EDU (approx.) x 16 Fixture Units/EDU

Additionally, the Engineering Department provided comments that the City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. Currently, the City has no plan in place to address storm system capacity issues. Therefore, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan. These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

The subject site is accessed by NW 2nd Street, classified as a minor arterial in the 2010 McMinnville Transportation System Plan (TSP). The right-of-way width adjacent to the property is 60 feet, and the right-of-way is improved with two (2) travel lanes, a bike lane on the north side of the road, shoulders, curb and gutter, and a curb-tight sidewalks. The TSP indicates that the Complete Street cross section for a Minor Arterial includes five (5) foot wide sidewalks and

six (6) foot wide planter strips. Any necessary or required street improvements shall be required at the time of development of the subject site.

CONDITIONS FOR FINDING: That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned in the Sanitary Sewer Conveyance System Plan from October, 2008.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

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

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

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

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

APPLICANT'S RESPONSE: None.

FINDING: FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant and is described in more detail below. The conclusion was that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis. To ensure that the roadway network continues to provide safe and easy access to the subject site and surrounding parcels, and that safe access flows are maintained, a condition of approval is included to limit the development of the site to uses that generate an increase of less than 200 ADT or 20 PM Peak Hour Trips unless a Traffic Impact Analysis is performed and accepted by the City.

CONDITION FOR FINDING: That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the uses allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

APPLICANT'S RESPONSE: Direct access from SW 2nd Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

FINDING: SATISFIED. The subject property is directly accessed via 2nd Street, which is classified as a minor arterial. The property is not adjacent to another right-of-way to gain access from. Approval of the Zone Change Application would rezone the property from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential). This would encourage redevelopment of the site from the existing small scale residential development (one single-family residence) to a larger scale residential development (eight to nine multi-family units). The multi-family residential development would occur during a second phase of development.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]

1. *Major, minor arterials.*
   - *Access should be controlled, especially on heavy traffic-generating developments.*
   - *Designs should minimize impacts on existing neighborhoods.*
   - *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
   - *On-street parking should be limited wherever necessary.*
   - *Landscaping should be required along public rights-of-way.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5. An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic following the rezone would generate an estimated 188 daily trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis. Therefore, controlled access would not be required, because the development following the rezone would not be considered heavy traffic-generating.

2nd Street is classified as a minor arterial in the City's Transportation System Plan (TSP). The right-of-way width for 2nd Street adjacent to the property is 60 feet, however, the TSP identifies a right-of-way width of 76 feet for minor arterials. Therefore, prior to issuance of building permits for development on the site, the property owner will be required to dedicate additional right-of-way such that the total right-of-way is 38 feet wide north of the centerline for 2nd Street.

Currently, there is no on-street parking adjacent to the subject property, and on-street parking is not proposed.

Street trees are required in the public right-of-way for all new multi-family and commercial development with a dedicated planter strip or planting islands. Required street tree planting will be included on the landscape plan for the site to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

CONDITIONS FOR FINDING: That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.

Parking

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

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

APPLICANT'S RESPONSE: Direct access from NW 2nd Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

FINDING: SATISFIED. City concurs with the applicant's finding. The proposed site plan, though not binding, indicates the incorporation of adequate off-street parking to meet the requirements of the intended uses. Off-street parking will be required based on the type of development and uses proposed and allowed on the subject site.

Policy 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.

Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is adjacent to NW 2nd Street, which incorporates a dedicated bicycle lane that connects to nearby activity areas. If existing public sidewalks adjacent to the property are determined to be insufficient at the time of development, they will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of building permit approval.

Complete Streets

Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*

2. *Incorporate features that create a pedestrian friendly environment, such as:*
   a. *Narrower traffic lanes;*
   b. *Median refuges and raised medians;*
   c. *Curb extensions ("bulb-outs");*
   d. *Count-down and audible pedestrian signals;*
   e. *Wider sidewalks;*
   f. *Bicycle lanes; and*
   g. *Street furniture, street trees, and landscaping.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #7, #11, AND #12. Currently, the street frontage adjacent to the subject site is improved with a curb-tight sidewalk. The 2010 McMinnville Transportation System Plan standards for minor arterials adjacent to residential areas include a five (5) foot wide sidewalk and a six (6) foot wide planter strip. Therefore, a condition to require the provision of new planter strip and sidewalk meeting Complete Streets standards is included. The addition of the planter strip along 2nd Street will allow for the addition of street trees in the right-of-way, and a condition requiring street trees is included as well.

CONDITIONS FOR FINDING: That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).

That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.

That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk 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.

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

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

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:

1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.

2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized*
4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

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

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

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

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

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

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

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

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

5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

APPLICANT'S RESPONSE: The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the first phase dental office. The construction of the second phase multiple family R4 density development will be coordinated with the City of McMinnville to align with their installation of added sewer capacity.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 AND #3. Based on comments received, adequate levels of 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.

The Engineering Department reviewed the application, and provided comments that the current sanitary sewer and storm water conveyance systems would not support the more intense development allowed by the change to the R-4 zone. The City's adopted Sanitary Sewer Conveyance System Master Plan from October, 2008 was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre, illustrated by the adequate service to the existing use. The proposed upzone to R-4 was analyzed using the City's conveyance system model, and it was determined that there is insufficient capacity downstream of the subject site for full development at densities allowed in the R-4 zone. Currently, the City has no plan in place to address the identified downstream capacity issues. ***See Exhibit 8: Sanitary Sewer Capacity Analysis (above).***

Therefore, a condition of approval is included to require that until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

Additionally, the Engineering Department provided comments that the City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. Currently, the City has no plan in place to address storm system capacity issues. Therefore, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

CONDITIONS FOR FINDING: That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Emergency service departments were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

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

Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. McMinnville Water and Light and Northwest Natural Gas were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. This proposal would amend the current zoning designation of the subject from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential) to allow for future development of multiple-family housing products, thereby achieving a more compact form of urban development and energy conservation than would have been achieved otherwise.

GREAT NEIGHBORHOOD PRINCIPLES

Policy 187.10 *The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

Policy 187.20 *The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

Policy 187.30 *The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

Policy 187.40 *The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

Policy 187.50 *The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*
   a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

2. *Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*
   a. *Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
   a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
   b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
   c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
   a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
   b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
   a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
   b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
   a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
   b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
   a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
   b. *Design practices should strive for best practices and not minimum practices.*

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
   a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
   b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
   c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.

a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.

b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.

c. Neighborhoods are designed such that owning a vehicle can be optional.

10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

a. Neighborhoods shall have several different housing types.

b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

b. Opportunities for public art provided in private and public spaces.

c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)

APPLICANT'S RESPONSE: There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access

by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #4 AND #10. The City concurs with the applicant's finding. The application indicates that several of the Great Neighborhood Principles have been incorporated into the proposal to better integrate future development of the site into the surrounding neighborhood and to provide amenities to potential residents, employers, employees, and visitors that help create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens. The following Great Neighborhood Principles can be found in the concurrent zone change and conditional use requests:

Natural Feature Preservation. The applicant intends to preserve existing mature trees on the site where possible. A concern that was addressed at the Neighborhood Meeting was the balance between thinning trees for safety purposes, and retaining enough trees to offer privacy to existing adjacent neighborhoods. To ensure that mature trees are thoughtfully considered for removal or retention, a condition of approval is included to require a tree inventory and arborist's report be submitted to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH).

Parks and Open Spaces. The subject site is centrally located between several nearby parks and open spaces. Within a ¼ mile radius of the site are the Westside Bicycle/Pedestrian Greenway, Linear Park, and the undeveloped Quarry Park site. The applicant has indicated that usable open space will be provided on-site for residents of the future multiple-family development. A condition of approval is included to require seven (7) percent of the gross area of the site committed to multiple-family residential development be reserved for usable open space. Also included in the condition are minimum dimensional requirements to ensure the usability of the open space.

Pedestrian Friendly & Bike Friendly. The site will be connected and integrated to existing neighborhoods through existing sidewalks and bike lanes. The proximity to the Westside Bicycle/Pedestrian Greenway and Linear Park trails will encourage pedestrian and bicycle use. Other amenities such as commercial areas and schools are within walking and bicycling distance of the site.

Human Scale Design. A development concept discussed at the Neighborhood Meeting for the application was a multi-story mixed use building with residential and clinic uses. However, after hearing concerns from the neighbors above the potential height of future development, the concept was abandoned for a single story dental clinic building that will have a size, form, and proportionality more in scale with the adjacent properties and existing uses.

Mix of Activities. The concurrent applications for a zone change to allow multiple-family residential development and a conditional use permit to allow a dental clinic on the site would provide easy and convenient access to a local service that residents use on a daily basis.

Housing for Diverse Incomes and Generations. The proposed townhouse-style multiple-family residential housing development would add to the range of housing forms and types in the neighborhood to provide for housing choice at different income levels and for different generations.

Housing Variety. The proposed development includes a variety of building forms and architectural variety to avoid monoculture design. It adds a different housing type to the

existing housing in the surrounding area to increase the overall variety available in the neighborhood.

CONDITIONS FOR FINDING: That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.

That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.74. Review Criteria

17.74.020 Comprehensive Plan Map Amendment and Zone Change - 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:

17.74.020(A). *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

APPLICANT'S RESPONSE: The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

Volume II Goals and Policies
Preserve Quality of Air, Water, and Land Resources within the Planning Area 11:01.12 city shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

Air, Water, and Land Resources Preservation II Response:
Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2nd St; in accordance with safe and visible access into the site and as required by development code.

Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

Employment Diversification IV Response:
As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 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; 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets; 71.09 high density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments: 1} areas not committed to low density, 2) areas with direct access from collector or arterial streets, 3) areas not subject to development limitations, 4) where existing facilities have the capacity for development, 5) areas within one-quarter mile of existing or planned public transportation, 6) areas buffered from low density residential areas to maximize privacy of established low density areas; 71.13 criteria determining areas appropriate for high-density residential development: 1) areas not committed to low or medium density development, 2) areas 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, 3) areas with direct access from a major collector or arterial street, 4) areas not subject to development limitations, 5) areas where existing facilities have the capacity for additional development, 6) areas within 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; 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; 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; 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 to have sufficient traffic carrying capacities; 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 fines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use; 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; 99.00 adequate level of urban services, 1) sanitary sewer, 2) storm sewer, 3) streets, 4) water; {121.00} discourage direct access of small-scale residential developments onto major/minor arterial streets and major collector streets; {126.00} adequate off-street parking and loading facilities; {187.50} McMinnville Great Neighborhood Principles, 1) natural feature preservation, 3) parks and open space, 4) pedestrian friendly, 5) bike friendly, 8) human scale design, 9} mix of activities, 11} housing for diverse incomes and generations, 12} housing variety.

Housing V Response:
(58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00, 68.00, 69.00, 70.00) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options. (71.08) The site is fully served by public and private utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit. (71.09) The development will be high-density residential units with nine townhouse style dwelling units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple-family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away. (86.00) The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities. (90.00, 91.00, 92.00) Located on SW 2nd Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east. (92.01) The proposed development is surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on RI zoned land directly east of the site is screened. Plant materials will be used to further enhance the site and buffer the uses. (92.02, 99.00) The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks. All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service. (121.00, 126.00) Direct access from SW 2nd Street will serve eight to nine housing units

and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided. (187.50) There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

FINDING: SATISFIED. The proposed zone change is consistent with the goals and policies of the McMinnville Comprehensive Plan, as described on more detail above in the specific findings for each Comprehensive Plan goal and policy.

17.74.020(B). *The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;*

APPLICANT'S RESPONSE: Surrounding properties are fully developed with similar uses. The zone change from R-1 o R-4 is timely because McMinnville has identified a need for multi-family housing options.

Surrounding zones are higher density R-2 and R-4.

FINDING: SATISFIED. The proposed zone change is orderly and timely, based on the pattern of development in the surrounding area. The development pattern in the surrounding area is varying. Within a quarter mile of the subject site, several different residential zones and housing types. To the west of the subject site are two (2) developments zoned R-4 (Multiple-Family Residential), the Country Crossings subdivision, and Hillside, a continuing care retirement community. Country Crossings features single family residences, and Hillside is a senior living facility featuring a campus with apartments, cottages, and a variety of accessory uses and services, including medical care. North of the site is low density single-family housing in the form of single-family dwellings and duplexes in the R-2 zoned (Single-Family Residential) Barclay Heights First Addition subdivision. Across 2nd Street from the subject site are the Westvale and Jandina subdivisions, also zoned R-2, are primarily single family residences with some duplexes. Also located across 2nd Street is the Salvation Army, a social services facility. East of the site is an electric substation, undeveloped park property, a church, and an apartment complex. The established development pattern for the larger surrounding area is clearly a mix of residential housing types and uses.

The subject site is the only parcel in the immediate vicinity that is zoned R-1 and developed with a single-family residence. The adjacent electric substation and nearby Quarry Park property are also zoned R-1, but are not developed with single-family residences. Therefore, the rezoning of the site to R-4 would be consistent with the zoning of other properties immediately adjacent to the site, and also would be consistent with the overall development pattern of the area. The rezoning of the property to R-4 will allow for more efficient and orderly development of land in this area of the city. Together with the adjacent land uses and pattern of development

in the surrounding area, the subject site better meets the locational policies for higher density residential development.

17.74.020(C). *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

APPLICANT'S RESPONSE: The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the proposed development.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1, #2, AND #3. As described in findings above, utilities and services currently are available to the site and serve the property adequately for the existing use, a single family residence, and zoning, R-1 (Single Family Residential). If approved, the request to rezone the property from R-1 to R-4 (Multiple-Family Residential) along with the concurrent conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone.

The Engineering Department has identified downstream pipeline capacity issues for both the sanitary sewer system and the stormwater drainage system to accommodate full development of the site at densities allowed in the R-4 zone. Therefore, a condition of approval is included to require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed. Additionally, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant and is described in more detail in finding above. The conclusion was that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips over trips generated by full development at R-1 densities. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis and that the transportation facilities have the capacity for the additional proposed development.

The City concurs that the conservative standards of trip generation increases of 200 or more ADT or 20 or more PM Peak Hour trips identified in the applicant's evaluation are appropriate thresholds for determining significant effect on transportation systems, thereby requiring a Traffic Impact Analysis for a proposed development. To ensure that the future development of the site does not contribute significant effect to the surrounding transportation network by this standard, a condition of approval has been included limiting uses on the site to those that

generate less than 200 ADT and 20 PM Peak Hour trips unless a Traffic Impact Analysis is submitted and the conclusions are accepted by the City.

CONDITIONS FOR FINDING: That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the uses allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. As addressed above, the housing policies of the Comprehensive Plan are addressed, and the effect of this decision doesn't exclude needed housing, decrease densities, or discourage needed housing through unreasonable cost or delay.

JF

ATTACHMENT B

ORDINANCE NO. 5091

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A DENTAL CLINIC AT 1945 NW 2nd STREET.

RECITALS:

The Planning Department received application CU 4-19 (Conditional Use Permit) from Doug Egan of MD Builders, Inc., on behalf of Melinda Judd, property owner, requesting approval of a Conditional Use Permit to allow the development of a dental clinic on the subject property; and

The subject site is located at 1945 NW 2nd Street, and is more specifically described as Tax Lot 1500, Section 19AD, T. 4 S., R 4 W., W.M.; and

A public hearing before the McMinnville Planning Commission was held on December 19, 2019, after due notice had been provided in the local newspaper on December 10, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said request, found that the requested Conditional Use Permit conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission, by a vote of 7-0, recommended approval of said Conditional Use Permit to the Council; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A approving CU 4-19; and

2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 14th day of January 2020, by the following votes:

Ayes: _____

Nays: _____

_____

MAYOR

Attest: _____

CITY RECORDER

Approved as to form: _____

CITY ATTORNEY

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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR A DENTAL CLINIC AT 1945 NW 2nd STREET

DOCKET:	CU 4-19 (Conditional Use)
REQUEST:	Application for a Conditional Use Permit to allow the development of a dental clinic
LOCATION:	1945 NW 2nd Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.)
ZONING:	R-4 (Multiple-Family Residential)
APPLICANT:	Doug Egan, MD Builders, Inc., on behalf of Melinda Judd, property owner
STAFF:	Jamie Fleckenstein, Associate Planner
DATE DEEMED COMPLETE:	October 11, 2019
DECISION MAKING BODY & ACTION:	The McMinnville City Council is the final decision-making body after a recommendation of approval by the McMinnville Planning Commission.
DECISION DATE & LOCATION:	City Council, January 14, 2020, Civic Hall, 200 NE 2nd Street, McMinnville. Planning Commission, December 19, 2019, Civic Hall, 200 NE 2nd Street, McMinnville.
PROCEDURE:	A concurrent application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.070 and Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
CRITERIA:	The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
APPEAL:	As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including

resolution of any local appeal. The deadline for the 120 day processing timeline is February 8, 2020.

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. Comments were received from the McMinnville Engineering Department and Oregon Department of State Lands. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council **APPROVES** the Conditional Use Permit (CU 4-19) **subject to the conditions of approval provided in Section II of this document.**

//

DECISION: APPROVAL WITH CONDITIONS

//

City Council:______________________________ Date:_______________
Scott Hill, Mayor of McMinnville

Planning Commission:______________________________ Date:_______________
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: ______________________________ Date:_______________
Heather Richards, Planning Director

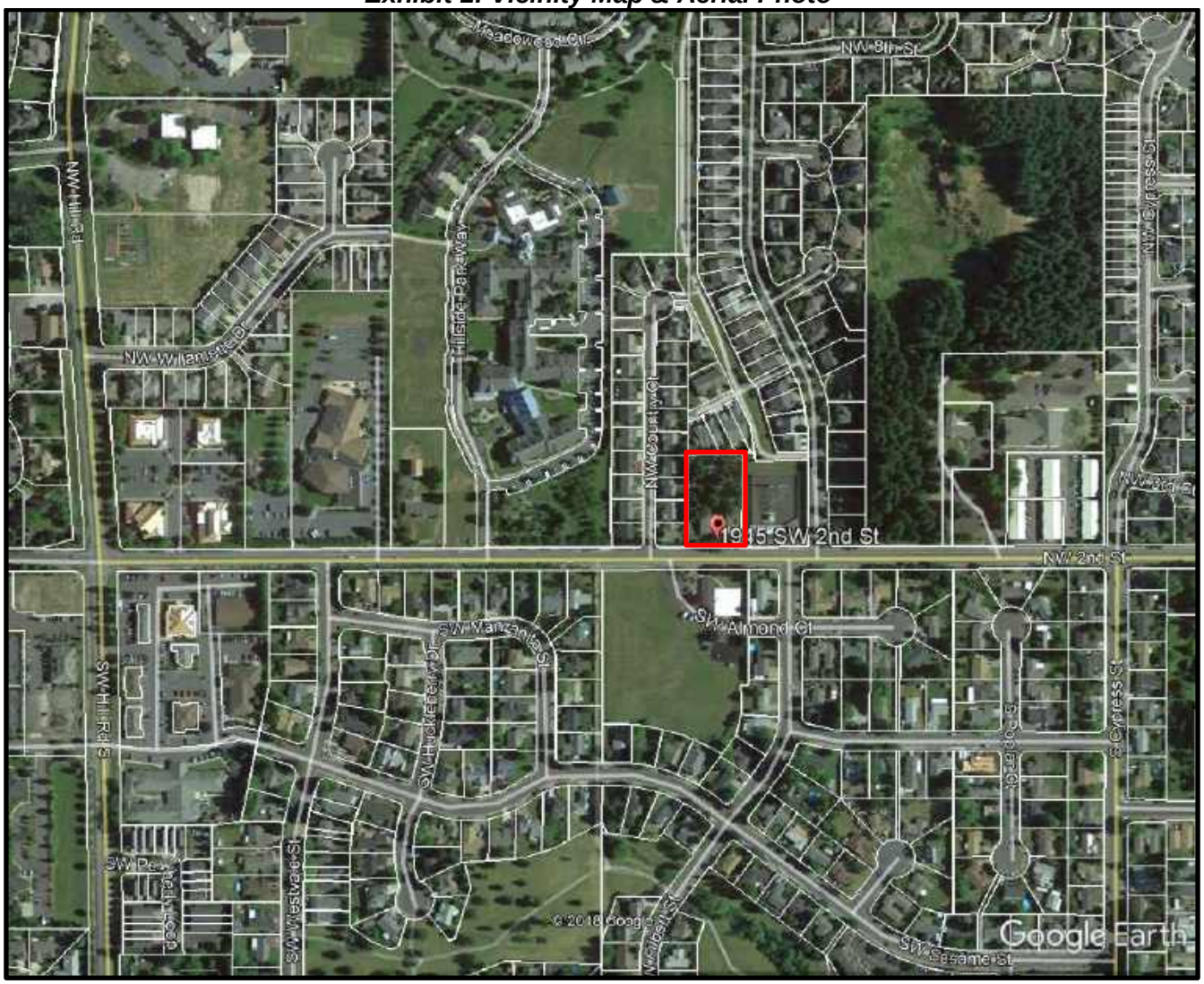
I. APPLICATION SUMMARY:

The proposal is an application for Conditional Use Permit (CU 4-19) to allow for the construction of a new dental clinic. The application was submitted concurrently with an application for a Zone Change to rezone the subject property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). Clinic is a conditional use in the R-4 zone.

Subject Property & Request

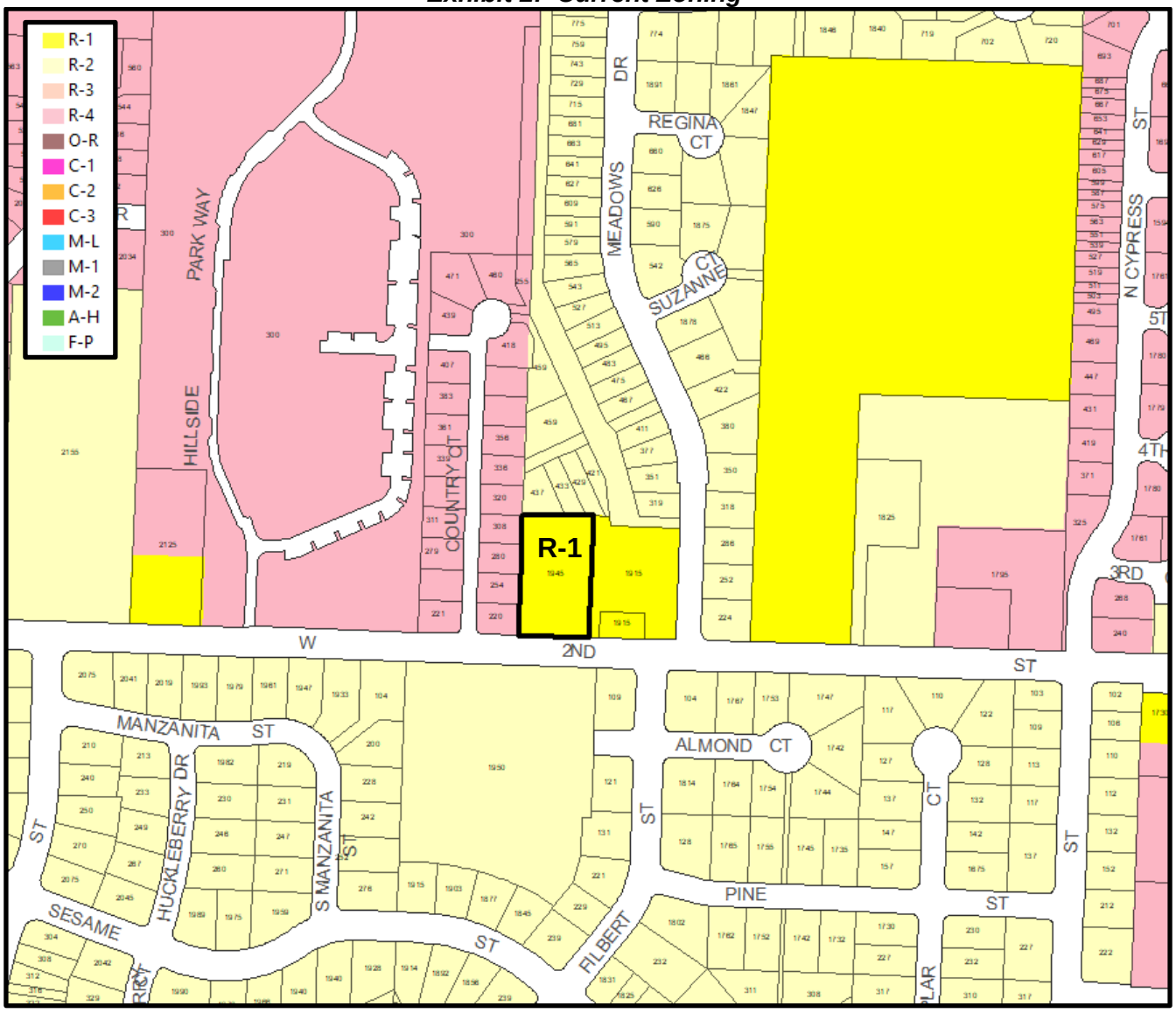
The subject property is a 0.82 acre parcel located at 1945 NW 2nd Street, on the north side of NW 2nd Street between Meadows Drive and Hill Road. ***See Exhibit 1: Vicinity Map & Aerial Photo.***

Exhibit 1: Vicinity Map & Aerial Photo



The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. ***See Exhibit 2: Current Zoning.*** Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2nd Street to the south. The subject property is developed with a single-family residence and accessory structures, and mature trees provide substantial tree cover as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on NW 2nd Street.

Exhibit 2: Current Zoning



The concurrent requests would rezone the property from R-1 to R-4 to allow multiple-family residential housing and approve the development of dental clinic on the site as a conditional use. ***See Exhibit 3: Proposed Zoning.*** The proposal would be developed in two phases: the first phase would include the approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2nd Street, and a future phase of development would include up to nine (9) townhouse-style multiple-family dwelling units on the northern half of the property. ***Exhibit 4: Proposed Preliminary Site Plan*** is provided for reference.

Exhibit 3: Proposed Zoning

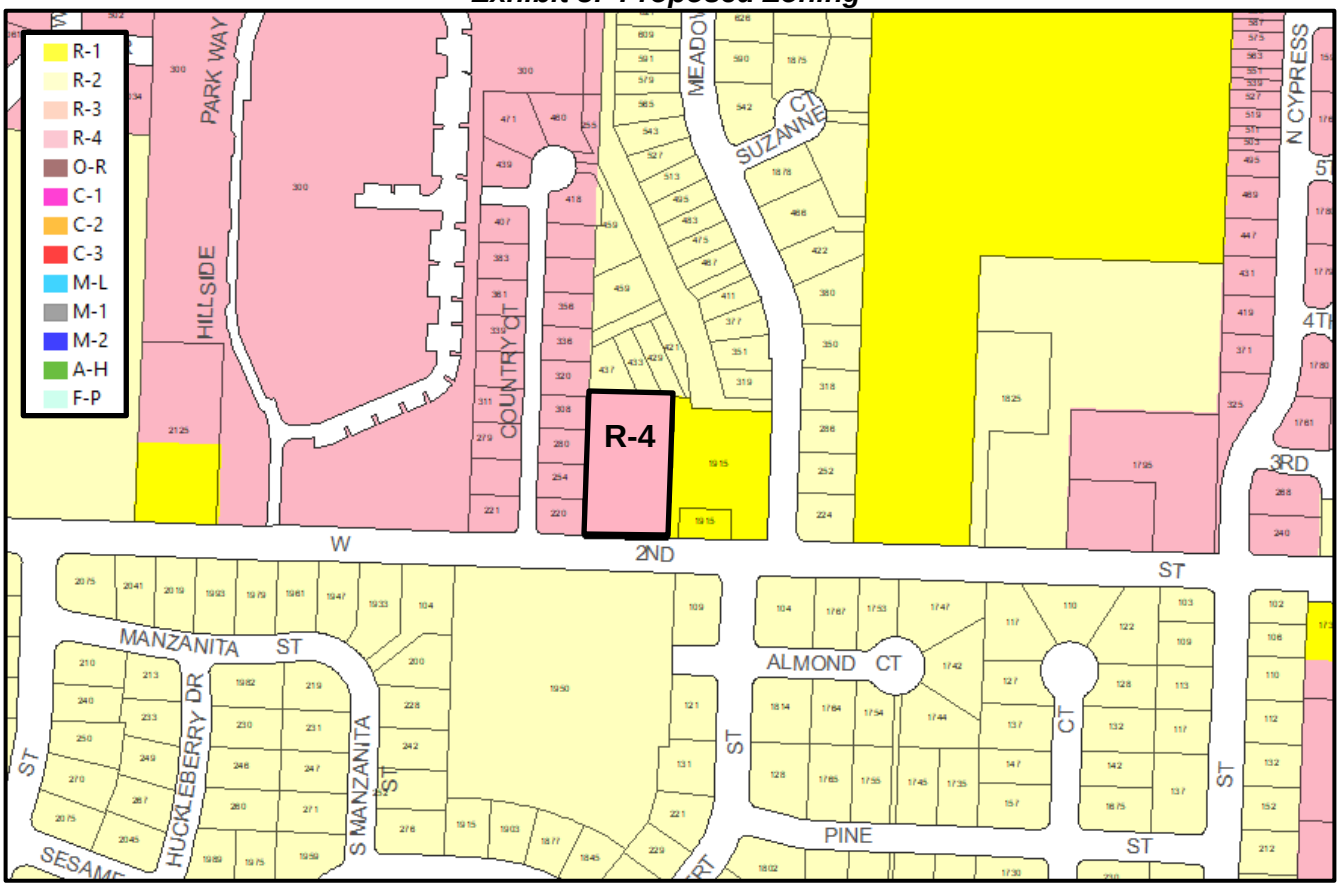
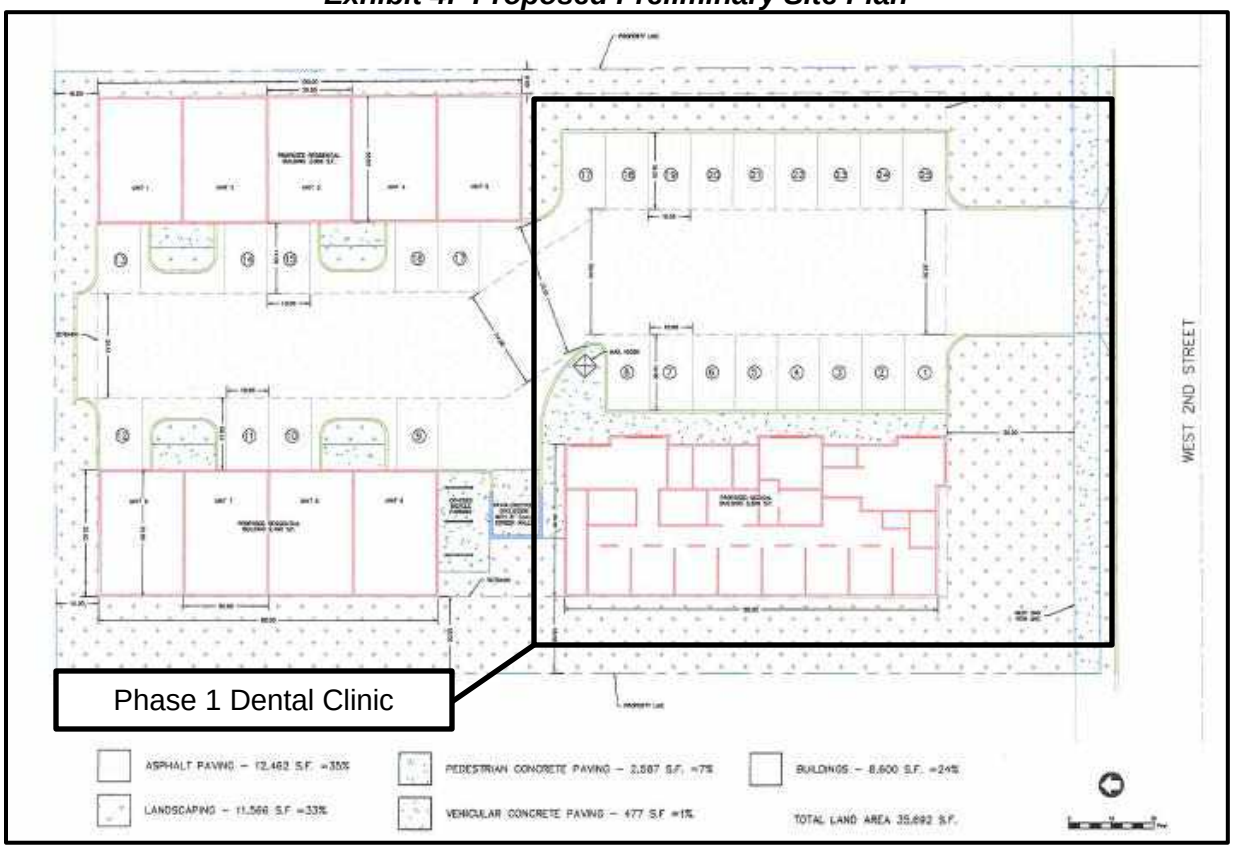


Exhibit 4: Proposed Preliminary Site Plan



Summary of Criteria & Issues

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to "weigh the 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 proposed location." The Planning Commission may impose conditions 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." The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The predominant issues with a conditional use of this scale relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with conditional uses in residential areas include compatibility with residential character, privacy, noise, parking, and traffic.

The specific review criteria for Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

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.

The applicant has provided findings to support the request for a Conditional Use. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That the decision for approval of the Conditional Use Permit (CU 4-19) is not rendered, and does not take effect, until and unless the concurrent Zone Change (ZC 4-19) request is approved by City Council. All applicable conditions from Docket Number ZC 4-19 shall be satisfied.

2. That the structure housing the dental clinic shall be no more than thirty-five feet in height.

3. That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.

4. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.

5. That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

III. ATTACHMENTS:

1. CU 4-19 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments
This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department
  Good morning – We have reviewed proposed ZC 4-19 and CU 4-19, and noted that neither application included any discussion re: the expected increase in traffic due to the proposals. Therefore, the applications should be considered incomplete, and they should be denied.

  Other comments re: the proposals include:
  - 2nd Street is classified as a minor arterial in the City's Transportation System Plan (TSP). The existing right-of-way width for 2nd Street is 60', and the TSP identifies a right-of-way width of 76' for minor arterials. Prior to this issuance of building permits for the project, the applicant will need to dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.

  - Prior to the issuance of building permits, the applicant shall also dedicate a 10' wide public utility easement along the property's 2nd Street frontage.

  - As part of the development of the subject site, the applicant shall construct sidewalks meeting the TSP standard of 10-12' wide for commercial uses abutting a minor arterial.

  - The City's adopted Sanitary Sewer Conveyance System Master plan (October 2008) was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre. The proposed upzoning of the site was analyzed using the City's conveyance system model, and it was determined that there in insufficient system capacity downstream of the subject site. The applicant was notified of the downstream capacity issues on April 5, 2019 (see attached). There are no current plans to address the identified downstream capacity issues. Thus, as noted in the applicant's materials, until such time as the downstream sanitary sewer capacity issues are addressed, the development of the site will be limited to the flows assigned in the Sanitary Sewer Conveyance System Master plan: 3.29 equivalent dwelling units (0.94 acres x 3.5 equivalent dwelling units per acre).

- The site plan does not reflect the existing 15' wide storm drainage easement along the site's west boundary.

- The City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. The City does not have identified funding to address storm system capacity issues. Thus, the development of the subject site will require the installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

Good morning – The following information is in addition to the comments previously provided via email on October 21, 2019.

The revised materials related to traffic generation do not seem to be accurate. No technical information / data was provided with the materials, the narrative simply states the estimated average daily trips generated by the development will be 30.

The 10th Edition of the Institute of Traffic Engineers' "*Trip Generation Manual*" provides the following information for trip generation for the proposed uses:

- Multi-family housing (ITE code 220): Average rate for daily vehicle trip generation is 7.32 daily trips per dwelling unit; and
- Medical-Dental Office Building (ITE code 720): Average rate for daily vehicle trip generation is 34.80 daily trips per 1,000 square feet of gross floor area.

Thus the expected daily trip generation for the proposed development will be 177 vehicle trips:

- 7.32 trips per dwelling unit x 9 units = 66 daily trips for the residential use; and
- 34.80 trips per 1,000 sq ft x 3.2 = 111 daily trips for the dental office.

Given the lack of data to support the estimated daily trip number (30) provided by the applicant, and the lack of evidence to support that the transportation network will handle the actual estimated trip generation of 177 vehicle trips per day, the applications should be considered incomplete and they should be denied.

NOTE: A trip generation memorandum was submitted on November 27, 2019, and after review, McMinnville Engineering had no further comments regarding the traffic impact.

- <u>McMinnville Water & Light</u>
  No issues with Conditional Use. Developer, contact MWL to further discuss outlined section of attached PDF regarding power supply as well as water for phases I & II.

- <u>Department of State Lands</u>
  Please refer to the Statewide Wetlands Inventory (for you still the NWI for a few more months) and submit a wetland land use notice (WLUN) to the Department of State Lands if wetlands or waters are mapped near the project area. If construction will be delayed from the zone change and the applicant is still working on design the WLUN may be delayed. However, if aquatic resources are on site, then the sooner the identification of resource boundaries is done, then the applicant can have more surety in design etc. No time like the present. For more information about WLUN see https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx , or contact me. If it has been determined that no aquatic resources are within the project area, or you have already submitted a WLUN, please disregard this message.
  I have provided this notice to our proprietary program, they will comment separately if needed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, December 10, 2019. As of the date of the Planning Commission public hearing on December 19, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Doug Egan of MD Builders, Inc., held a neighborhood meeting on July 29, 2019.

2. The applicant submitted the Conditional Use Permit application (CU 4-19) was submitted on August 23, 2019, concurrent with the Zone Change (ZC 4-19) application.

3. The application was deemed incomplete on September 19, 2019. The applicant submitted revised application materials on October 2, 2019.

4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Notice was also provided to the Oregon Department of State Lands. Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 19, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Wednesday, November 27, 2019.

6. Notice of the application and the December 19, 2019 Planning Commission public hearing was published in the News Register on Tuesday, December 10, 2019 in accordance with Section 17.72.120 of the Zoning Ordinance. Notice of the application was also provided to the Department of Land Conservation and Development on October 17, 2019.

7. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

8. On December 19, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1945 NW 2nd Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.):

2. **Size:** 0.82 acres

3. **Comprehensive Plan Map Designation:** Residential

4. **Zoning:** R-4

5. **Overlay Zones/Special Districts:** None

6. **Current Use:** Single-family Residence

7. **Inventoried Significant Resources:**
   a. **Natural Resources:** None
   b. **Other:** None Identified

8. **Other Features:**
   a. **Topography:** Generally level site slightly sloping north to south towards 2nd Street.
   b. **Easements:** A stormwater easement runs along the west property line.

9. **Utilities:**
   a. **Water:** Water service is available to the subject site.
   b. **Electric:** Power service is available to the subject site.
   c. **Sewer:** Sanitary sewer service is available to the subject site.
   d. **Stormwater:** Storm sewer service is available to the subject site.
   e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on 2nd Street.

10. **Transportation:** 2nd Street is identified as a Minor Arterial in the 2010 McMinnville Transportation System Plan (TSP). 2nd Street currently has a right-of-way width of 60 feet along the property frontage, which is improved with two (2) vehicular travel lanes, a dedicated bicycle lane on the north side of the street, shoulders, curb and gutter, and a curb-tight sidewalk. The TSP identifies a right-of-way width of 76 feet for minor arterials. Transit is available on 2nd Street, with nearby stops at Meadows Street and Hillside Park Way.

11. **Parks & Public Facilities:** Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot walk from the site. West McMinnville Linear Park is located south of 2nd Street, approximately 1000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use are specified in Section 17.74.030 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II.

Comprehensive Plan Volume II:

The following Goals and Policies from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Noise

Policy 12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

APPLICANT'S RESPONSE: Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2nd St; in accordance with safe and visible access into the site and as required by development code.

FINDING: SATISFIED. The City concurs with the applicant's finding, and adds that a landscape plan is required to be submitted for review and approval prior to the issuance of building permits. The landscape plan shall include buffering along the north property line as required by Condition of Approval #9 in Docket ZC 4-19.

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.02 The City shall encourage and support the start up, expansion or relocation of high-wage businesses to McMinnville.

Policy 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)

Policy 27.00 Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

APPLICANT'S RESPONSE: As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

FINDING: SATISFIED. The City concurs with the applicant's finding, and adds that 2nd Street, which would serve and provide access to the dental clinic, is classified as a minor arterial in the 2010 McMinnville Transportation System Plan.

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

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

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is accessed and served by 2nd Street, identified as a minor arterial in the 2010 McMinnville Transportation System Plan. Minor arterials are designed to accommodate 20,000 Average Daily Trips and are intended to have medium to high density adjacent uses. A Trip Generation Evaluation of proposed development's potential traffic impacts was completed by the applicant on November 27, 2019 concluding that proposed development, including the conditional use permit request, would not contribute a significant effect on 2nd Street and the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate 188 average daily trips (ADT) and 16 PM Peak Hour trips, an increase of 159 ADT and 13 PM Peak Hour trips over full development at R-1 densities. Condition of Approval #2 in Docket ZC 4-19 limits the increase in trips generated by development on the site, including the proposed dental clinic, to less than 200 ADT or 20 PM Peak Hour trips unless a Traffic Impact Analysis (TIA) is conducted and the results are accepted by the City. This will help ensure that the transportation network provides safe and easy access to every parcel and safe access flows through the network.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]

1. Major, minor arterials.
- *Access should be controlled, especially on heavy traffic-generating developments.*
- *Designs should minimize impacts on existing neighborhoods.*
- *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
- *On-street parking should be limited wherever necessary.*
- *Landscaping should be required along public rights-of-way.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. As discussed above, a Trip Generation evaluation of potential traffic impacts associated with the concurrent zone change and conditional use permit requests was completed by the applicant on November 27, 2019, concluding that the increase in trips generated as a result of the requests would not contribute a significant effect on the surrounding

transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. The City of McMinnville does not currently have adopted standards that specify a trip generation threshold for a Traffic Impact Analysis, but has reviewed established standards in six comparable nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis, with the most conservative standard being any development generating more than 200 ADT or 20 PM Peak Hour trips may have an effect on the transportation system and needs to conduct a Traffic Impact Analysis. Therefore, controlled access would not be required, because the development as proposed, including the dental clinic, would not be considered heavy traffic-generating.

2nd Street is classified as a minor arterial in the City's 2010 Transportation System Plan (TSP). The right-of-way width for 2nd Street adjacent to the property is 60 feet, however, the TSP identifies a right-of-way width of 76 feet for minor arterials. Therefore, prior to issuance of building permits for development on the site, the property owner will be required to dedicate additional right-of-way such that the total right-of-way is 38 feet wide north of the centerline for 2nd Street, as required by Condition of Approval #5 in Docket ZC 4-19.

Currently, there is no on-street parking adjacent to the subject property, and on-street parking is not proposed.

Street trees are required in the public right-of-way for all new multi-family and commercial development with a dedicated planter strip or planting islands. Required street tree planting will be included on the landscape plan for the site to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

Parking

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

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

APPLICANT'S RESPONSE: Direct access from NW 2nd Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

FINDING: SATISFIED. City concurs with the applicant's finding. The City of McMinnville Zoning Ordinance requires off-street parking in the amount of "One space per 200 square feet of floor area" for "Medical or dental office, including clinic". A 3,200 square foot dental clinic as proposed would require 16 parking spaces. The proposed site plan, though not binding, indicates the incorporation of 17 off-street parking in the parking lot adjacent to the proposed clinic to meet the requirements of the intended uses. Additional off-street parking will be required based on the type of development and uses proposed and allowed on the subject site.

Complete Streets

Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within

the public right-of-way. Examples of how the Complete Streets policy is implemented: [in part]

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
2. *Incorporate features that create a pedestrian friendly environment, such as:*
   a. *Narrower traffic lanes;*
   b. *Median refuges and raised medians;*
   c. *Curb extensions ("bulb-outs");*
   d. *Count-down and audible pedestrian signals;*
   e. *Wider sidewalks;*
   f. *Bicycle lanes; and*
   g. *Street furniture, street trees, and landscaping.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Right-of-way improvements consistent with applicable Complete Street Standards in the McMinnville Transportation System Plan are required through Conditions of Approval #7, #11, and #12 in Docket ZC 4-19, including compliance with Public Right-Of-Way Accessibility Guidelines, and the provision of sidewalks, planter strips, and street trees.

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

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

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:

1. *Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*
2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized*
4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

Storm Drainage

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

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

Water System

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

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

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

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

APPLICANT'S RESPONSE: The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the first phase dental office. The construction of the second phase multiple family R4 density development will be coordinated with the City of McMinnville to align with their installation of added sewer capacity.

FINDING: SATISFIED. Urban services, including sanitary sewer collection and disposal lines, storm sewer and drainage lines, improved streets, and municipal water distribution facilities and water supplies, currently are available to the property and adequately serve the current use, a single-family residence and zoning, R-1 (Single Family Residential). The concurrent requests to rezone the property from R-1 to R-4 (Multiple-Family Residential) and the conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone, including the dental clinic.

The Engineering Department has identified downstream pipeline capacity issues for both the sanitary sewer system and the stormwater drainage system to accommodate full development of the site at densities allowed in the R-4 zone, including the dental clinic. Therefore, a Conditions of Approval #1 and #3 in Docket ZC 4-19 require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed and that that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions in Docket ZC 4-19 will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

Police and Fire Protection

Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Emergency service departments were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

GREAT NEIGHBORHOOD PRINCIPLES

Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.

Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.

1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.

b. Central parks and plazas shall be used to create public gathering spaces where appropriate.

c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.

4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).

5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.

a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.

b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.

6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.

a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.

b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
   a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
   b. *Design practices should strive for best practices and not minimum practices.*

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
   a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
   b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
   c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
   a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
   b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
   c. *Neighborhoods are designed such that owning a vehicle can be optional.*

10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
    a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
    a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
    a. *Neighborhoods shall have several different housing types.*
    b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

b. Opportunities for public art provided in private and public spaces.

c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)

APPLICANT'S RESPONSE: There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2. The City concurs with the applicant's finding. The application indicates that several of the Great Neighborhood Principles have been incorporated into the proposal to better integrate future development of the site into the surrounding neighborhood and to provide amenities to potential residents, employers, employees, and visitors that help create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens. The following Great Neighborhood Principles can be found in the conditional use request:

Natural Feature Preservation. The applicant intends to preserve existing mature trees on the site where possible. A concern that was addressed at the Neighborhood Meeting was the balance between thinning trees for safety purposes, and retaining enough trees to offer privacy to existing adjacent neighborhoods. A tree inventory and arborist's report be submitted to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) is required by Condition of Approval #4 in Docket ZC 4-19.

Pedestrian Friendly & Bike Friendly. The site will be connected and integrated to existing neighborhoods through existing sidewalks and bike lanes. The proximity to the Westside Bicycle/Pedestrian Greenway and Linear Park trails will encourage pedestrian and bicycle use. Other amenities such as commercial areas and schools are within walking and bicycling distance of the site.

Human Scale Design. A development concept discussed at the Neighborhood Meeting for the application was a multi-story mixed use building with residential and clinic uses. However, after hearing concerns from the neighbors about the potential height of future development, the concept was abandoned for a single story dental clinic building that does not include residential dwelling units that will have a size, form, and proportionality more in scale with the adjacent

properties and existing uses. A condition of approval is included to limit the dental clinic structure to no more than thirty-five in height, the maximum height of the R-1 zone.

Mix of Activities. The concurrent applications for a zone change to allow multiple-family residential development and a conditional use permit to allow a dental clinic on the site would allow multiple uses on the site and provide easy and convenient access to a local service that residents use on a daily basis.

CONDITIONS FOR FINDING: That the structure housing the dental clinic shall be no more than thirty-five feet in height.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.21 Multiple-Family Residential Zone

17.21.020 Conditional Uses. In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030:: […]

J. Hospital and clinic;

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant has submitted a concurrent application to rezone the subject site from R-1 (Single Family Residential) to R-4 (Multiple Family Residential). The R-4 zoning district would allow for the intended dental clinic use of the property as a conditional use. A dental clinic is consistent with the definition of "Clinic" in Section 17.06.015 of the McMinnville Municipal Code, which is "A medical facility for the treatment and examination of outpatients, conducted by a group of physicians, dentists and other licensed practitioners."

Chapter 17.57 Landscaping

17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

A. R-4 (Multiple-Family Residential zone, except the construction of Single-Family or Two-Family Residential unit);

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant has stated in the request that landscaping will be used to buffer and enhance the site. A landscape plan is required to be submitted for review and approval by the Landscape Review Committee prior to the issuance of building permits.

Chapter 17.58 Trees

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Following the provision of planter strips as required in Condition of Approval # 11 in Docket ZC 4-19, street trees are required to be planted within the planter strips adjacent to the subject site. A street tree planting plan shall be included in the landscape plan required to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

Chapter 17.74 Review Criteria

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:

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

APPLICANT'S RESPONSE: The health clinic/dental office use is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east, where a power substation is the present use, R-2 to the south

across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

Volume II Goals and Policies
Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville: 21-03 city shall support existing businesses and the establishment of locally owned businesses: 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets: 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

Employment Diversification IV Response:
The health clinic/dental office building will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial/and use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 68.00 McMinnville shall encourage compact urban development in the urban service area; 69. 00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets.

Housing V Response:
The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. The concept provides a variety of housing types that are in high demand in the community. The site is fully served by public and private utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 and planned development overlay will help meet the city's objective for higher density and mixed-uses on flat sites with access from collector or arterial streets and one mile from area transit.

FINDING: SATISFIED. The City concurs with the applicant's findings, but notes that the Housing policies referred to in the applicant's response are not applicable to the Conditional Use Permit request to allow a dental clinic. More specific findings are provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

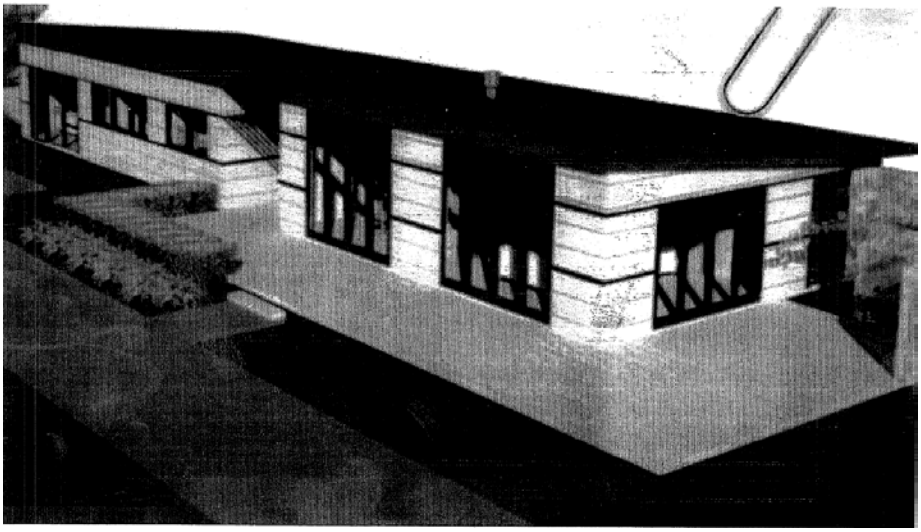
17.74.030(B). *That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration 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;*

APPLICANT'S RESPONSE: The size, design, and operating characteristics are compatible with the neighboring properties. The dental office use is consistent with the surrounding land uses. Abutting properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west. The scale and

density of the proposed development will be varied; with a single story professional health clinic/dental practice as an accessory to the adjacent multi-family building. The uses fit in the context of the surrounding uses and provide additional services and housing options to the community and will be consistent with the feel of the area. The proposed development will be complimentary to the neighborhood and will be adequately served by established public infrastructure.

FINDING: SATISFIED WITH CONDITION #3, AND #4. The City concurs with the applicant's findings, and further adds that the details of the proposed dental clinic as outlined in the application would have minimal impact on the livability or development of abutting properties or the surrounding neighborhood. The dental clinic is proposed to be located adjacent to 2nd Street, where required off-street parking would easily be accessed from. The building itself is oriented to the east on the site plan, with the front façade and activity associated with the front entrance facing away from the adjacent single family residences west of the site. While specific architectural plans of the clinic were not included in the application, a conceptual image was presented at the neighborhood meeting. The clinic is proposed to be a single-story building, consistent with those residences closest to the proposed location. Between the proposed clinic and adjacent homes to the west is a storm drainage easement with many mature trees and a privacy fence along the western property line. At the neighborhood meeting, a concern from neighbors was the condition of the existing fencing between the properties. Neighboring property owners indicated that the fence should be revamped or replaced to provide a higher level of privacy and buffering of the uses. Therefore, a condition of approval is included to require the provision of sight-obscuring fencing along the entire western property line of the subject site, outside of the required front yard where fence height is restricted to three (3) feet or less. The retention of mature trees and fence will screen and buffer the proposed clinic from adjacent properties, limiting the impact of the conditional use on the neighboring properties.

Dental Clinic Concept Image



To accommodate employees and patients, the dental clinic will have an associated off street parking lot. A concern of neighbors expressed at the neighborhood meeting was that sufficient lighting be provided in the parking lot for safety and security purposes. Care should be taken to ensure that the majority of exterior lighting of the dental clinic and parking lot reaches its intended target and reduces vertical and lateral glare that may impact neighboring properties. Therefore, a condition is included to require that lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.

The dental clinic is proposed to be 3,200 square feet, which is not out of scale with nearby buildings and uses. Across 2nd Street from the subject site to the south is the Salvation Army facility, and further west of the site is the Hillside facility, both of which are larger in scale and site coverage than the proposed clinic.

As a professional dental clinic, the operating characteristics would have minimal impact on surrounding properties. The typical business hours of the clinic would be compatible with the surrounding neighborhood. Business activity, noise, and traffic would be limited to within normal business hours during the week.

As discussed in findings above, an identified sanitary sewer capacity issue downstream from the subject site requires the clinic to be restricted in the number of fixture units that can be installed, limiting the flow to the sewer system so as not to overburden it. Similarly, the development of the proposed dental clinic would be required to include storm water detention on-site to mitigate identified downstream pipe capacity issues. This would assure the proposed development does not overburden the storm water system. These requirements help ensure that the proposed development would not unduly impact nearby properties or limit their development potential.

An evaluation of potential traffic impacts associated with the concurrent zone change and conditional use permit requests was completed by the applicant, concluding that the increase in trips generated as a result of the requests would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests is less than the most conservative standards and does not warrant a more detailed traffic impact analysis. If the proposed development were to generate more trips than those conservative standards used in the evaluation, a full Traffic Impact Analysis would be required to measure the impact on the surrounding street network and to recommend mitigation, if necessary.

CONDITIONS FOR FINDING: That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.

That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.

17.74.030(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;*

APPLICANT'S RESPONSE: Abutting properties house conditional uses that include electrical power generation and church services. The health clinic/dental service will fit with the neighborhood and it is less of an impact visually and to public infrastructure than the higher density building development permitted in the R- 4 zone.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the location, site, design, and operations of the substation facility will not cause any significant adverse impact on the livability, value, or appropriate development of abutting properties, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above.

17.74.030(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;*

APPLICANT'S RESPONSE: The design, placement, and variety of buildings fit the nature of the setting and will complement the area. The health clinic and multi-family buildings will be in an urban area located off SW 2nd Street which is a major arterial street classification. The project will help the City of McMinnville with its goal to expand high-wage business growth, locate health and housing options close to residents, and invest in urban infill along major street corridors.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the location, site, design, and operations of the dental clinic will be as attractive as the nature of the use and its setting warrant, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above. The City also notes that 2nd Street is classified as a minor arterial street.

17.74.030(E). *The proposal will preserve environmental assets of particular interest to the community;*

APPLICANT'S RESPONSE: Not applicable; urban infill site that is flat and without unique environmental assets. Mature trees will be preserved to the extent possible.

FINDING: SATISFIED. The City concurs with the applicant's findings. As discussed in more detail above, existing mature trees on the site will be preserved where practical.

17.74.030(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.*

APPLICANT'S RESPONSE: The intent is to provide a variety in development pattern and mixed uses for community benefit through an increase in housing options and access to health services.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5. Conditions of approval have been included as specified by this Ordinance to limit the size of the proposed dental clinic to one story, provide sight-obscuring fencing along the western property line, and to require the shielding of exterior lighting associated with the dental clinic.

An additional condition of approval is recommended to restrict the hours of operation of the dental clinic from 7:00 AM to 8:00 PM. These operating hours coincide with the nuisance noise code for businesses adjacent to residential zones.

These conditions help preserve the best interest of the surrounding area and community as a whole.

CONDITION FOR FINDING: That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

JF

Attachment C

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

PUBLIC HEARING NOTICE
PLANNING COMMISSION REVIEW OF A
ZONE CHANGE REQUEST & CONDITIONAL USE PERMIT
1945 NW 2nd STREET (TAX LOT R4419AD01500)

NOTICE IS HEREBY GIVEN that applications for a zone change and a conditional use permit have been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding these applications or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Jamie Fleckenstein with any questions at 503-474-4153, or jamie.fleckenstein@mcminnvilleoregon.gov.

DOCKET NUMBER:	ZC 4-19 (Zone Change), CU 4-19 (Conditional Use Permit)
REQUEST:	Approval to rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential), and approval of a conditional use permit to allow for development of a dental clinic.
APPLICANT:	Doug Egan of MD Builders, Inc., on behalf of Melinda Judd, property owner
SITE LOCATION(S):	1945 NW 2nd Street (see attached map)
MAP & TAX LOT(S):	R4419AD01500
ZONE(S):	Existing: R-1 (Single-Family Residential) Proposed: R-4 (Multiple-Family Residential)
MMC REQUIREMENTS:	Zone Change: McMinnville Municipal Code (MMC) Section 17.74.020; Conditional Use Permit: MMC Section 17.74.030, MMC Chapter 17.21 (R-4 Multiple-Family Residential Zone), Comprehensive Plan Goals and Policies (see reverse side for specific review criteria)
NOTICE DATE:	November 27, 2019
PUBLIC HEARING DATE:	December 19, 2019 at 5:30 P.M.
HEARING LOCATION:	McMinnville Civic Hall Building 200 NE 2nd Street, McMinnville, OR, 97128

Proceedings: A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision. Should you wish to

submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5th Street, McMinnville, OR 97128, or by email to jamie.fleckenstein@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov.

Appeal: Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

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.

REVIEW CRITERIA:

For Zone Change:

MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - 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 serve 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 statute), 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.

For Conditional Use Permit:

MMC Section 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

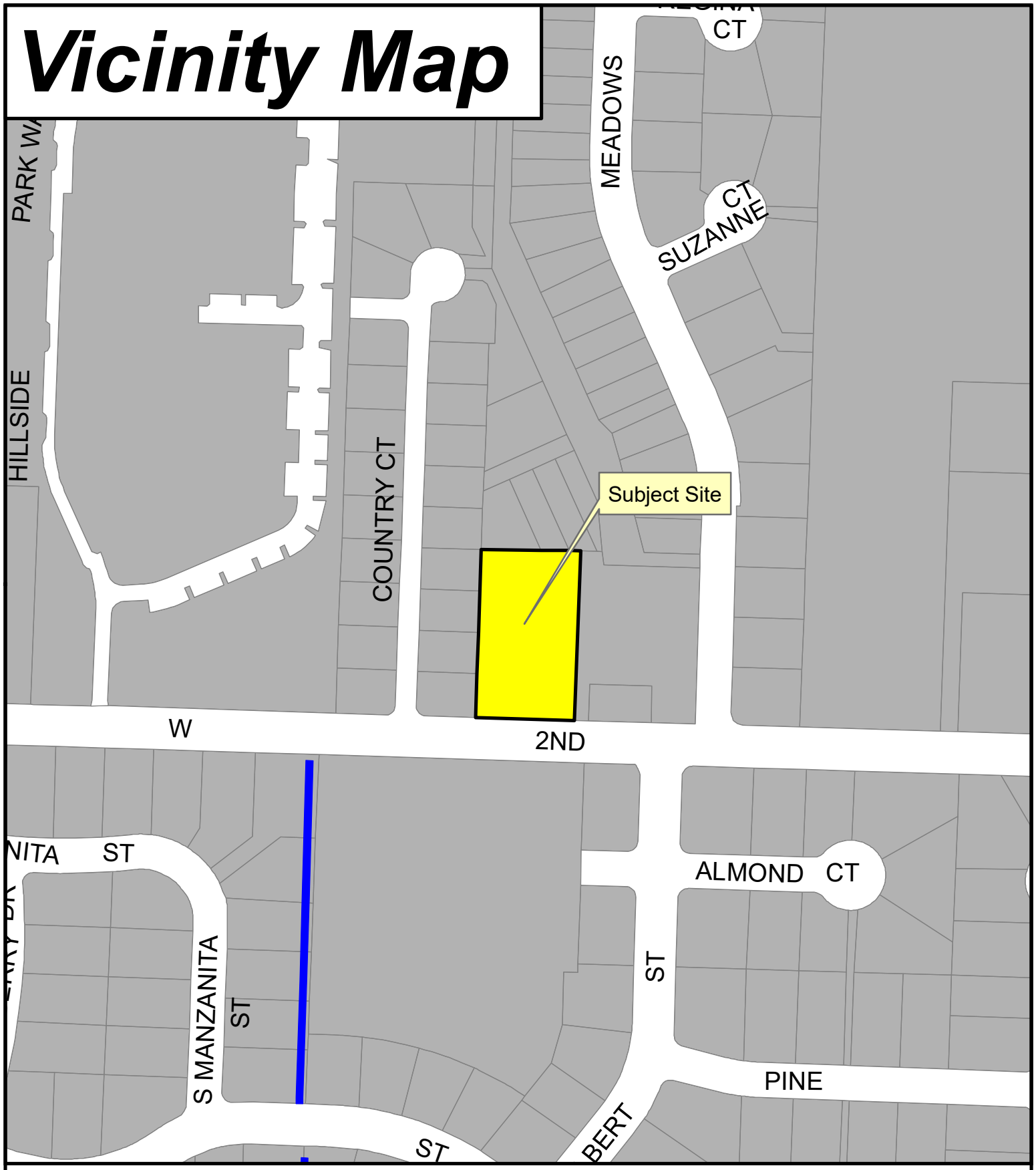
desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, 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.

<u>MMC Chapter 17.21 (R-4 Multiple-Family Residential Zone):</u>
All applicable criteria in Chapter 17.21 apply to this request.

<u>Comprehensive Plan Goals and Policies:</u>
All applicable goals and policies apply to this request.

Vicinity Map



City of McMinnville
Geographic Information System

N

150 75 0 150 Feet

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

ZC 4-19/CU 4-19

Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
1	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
2	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
3	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
4	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
5	R4419AC00204	407 NW COUNTRY CT	JAMES BELINDA G		407 NW COUNTRY CT	MCMINNVILLE	OR	97128
6	R4419AC00205	383 NW COUNTRY CT	KENOW LAURA J		383 NW COUNTRY CT	MCMINNVILLE	OR	97128
7	R4419AC00206	361 NW COUNTRY CT	BARAINCA ALATZNE		361 NW COUNTRY CT	MCMINNVILLE	OR	97128
8	R4419AC00207	339 NW COUNTRY CT	GORDON JAMES G	GORDON JOSEPHINE A	339 NW COUNTRY CT	MCMINNVILLE	OR	97128
9	R4419AC00208	325 NW COUNTRY CT	GRAHAM MITCHELL R	BIERLY JESSICA M	325 NW COUNTRY CT	MCMINNVILLE	OR	97128
10	R4419AC00209	311 NW COUNTRY CT	RUSSELL ERIC D	RUSSELL CARMEN E	748 NW MORNING VIEW CT	MCMINNVILLE	OR	97128
11	R4419AC00210	279 NW COUNTRY CT	ABBOTT STEVEN L	ABBOTT BARBARA S	1214 SW APPERSON ST	MCMINNVILLE	OR	97128
12	R4419AC00211	255 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
13	R4419AC00212	221 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
14	R4419AC00213	220 NW COUNTRY CT	WICKERSHEIM JON		220 NW COUNTRY CT	MCMINNVILLE	OR	97128
15	R4419AC00214	254 NW COUNTRY CT	HART PHYLLIS		254 NW COUNTRY CT	MCMINNVILLE	OR	97128
16	R4419AC00215	280 NW COUNTRY CT	ANDERSON NICOLE L		280 NW COUNTRY CT	MCMINNVILLE	OR	97128
17	R4419AC00216	308 NW COUNTRY CT	SAUNDERS DALENA M		308 NW COUNTRY CT	MCMINNVILLE	OR	97128
18	R4419AC00217	320 NW COUNTRY CT	EFRAIMSON DANIEL		3627 NW 27TH CIRCLE	CAMAS	WA	98607
19	R4419AC00218	336 NW COUNTRY CT	BAUTISTA MANUEL	GARCIA ALMA D ALVAREZ	336 NW COUNTRY CT	MCMINNVILLE	OR	97128
20	R4419AC00219	356 NW COUNTRY CT	BIERLY PHILIP S		356 NW COUNTRY CT	MCMINNVILLE	OR	97128
21	R4419AC00220	380 NW COUNTRY CT	NEFF-DOUGLAS JOANNE L		380 NW COUNTRY CT	MCMINNVILLE	OR	97128
22	R4419AC00221	400 NW COUNTRY CT	SHULMIRE RAYMOND &	SHULMIRE CRYSTAL	400 NW COUNTRY CT	MCMINNVILLE	OR	97128
23	R4419AC00222	418 NW COUNTRY CT	BROWNRIDGE RAY &	BROWNRIDGE SANDRA	418 NW COUNTRY CT	MCMINNVILLE	OR	97128
24	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
25	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
26	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
27	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
29	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
30	R4419AD01600	437 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
31	R4419AD01601	433 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
32	R4419AD01700	429 NW MEADOWS DR	LOYA BRENDA J		429 NW MEADOWS DR	MCMINNVILLE	OR	97128
33	R4419AD01701	421 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
34	R4419AD01800		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
35	R4419AD02000	446 NW COUNTRY CT	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128
36	R4419AD02001	459 NW MEADOWS DR	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128

Date Sent 11/27/19
1133
Sent By SA

ZC 4-19/CU 4-19

Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
37	R4419AD02100		THE PUBLIC		535 NE 5TH ST	MCMINNVILLE	OR	97128
38	R4419AD04000	495 NW MEADOWS DR	KLINGLER BRIAN		495 NW MEADOWS DR	MCMINNVILLE	OR	97128
39	R4419AD04100	483 NW MEADOWS DR	FLORA VIRGINIA L TRUSTEE	FLORA FAMILY TRUST	14925 SW HIDDEN HILLS RD	MCMINNVILLE	OR	97128
40	R4419AD04200	475 NW MEADOWS DR	BRYANT NANCY L		78685 MORNING STAR	PALM DESERT	CA	92211
41	R4419AD04300	467 NW MEADOWS DR	EQUITY TRUST COMPANY CUSTODIAN FBO	VOLKMAN JAMES IRA 18% &	21385 PARKVIEW TER	WEST LINN	OR	97068
42	R4419AD04400		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
43	R4419AD04500	411 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
44	R4419AD04600	377 NW MEADOWS DR	HOUSTON MICHA J &	HOUSTON DARCY	377 NW MEADOWS DR	MCMINNVILLE	OR	97128
45	R4419AD04700	351 NW MEADOWS DR	KNORR JAMES R		28155 SW CANYON CREEK RD S	WILSONVILLE	OR	97070
46	R4419AD04800	319 NW MEADOWS DR	ARMSTRONG RANDALL D	ARMSTRONG BETTY A	6704 SE 50TH AVE	PORTLAND	OR	97206
47	R4419AD04900	224 NW MEADOWS DR	MABRY DANIEL		224 NW MEADOWS DR	MCMINNVILLE	OR	97128
48	R4419AD05000	252 NW MEADOWS DR	KOSSMAN STEVEN E &	KOSSMAN LINDA C	252 NW MEADOWS DR	MCMINNVILLE	OR	97128
49	R4419AD05100	286 NW MEADOWS DR	FERGUS GOLDEN M &	FERGUS TEENA	286 NW MEADOWS DR	MCMINNVILLE	OR	97128
50	R4419AD05200	318 NW MEADOWS DR	NASSAR WALID P		1005 NW 2ND ST	MCMINNVILLE	OR	97128
51	R4419AD05300	350 NW MEADOWS DR	STAHL RICHARD J	STAHL ANNA M	350 NW MEADOWS DR	MCMINNVILLE	OR	97128
52	R4419AD05400	380 NW MEADOWS DR	CARLTON MARK R CO-TRUSTEE	CARLTON NANCY J CO-TRUSTEE	380 NW MEADOWS DR	MCMINNVILLE	OR	97128
53	R4419AD05500	422 NW MEADOWS DR	VANBUREN MICHAEL F &	VANBUREN ROBIN N	422 NW MEADOWS DR	MCMINNVILLE	OR	97128
54	R4419DA02800	1767 SW ALMOND CT	BELL GRACIELA		1173 JOELS PL	LAFAYETTE	OR	97127
55	R4419DA02900	104 SW FILBERT ST	PARKER WILLIAM M		104 SW FILBERT ST	MCMINNVILLE	OR	97128
56	R4419DA03000	1814 SW ALMOND CT	HERNANDEZ BONIFACIO SOLIS 1/2 &	MADRIGAL NOLASCO MELCHOR &	1814 SW ALMOND CT	MCMINNVILLE	OR	97128
57	R4419DA03600	109 SW FILBERT ST	CHASTAIN LYNN D	CHASTAIN K'LYNN J	109 SW FILBERT ST	MCMINNVILLE	OR	97128
58	R4419DA03700	121 SW FILBERT ST	DAVIDSON KENNETH A JR		121 SW FILBERT ST	MCMINNVILLE	OR	97128
59	R4419DA14900	1950 SW 2ND ST	SALVATION ARMY		PO BOX 8798	PORTLAND	OR	97208
60	R4419DB00119	104 SW MANZANITA ST	DORRELL JON D		104 SW MANZANITA ST	MCMINNVILLE	OR	97128
61	R4419DB00120	200 SW MANZANITA ST	BREWTON SHAWN M &	BREWTON ANGELA M	200 SW MANZANITA ST	MCMINNVILLE	OR	97128
Owner	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
Applicant			DOUG EGAN	MD BUILDERS INC	PO BOX 175	MCMINNVILLE	OR	97128

Date Sent 11/27/19
Sent By SB

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

PUBLIC HEARING NOTICE
PLANNING COMMISSION REVIEW OF A
ZONE CHANGE REQUEST & CONDITIONAL USE PERMIT
1945 NW 2nd STREET (TAX LOT R4419AD01500)

NOTICE IS HEREBY GIVEN that applications for a zone change and a conditional use permit have been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding these applications or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Jamie Fleckenstein with any questions at 503-474-4153, or jamie.fleckenstein@mcminnvilleoregon.gov.

Please note the time of this meeting has been changed to 6:30 p.m.

DOCKET NUMBER:	ZC 4-19 (Zone Change), CU 4-19 (Conditional Use Pe
REQUEST:	Approval to rezone the property from R-1 (Sin idential) to R-4 (Multiple-Family Residential), and nal use permit to allow for development of
APPLICANT:	Doug Egan of MD Builde ud, property owner
SITE LOCATION(S):	1945 NW 2
MAP & TAX LOT(S):	R
ZONE(S):	amily Residential) ultiple-Family Residential)
MMC RE	hange: McMinnville Municipal Code (MMC) Section 74.020; Conditional Use Permit: MMC Section 17.74.030, MMC Chapter 17.21 (R-4 Multiple-Family Residential Zone), Comprehensive Plan Goals and Policies (see reverse side for specific review criteria)
NOTICE DATE:	November 27, 2019
PUBLIC HEARING DATE:	December 19, 2019 at 5:30 P.M.
HEARING LOCATION:	McMinnville Civic Hall Building 200 NE 2nd Street, McMinnville, OR, 97128

Proceedings: A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision. Should you wish to

submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5th Street, McMinnville, OR 97128, or by email to jamie.fleckenstein@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov.

Appeal: Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

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.

REVIEW CRITERIA:

For Zone Change:

MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - 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 serve 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 statute), 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.

For Conditional Use Permit:

MMC Section 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

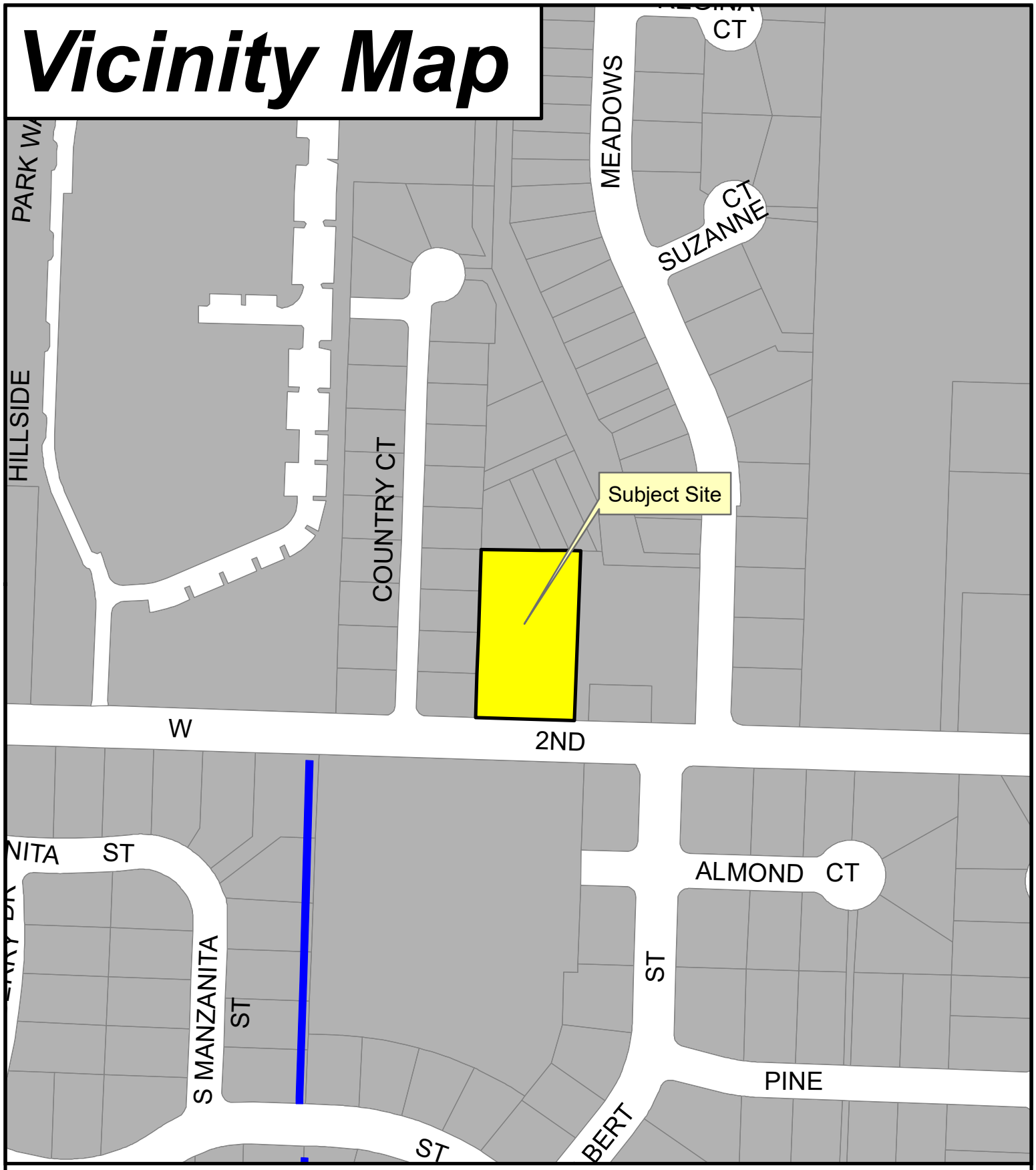
desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, 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.

<u>MMC Chapter 17.21 (R-4 Multiple-Family Residential Zone):</u>
All applicable criteria in Chapter 17.21 apply to this request.

<u>Comprehensive Plan Goals and Policies:</u>
All applicable goals and policies apply to this request.

Vicinity Map



City of McMinnville
Geographic Information System

N

150 75 0 150 Feet

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7331

ZC 4-19/CU 4-19 - Time Change

Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
1	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
2	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
3	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
4	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
5	R4419AC00204	407 NW COUNTRY CT	JAMES BELINDA G		407 NW COUNTRY CT	MCMINNVILLE	OR	97128
6	R4419AC00205	383 NW COUNTRY CT	KENOW LAURA J		383 NW COUNTRY CT	MCMINNVILLE	OR	97128
7	R4419AC00206	361 NW COUNTRY CT	BARAINCA ALATZNE		361 NW COUNTRY CT	MCMINNVILLE	OR	97128
8	R4419AC00207	339 NW COUNTRY CT	GORDON JAMES G	GORDON JOSEPHINE A	339 NW COUNTRY CT	MCMINNVILLE	OR	97128
9	R4419AC00208	325 NW COUNTRY CT	GRAHAM MITCHELL R	BIERLY JESSICA M	325 NW COUNTRY CT	MCMINNVILLE	OR	97128
10	R4419AC00209	311 NW COUNTRY CT	RUSSELL ERIC D	RUSSELL CARMEN E	748 NW MORNING VIEW CT	MCMINNVILLE	OR	97128
11	R4419AC00210	279 NW COUNTRY CT	ABBOTT STEVEN L	ABBOTT BARBARA S	1214 SW APPERSON ST	MCMINNVILLE	OR	97128
12	R4419AC00211	255 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
13	R4419AC00212	221 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
14	R4419AC00213	220 NW COUNTRY CT	WICKERSHEIM JON		220 NW COUNTRY CT	MCMINNVILLE	OR	97128
15	R4419AC00214	254 NW COUNTRY CT	HART PHYLLIS		254 NW COUNTRY CT	MCMINNVILLE	OR	97128
16	R4419AC00215	280 NW COUNTRY CT	ANDERSON NICOLE L		280 NW COUNTRY CT	MCMINNVILLE	OR	97128
17	R4419AC00216	308 NW COUNTRY CT	SAUNDERS DALENA M		308 NW COUNTRY CT	MCMINNVILLE	OR	97128
18	R4419AC00217	320 NW COUNTRY CT	EFRAIMSON DANIEL		3627 NW 27TH CIRCLE	CAMAS	WA	98607
19	R4419AC00218	336 NW COUNTRY CT	BAUTISTA MANUEL	GARCIA ALMA D ALVAREZ	336 NW COUNTRY CT	MCMINNVILLE	OR	97128
20	R4419AC00219	356 NW COUNTRY CT	BIERLY PHILIP S		356 NW COUNTRY CT	MCMINNVILLE	OR	97128
21	R4419AC00220	380 NW COUNTRY CT	NEFF-DOUGLAS JOANNE L		380 NW COUNTRY CT	MCMINNVILLE	OR	97128
22	R4419AC00221	400 NW COUNTRY CT	SHULMIRE RAYMOND &	SHULMIRE CRYSTAL	400 NW COUNTRY CT	MCMINNVILLE	OR	97128
23	R4419AC00222	418 NW COUNTRY CT	BROWNRIDGE RAY &	BROWNRIDGE SANDRA	418 NW COUNTRY CT	MCMINNVILLE	OR	97128
24	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
25	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
26	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
27	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
29	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
30	R4419AD01600	437 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
31	R4419AD01601	433 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
32	R4419AD01700	429 NW MEADOWS DR	LOYA BRENDA J		429 NW MEADOWS DR	MCMINNVILLE	OR	97128
33	R4419AD01701	421 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
34	R4419AD01800		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
35	R4419AD02000	446 NW COUNTRY CT	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128
36	R4419AD02001	459 NW MEADOWS DR	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128

Date Sent 12/6/19
Sent By [illegible]

ZC 4-19/CU 4-19 - Time Change

Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
37	R4419AD02100		THE PUBLIC		535 NE 5TH ST	MCMINNVILLE	OR	97128
38	R4419AD04000	495 NW MEADOWS DR	KLINGLER BRIAN		495 NW MEADOWS DR	MCMINNVILLE	OR	97128
39	R4419AD04100	483 NW MEADOWS DR	FLORA VIRGINIA L TRUSTEE	FLORA FAMILY TRUST	14925 SW HIDDEN HILLS RD	MCMINNVILLE	OR	97128
40	R4419AD04200	475 NW MEADOWS DR	BRYANT NANCY L		78685 MORNING STAR	PALM DESERT	CA	92211
41	R4419AD04300	467 NW MEADOWS DR	EQUITY TRUST COMPANY CUSTODIAN FBO	VOLKMAN JAMES IRA 18% &	21385 PARKVIEW TER	WEST LINN	OR	97068
42	R4419AD04400		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
43	R4419AD04500	411 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
44	R4419AD04600	377 NW MEADOWS DR	HOUSTON MICHA J &	HOUSTON DARCY	377 NW MEADOWS DR	MCMINNVILLE	OR	97128
45	R4419AD04700	351 NW MEADOWS DR	KNORR JAMES R		28155 SW CANYON CREEK RD S	WILSONVILLE	OR	97070
46	R4419AD04800	319 NW MEADOWS DR	ARMSTRONG RANDALL D	ARMSTRONG BETTY A	6704 SE 50TH AVE	PORTLAND	OR	97206
47	R4419AD04900	224 NW MEADOWS DR	MABRY DANIEL		224 NW MEADOWS DR	MCMINNVILLE	OR	97128
48	R4419AD05000	252 NW MEADOWS DR	KOSSMAN STEVEN E &	KOSSMAN LINDA C	252 NW MEADOWS DR	MCMINNVILLE	OR	97128
49	R4419AD05100	286 NW MEADOWS DR	FERGUS GOLDEN M &	FERGUS TEENA	286 NW MEADOWS DR	MCMINNVILLE	OR	97128
50	R4419AD05200	318 NW MEADOWS DR	NASSAR WALID P		1005 NW 2ND ST	MCMINNVILLE	OR	97128
51	R4419AD05300	350 NW MEADOWS DR	STAHL RICHARD J	STAHL ANNA M	350 NW MEADOWS DR	MCMINNVILLE	OR	97128
52	R4419AD05400	380 NW MEADOWS DR	CARLTON MARK R CO-TRUSTEE	CARLTON NANCY J CO-TRUSTEE	380 NW MEADOWS DR	MCMINNVILLE	OR	97128
53	R4419AD05500	422 NW MEADOWS DR	VANBUREN MICHAEL F &	VANBUREN ROBIN N	422 NW MEADOWS DR	MCMINNVILLE	OR	97128
54	R4419DA02800	1767 SW ALMOND CT	BELL GRACIELA		1173 JOELS PL	LAFAYETTE	OR	97127
55	R4419DA02900	104 SW FILBERT ST	PARKER WILLIAM M		104 SW FILBERT ST	MCMINNVILLE	OR	97128
56	R4419DA03000	1814 SW ALMOND CT	HERNANDEZ BONIFACIO SOLIS 1/2 &	MADRIGAL NOLASCO MELCHOR &	1814 SW ALMOND CT	MCMINNVILLE	OR	97128
57	R4419DA03600	109 SW FILBERT ST	CHASTAIN LYNN D	CHASTAIN K'LYNN J	109 SW FILBERT ST	MCMINNVILLE	OR	97128
58	R4419DA03700	121 SW FILBERT ST	DAVIDSON KENNETH A JR		121 SW FILBERT ST	MCMINNVILLE	OR	97128
59	R4419DA14900	1950 SW 2ND ST	SALVATION ARMY		PO BOX 8798	PORTLAND	OR	97208
60	R4419DB00119	104 SW MANZANITA ST	DORRELL JON D		104 SW MANZANITA ST	MCMINNVILLE	OR	97128
61	R4419DB00120	200 SW MANZANITA ST	BREWTON SHAWN M &	BREWTON ANGELA M	200 SW MANZANITA ST	MCMINNVILLE	OR	97128
Owner	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
Applicant			DOUG EGAN	MD BUILDERS INC	PO BOX 175	MCMINNVILLE	OR	97128

Date Sent 4/4/19
Sent By [illegible]

Attachment D

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

www.mcminnvilleoregon.gov

MINUTES

December 19, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin Susan Dirks, Gary Langenwalter, Roger Lizut, Amanda Perron, and Lori Schanche

Members Absent: Christopher Knapp

Staff Present: Heather Richards – Planning Director, Jamie Fleckenstein – Associate Planner, and Spencer Parsons – Legal Council

1. Call to Order

Vice Chair Schanche called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

- **September 19, 2019 – Work Session**
- **September 19, 2019 – Regular Meeting**
- **October 17, 2019 – Work Session**
- **October 17, 2019 – Regular Meeting**

6:32 Commissioner Lizut moved to approve the September 19 and October 17, 2019 meeting minutes. The motion was seconded by Commissioner Chroust-Masin and passed unanimously.

4. Public Hearing:

A. Quasi-Judicial Hearing. . Zone Change (ZC 4-19) & Conditional Use (CU 4-19) *(Exhibit 2)*

Request: Approval to rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential), and approval of a conditional use permit to allow for development of a dental clinic.

Location: 1945 NW 2nd Street and is more specifically described as Tax Lot 1500, Section 19AD, T.4 S., R. 4 W., W.M.

Applicant: Doug Egan of MD Builders, Inc., on behalf of Melinda Judd

6:33 Opening Statement: Vice Chair Schanche read the opening statement and described the application.

6:38 Disclosures: Vice Chair Schanche opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Dirks recused herself from the hearing as Dr. Judd was her dentist and she did not think she could be unbiased in this matter. Dr. Judd was also Commissioner Langenwalter's dentist but he chose to continue with the hearing as he thought he could be impartial.

Vice Chair Schanche asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Vice Chair Schanche asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? One Commissioner had visited the site, but had no comments to make on the visit.

6:39 Staff Presentation: Associate Planner Fleckenstein stated this was a request for a zone change and conditional use permit for 1945 NW 2nd Street. This was a recommendation to the City Council. The subject property was 0.82 acres and the rezone would change the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). Approval of a conditional use permit would allow for development of a dental clinic in this location. He described the preliminary site plan which was not binding. The surrounding uses were R-2 single family homes to the north and south and R-4 single family homes to the west of the site and the McMinnville Water and Light substation and City-owned park site was to the east. He reviewed the criteria for the zone change. The chapters in the Comprehensive Plan that were relevant to the application included housing and residential development, locational considerations, transportation and community facilities, and urbanization. The Great Neighborhood Principles did apply to this application as well. Regarding adequate public facilities to serve the site, an increased sewer flow would be needed and there would also be increased traffic from the more intense development. This area was not committed to low or medium density development. The site could be buffered by landscaping and the arterial street. The site had direct access to a minor arterial, NW 2nd, and the site was not subject to any topographical limitations. The applicant submitted a trip generation memo showing that the proposed development would not significantly affect the transportation network of the surrounding streets. Minor arterials were designed for 20,000 average daily trips and designed to accommodate medium to high density adjacent uses. The traffic increase from the proposed development would not have a significant effect on NW 2nd. No traffic impact analysis was submitted which would have verified that, but there was currently no standard for requiring this analysis. The traffic increase related to the zone change and conditional use was below the thresholds of 200 average daily trips or 20 more pm peak hour trips that similar communities used. Staff concurred that a traffic impact analysis was not required and the minor arterial street would not be impacted by the development. There was a condition that would require the analysis if the proposed development produced trips in excess of the thresholds. The R-4 zoning should be located near public transit and there was a transit route on NW 2nd with stops immediately adjacent to the site. The R-4 zoning should also be located within a quarter mile of commercial shopping centers and there was commercial development at the corner of 2nd and Hill Road. The area should be adjacent to open space, and this site was close to several parks and open spaces however it was not adjacent to those sites. In order to meet this criterion, staff drafted a condition that 7% of the site be reserved for usable open space. Regarding the Great Neighborhood Principles, several applied including natural

feature preservation for the mature trees on the site, nearby parks and open space, pedestrian and bike friendly, and provision of multi-family housing which would help with diverse incomes and generations and housing variety. Staff found that the application was consistent with the Comprehensive Plan policies and goals. There were adequate transportation services to the site, however there were utility issues. Currently the sanitary sewer had capacity for full development of the site at the R-1 designation, however there was insufficient capacity at the R-4 designation. There was a condition that would limit the development to the 48 equivalent dwelling unit fixture units until the downstream capacity of the sewer system was improved to accommodate more capacity. There was also a stormwater capacity issue identified and a condition was added to include a stormwater detention plan that met the master plan requirements. With those conditions, the rezone to R-4 would not negatively impact the sanitary sewer or stormwater systems. He reviewed the conditions of approval which would help the application meet all of the criteria. No public testimony was received prior to the public hearing. Staff recommended approval of the zone change with conditions.

Associate Planner Fleckenstein then discussed the conditional use permit request to allow the development of a new dental clinic on the R-4 zoned site. He explained the definition of clinic and described the site plan concept with a 3,200 square foot dental clinic on the southwest corner with an associated off street parking lot at the southeast corner of the site. He went over the review criteria for the conditional use. The proposal was consistent with the Comprehensive Plan and objectives of the zoning ordinance. The location, size, design, and operating characteristics were reasonably compatible and had minimal impact on the livability of the surrounding properties. The development would cause no significant adverse impacts on livability of the area when compared to the impact of the permitted development that was not classified as conditional. The location and design of the site and structures would be as attractive as the nature of the use and its setting. Although architectural plans were not submitted, the concept met this criterion. Environmental assets would be preserved, which would be the mature trees on site. The applicant had a bonafide intent and capability to develop the land as proposed. There was a condition of approval that would limit the operating hours of the dentist office to be a friendly neighbor to the surrounding residential uses. There would also be a height limitation of 35 feet to match the residential area. There was also a condition requiring directional lighting so lights would not shine into neighboring properties and a condition requiring privacy fencing along the western property line. The office would be on the southern half of the site, close to the arterial street, and with the back to the backyards of the adjacent single family residences to the west. The landscaping and street trees would also help with compatibility. The impacts on livability and appropriate development of abutting properties was addressed with the conditions of the zone change such as limiting the sewer discharge and requiring a traffic impact analysis if development created more trips than the thresholds. The operations of the facility would be restricted to 7 a.m. to 8 p.m. There was a condition requiring Planning Department review and approval to remove mature trees from the site. Staff recommended approval of the conditional use with conditions.

7:09 Commission Questions: Commissioner Butler asked about condition for the fixture units limitation. Associate Planner Fleckenstein said the condition would limit the development to 48 fixture units. He explained what these fixtures were such as toilets, bathtubs, sinks, garbage disposals, etc., and how they affected the flow to the sewer system. This condition would limit the development to the same number of fixtures that the R-1 development would have had and would assure that the flow would not exceed what was modeled. It was his understanding that the dental clinic would be able to be developed to the size proposed at 48 fixture units.
Commissioner Butler clarified until the sewer system increased capacity, the multi-family units would not be built. Associate Planner Fleckenstein said the total development on the site could not exceed the 48 fixture units.

Planning Director Richards said the number of fixture units for the dental clinic had not been established yet. Staff was working with the applicant on strategies to increase the capacity.

Commissioner Langenwalter asked about the Engineering Department's recommendation for denial. Associate Planner Fleckenstein explained the basis for the denial was an incomplete application due to the traffic impact analysis of the development not originally addressed. Since then the applicant submitted the trip generation memo and the Engineering Department had no more comments. The application was no longer incomplete.

Planning Director Richards clarified a traffic impact analysis was not required, but after the City went through a process of review with partner agencies, they decided that a trip generation report was needed which was done by the applicant.

7:16 Applicant's Testimony: Douglas Egan, representing the applicant, gave his background and how he was a local developer raising his family in McMinnville. He appreciated staff's help with this application and process. He wanted to develop a property and preserve what people bought. He held two neighborhood meetings, and some of the neighbors were concerned about replacing the fence on the west side. He had agreed to take care of the fence. He wanted his developments to improve the community. This would be an office that people could walk to. Regarding the sewer, there was a table that stated each fixture was worth a certain amount of flow. For this application, one single family dwelling was the equivalent to 16 fixture units. For his personal single family house he was building, he had 160 fixture units. If he developed this property into three single family dwellings he could have up to 300 fixture units. He thought the dental office would have no impact to the system. He was working on complying with the regulations for the multi-family development and sewer capacity issues. It would be the second phase of the project.

Commissioner Perron asked if 48 was a reasonable number for the application. Mr. Egan said they would still be able to put in the dentist office with that number, but it was tight.

Commissioner Chroust-Masin asked if he knew how soon he could proceed with the multi-family development. Mr. Egan said it depended on funding to build up to 9 units. He thought it would be in 3-6 years.

Committee Member Butler asked about preserving the trees on the property. Mr. Egan was trying to preserve as many as possible. The trees were brought up in the neighborhood meeting and the priority would be to try to preserve the privacy buffer between the office and neighborhood.

Public Testimony:

7:32 Proponent: Melinda Judd, applicant, gave her background and how she had been practicing dentistry for 11 years. She was currently limited in space and would like to expand to this location with better parking and facilities. She would like to stay in McMinnville.

7:35 Opponent: Anna Stahl, McMinnville resident, lived and worked nearby and walked when she could. There was a lot of traffic during peak hours, especially trying to turn left onto 2nd Street. She was concerned that this development would exacerbate the traffic issues.

7:38 Rebuttal: Mr. Egan said they had talked a lot about traffic. He lived in this area as well and thought the improvements that were done for the Baker Creek projects had helped with the traffic and getting in and out of this area. The City was also working on the transportation system and making improvements. He did not think the area had issues.

Ms. Judd said the first phase would be the office, and it would take her a while to get to the second phase. It would be her and three other employees going to the office at 8 a.m., and she would see two to three patients an hour on average and would work until 5 p.m. She did not think this development would make much of a traffic impact. She planned to be open four days per week.

7:42 Vice Chair Schanche closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

7:44 Commission Deliberation: Commissioner Chroust-Masin thought the application met the criteria. It would be a good location for this office.

Commissioner Langenwalter supported the idea of a dental office close to other medical facilities.

The rest of the Commission were in agreement.

7:45 Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to RECOMMEND the City Council APPROVE ZC 4-19 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Langenwalter. The motion PASSED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwalter MOVED to RECOMMEND the City Council APPROVE CU 4-19 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Perron. The motion PASSED 8-0.

5. Commissioner Comments

Vice Chair Schanche thanked Commissioner Chroust-Masin for his ten years on the Planning Commission.

6. Staff Comments

None

7. Adjournment

Vice Chair Schanche adjourned the meeting at 7:48 p.m.

_____

Heather Richards
Secretary

Attachment E

519-19-000519-Plng

Office Use Only:
File No. ZC 4-19
Date Received 8-23-19
Fee 3759.00
Receipt No. 201147
Received by SA

City Of McMinnville

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

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☒ Other CONTRACTOR

Applicant Name MD BUILDERS, INC Phone 971-241-7038

Contact Name DOUG EGAN Phone
(If different than above)

Address PO BOX 175

City, State, Zip MCMINNVILLE, OR 97128

Contact Email douglas@md-builders.com

Property Owner Information

Property Owner Name MELINDA JUDD Phone 971-237-7377
(If different than above)

Contact Name Phone

Address 815 NW 18TH PLACE

City, State, Zip MCMINNVILLE, OR 97128

Contact Email mindyjudd.00@gmail.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1945 ~~SW~~ NW 2ND ST

Assessor Map No. R4419 -AD -01500 Total Site Area 0.94 ACRES

Subdivision Block Lot

Comprehensive Plan Designation RESIDENTIAL Zoning Designation R-1

This request is for a:

☐ ***Comprehensive Plan Amendment*** ☒ ***Zone Change***

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. (ATTACHED)

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). (ATTACHED)

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. (ATTACHED)

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. (ATTACHED)

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. (ATTACHED)

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. (ATTACHED)

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use. See Attached

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? See Attached

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

- ☐ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to* ***an electronic copy*** *with the submittal.*
- ☐ *A legal description of the parcel(s), preferably taken from the deed.*
- ☐ Compliance of Neighborhood Meeting Requirements.
- ☐ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

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

President MDBuilders Inc — 8-23-2019
Applicant's Signature — Date

DMD — 8/23/2019
Property Owner's Signature — Date

Responses to Zone Change Application

Proposed Change from R-1 Single Family Zone to R-4 Multi-Family and Conditional Use Developed in Two Phases

1945 SW 2nd Street
Yamhill County Taxlot R4419AD-01500

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.

Zone change from single-family residential R-1 to multi-family residential R-4 with conditional use where the first phase will be a dental office as an accessory use and the second phase will be primary use of multi-family residential housing. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types as and access to health services.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the Mcminnville Comprehensive Plan (Vol 2).

The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across 2nd Street SW where Salvation Army is located, and R-4 multi-family residential to the west.

Volume II Goals and Policies

Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

Employment Diversification IV Response:

As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use

regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets.

Housing V Response:
The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. The concept provides a variety of housing types that are in high demand in the community. The site is fully served by public and private utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit.

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.

NA.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.

NA.

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.

Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request.

Surrounding zones are higher density R-2 and R-4.

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.

The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the proposed development.

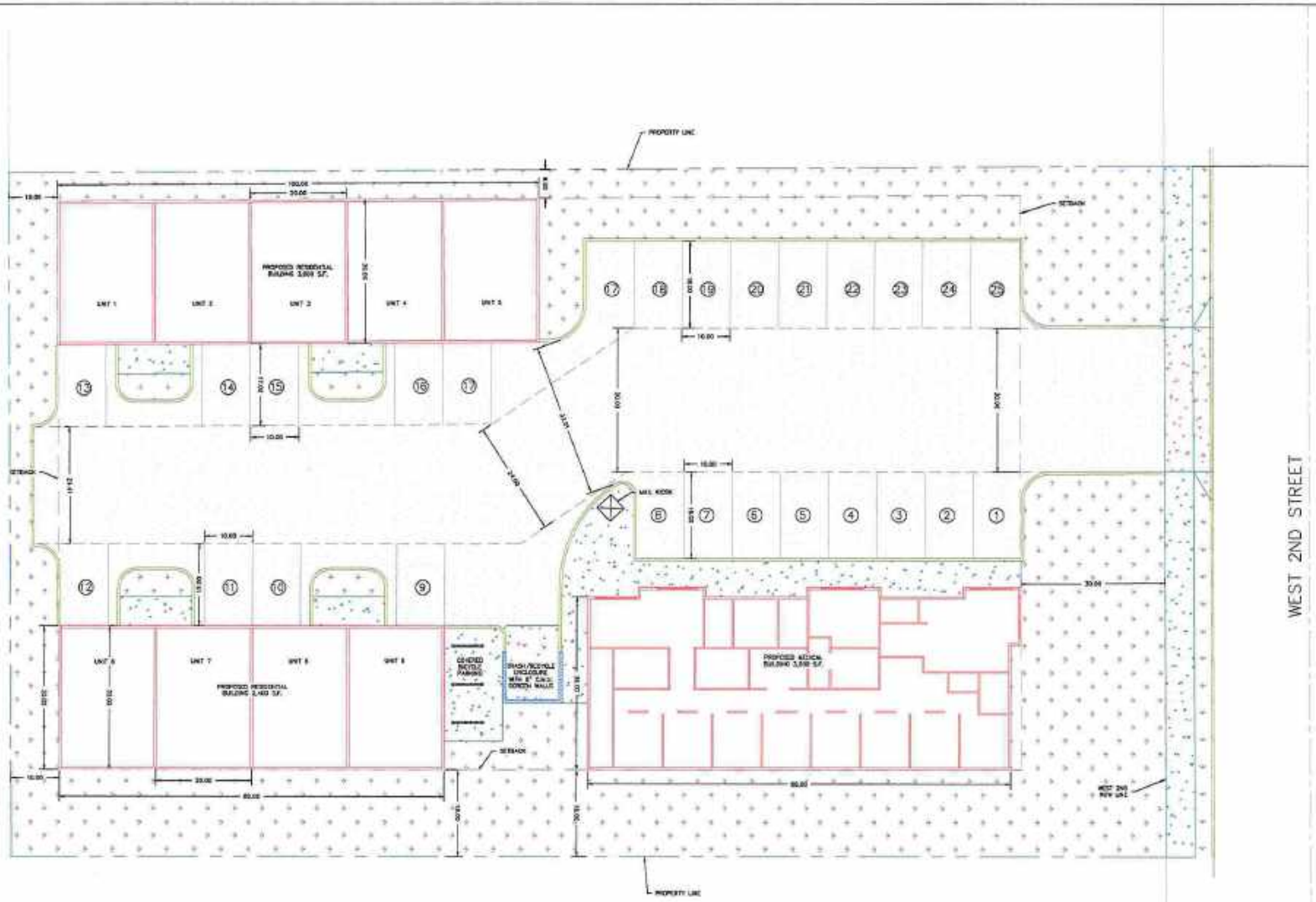
8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

Part of the Solomon Beary Donation Land Claim #54 in Section 19, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point in the center of the County Market Road #27, South 89° 39' West 1247.93 feet from the Northwest corner of the S.F. Staggs Donation Land Claim #55 in said Township and Range; thence North along the West line of a tract of land deeded to H.W. DEVLIN, et ux. by deed recorded May 31, 1960, in Deed and Mortgage, Film Volume 10, Page 940, to a point which is 270 feet North from the South line of said Donation Land Claim #54; thence South 88°17'10" East to the Northwest corner of that certain 0.80 acre tract conveyed by H.W. DEVLIN, et ux. to the UNITED STATES OF AMERICA by deed recorded March 9, 1965, in Film Volume 43, Page 778, Deed and Mortgage Records; thence South 1°42'50" West along the West line of said United States of America tract 270 feet to the South line of said Donation Land Claim #54; thence Westerly along said Donation Land Claim line in the center of the County Road to the place of beginning.



ASPHALT PAVING – 12,462 S.F. =35%

LANDSCAPING – 11,566 S.F =33%

PEDESTRIAN CONCRETE PAVING – 2,587 S.F. =7%

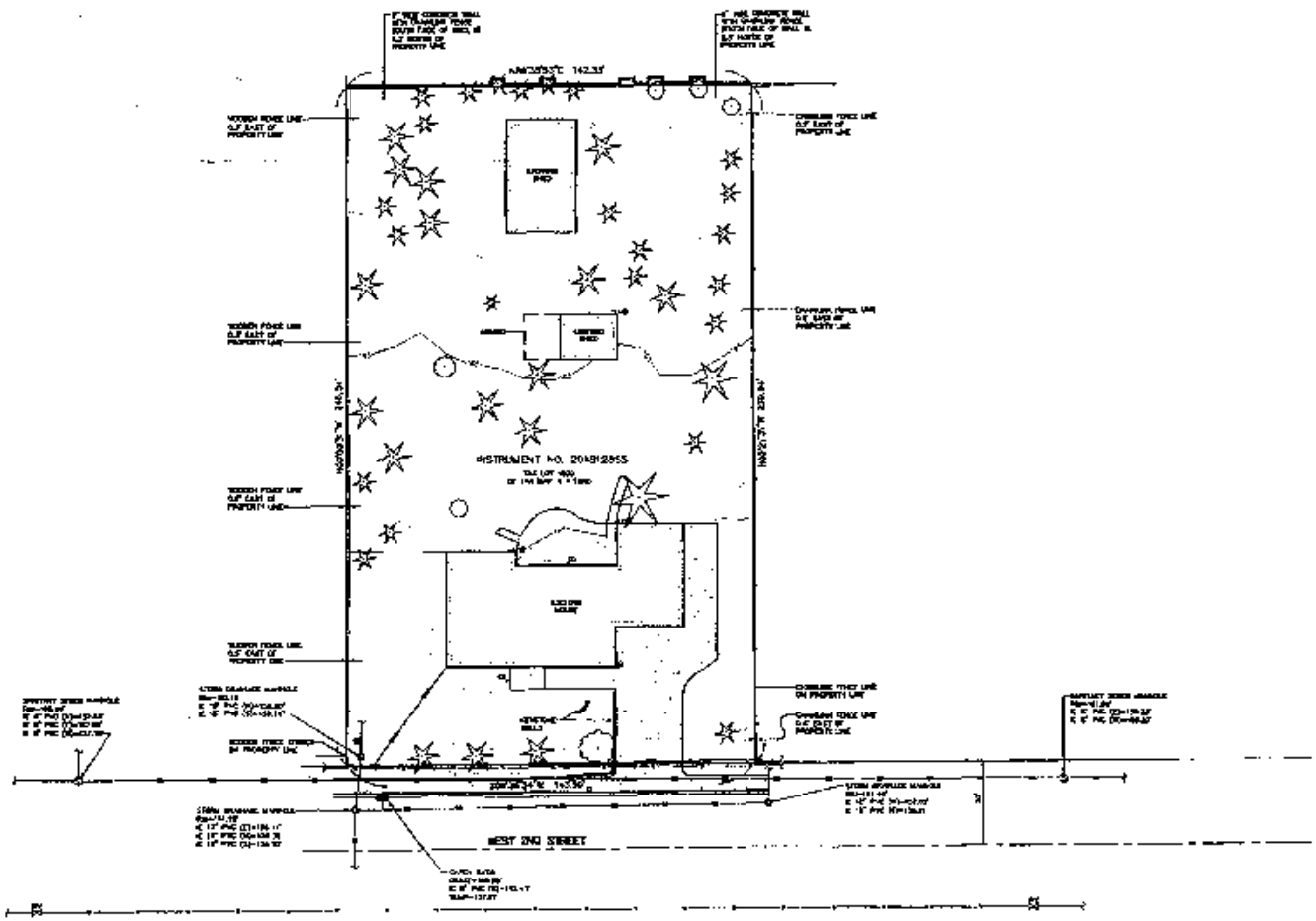
VEHICULAR CONCRETE PAVING – 477 S.F =1%

BUILDINGS – 8,600 S.F. =24%

TOTAL LAND AREA 35,692 S.F.

JUDO M/U DEVELOPMENT
PRELIMINARY SITE PLAN

TerraCalc
Land Surveying



VERTICAL DATUM:

LEGEND:

UTILITY STATEMENT:

GRAPHIC SCALE

SCALE: 1" = 20'

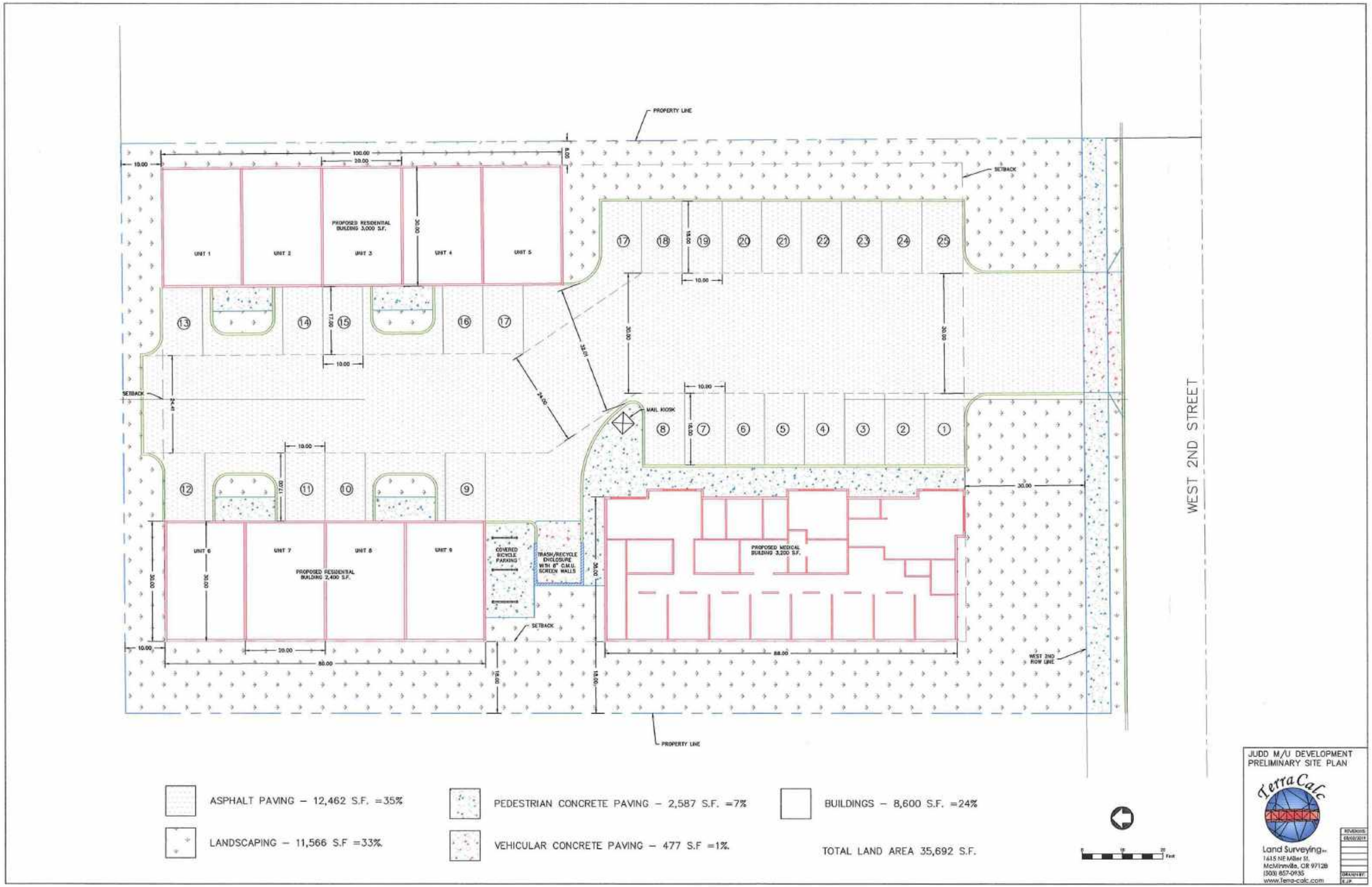
Terra Cafe
Land Surveying

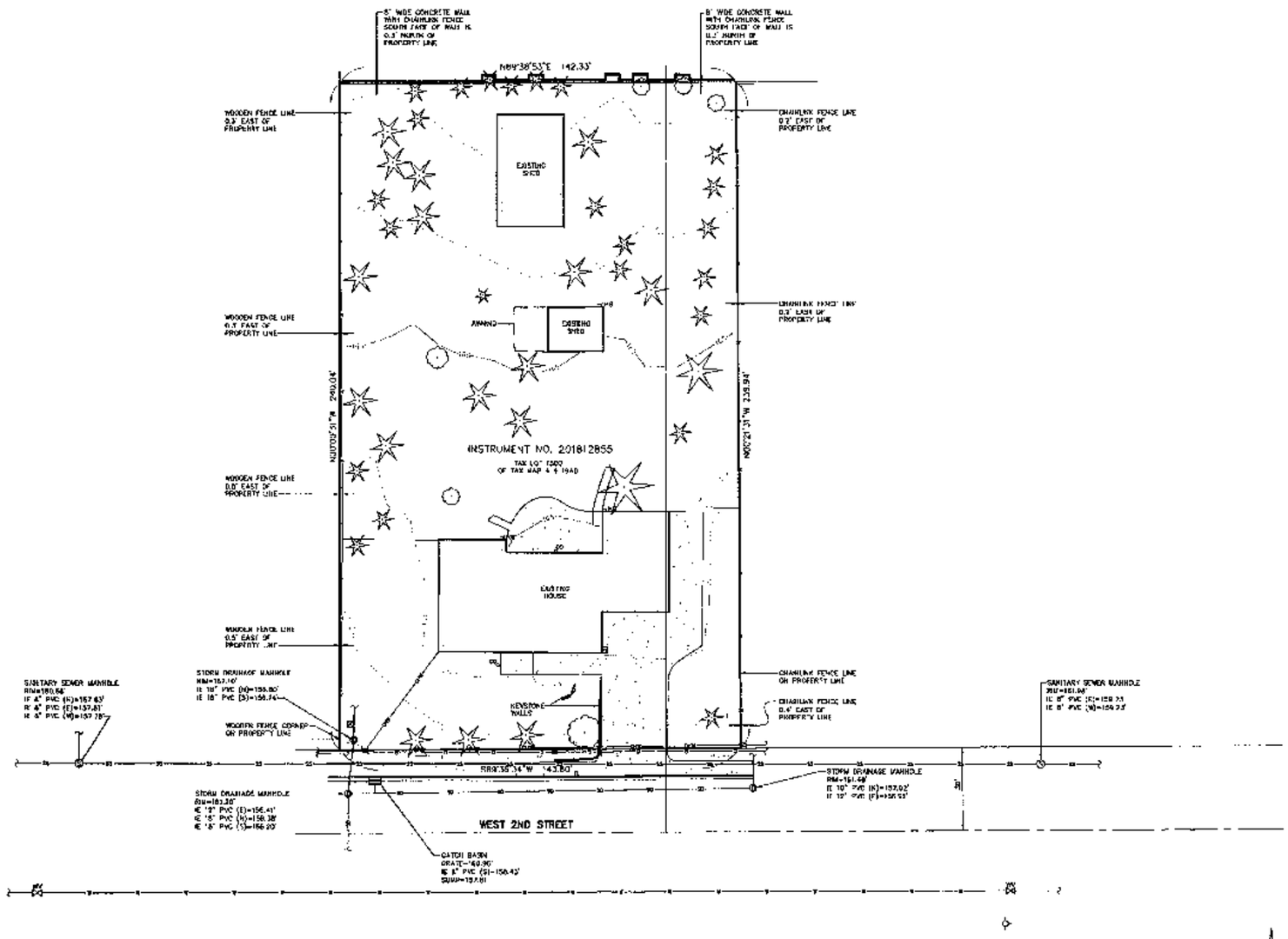
PROFESSIONAL LAND SURVEYOR

DR. JUDD PROPERTY
TOPOGRAPHIC SURVEY
LOCATED IN THE NE 1/4 OF SECTION 19, T. 4 S., R. 4 W., W.M.
McMINNVILLE, OREGON

DATE	4/7/19
DRAWN	DSH
SCALE/SCALE	DSH
CHECKED	DSH
JOB NO.	DJP001
DRAWING NAME	TOPO
SHEET NO.	1 OF 1

1155


PROPERTY LINE
SETBACK
PROPOSED RESIDENTIAL BUILDING 3,000 S.F.
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
PROPOSED RESIDENTIAL BUILDING 2,400 S.F.
COVERED BICYCLE PARKING
TRASH/RECYCLE ENCLOSURE WITH 8" C.M.U. SCREEN WALLS
MAIL KIOSK
PROPOSED MEDICAL BUILDING 3,200 S.F.
WEST 2ND ROW LINE
WEST 2ND STREET
ASPHALT PAVING – 12,462 S.F. =35%
LANDSCAPING – 11,566 S.F =33%
PEDESTRIAN CONCRETE PAVING – 2,587 S.F. =7%
VEHICULAR CONCRETE PAVING – 477 S.F =1%
BUILDINGS – 8,600 S.F. =24%
TOTAL LAND AREA 35,692 S.F.
JUDD M/U DEVELOPMENT
PRELIMINARY SITE PLAN
TerraCalc
Land Surveying
1615 NE Miller St.
McMinnville, OR 97128
(503) 857-0935
www.Terra-calc.com



VERTICAL DATUM:

PROJECT DATUM: NAVD 88
DESCRIPTIONS PROJECT ELEVATIONS ARE BASED ON RAPID STATIC GPS OBSERVATIONS ON MULTIPLE SURVEY CONTROL POINTS USING OREGON AND LOCAL GRID STATION DATA

LEGEND:

- EXISTING ASPHALT
- EXISTING CONCRETE
- UNDERGROUND STORM DRAINAGE LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- FENCE
- OVERHEAD POWER LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- SANITARY SEWER MANHOLE
- STORM DRAINAGE MANHOLE
- CATCH BASIN
- COMMUNICATIONS RISER
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- ELECTRICAL METER
- UNKNOWN CLEANOUT
- HOSE BIB
- UTILITY POLE
- MAILBOX

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE PAINT MARKINGS PER 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 REPORTED 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 GUARANTEE 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. MANHOLES 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.

NORTH

GRAPHIC SCALE

20 0 10 20 40

SCALE: 1" = 20'

TerraCalc

Land Surveying

1615 NE Miller St.
McMinnville, OR 97128
(503) 857-0933
www.terra-calc.com

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
DARREN S. HAIR
56161
EXPIRES DATE: 6-30-19

DR. JUDD PROPERTY TOPOGRAPHIC SURVEY

LOCATED IN THE NE 1/4 OF SECTION 19, T. 4 S., R. 4 W., W.M.

MCMINNVILLE, OREGON

FOR: DR. JUDD

REVISIONS	
REV.	DESCRIPTION

DATE	5/7/19
DRAWN	DSH
SURVEYOR	DSH
CHECKED	DSH
JOB NO	DJP001
DRAWING NAME	TOPO
SHEET NO.	1 OF 1

RECEIVED
OCT 02 2019
COMMUNITY DEVELOPMENT CENTER

Responses to Zone Change Application

Proposed Change from R-1 Single Family Zone to R-4 Multi-Family and Conditional Use Developed in Two Phases

1945 SW 2nd Street
Yamhill County Taxlot R4419AD-01500

1. *What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.*

Zone change from single-family residential R-1 to multi-family residential R-4 with conditional use where the first phase will be a dental office as an accessory use and the second phase will be primary use of multi-family residential housing. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types as and access to health services.

2. *Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol 2).*

The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

Volume II Goals and Policies

Preserve Quality of Air, Water, and Land Resources within the Planning Area II:01.12 city shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

Air, Water, and Land Resources Preservation II Response:
Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2nd St; in accordance with safe and visible access into the site and as required by development code.

Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the

proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

Employment Diversification IV Response:
As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 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; 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets; 71.09 high density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments: 1) areas not committed to low density, 2) areas with direct access from collector or arterial streets, 3) areas not subject to development limitations, 4) where existing facilities have the capacity for development, 5) areas within one-quarter mile of existing or planned public transportation, 6) areas buffered from low density residential areas to maximize privacy of established low density areas; 71.13 criteria determining areas appropriate for high-density residential development: 1) areas not committed to low or medium density development, 2) areas 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, 3) areas with direct access from a major collector or arterial street, 4) areas not subject to development limitations, 5) areas where existing facilities have the capacity for additional development, 6) areas within 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; 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; 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; 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 to have sufficient traffic carrying capacities; 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; 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; 99.00 adequate level of urban services, 1) sanitary sewer, 2) storm sewer, 3) streets, 4) water; (121.00) discourage direct access of small-scale residential developments onto major/minor arterial streets and major collector streets; (126.00) adequate off-street parking and loading facilities; (187.50) McMinnville Great Neighborhood Principles, 1) natural feature preservation, 3) parks and open space, 4) pedestrian friendly, 5) bike friendly, 8) human scale design, 9) mix of activities, 11) housing for diverse incomes and generations, 12) housing variety.

Housing V Response:
(58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00, 68.00, 69.00, 70.00) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options. (71.08) The site is fully served by public and private utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit. (71.09) The development will be high-density residential units with nine townhouse style dwelling units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple-family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away. (86.00) The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities. (90.00, 91.00, 92.00) Located on SW 2nd Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east. (92.01) The proposed development is

surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on R1 zoned land directly east of the site is screened. Plant materials will be used to further enhance the site and buffer the uses. (92.02, 99.00) The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks. All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service. (121.00, 126.00) Direct access from SW 2nd Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided. (187.50) There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

3. *If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.*

NA.

4. *If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.*

NA.

5. *Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.*

Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.

6. *Describe any changes in the neighborhood or surrounding area which might support or warrant the request.*

Surrounding zones are higher density R-2 and R-4.

7. *Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.*

The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the first phase dental office. The construction of the second phase multiple-family R4 density development will be coordinated with the City of McMinnville to align with their installation of added sewer capacity.

8. *Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?*

City Of McMinnville
Planning Department
231 NE Fifth Street ○ McMinnville, OR 97128
(503) 434-7311 Office ○ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

5-19-19-000520-PLNG

Office Use Only:
File No. CU 4-19
Date Received 8-23-19
Fee 2325.00
Receipt No. 20118
Received by SP

Conditional Use Application

Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☒ Other CONTRACTOR

Applicant Name MD BUILDERS, INC Phone 971-241-7038

Contact Name DOUG EGAN Phone
(If different than above)

Address PO BOX 175

City, State, Zip MCMINNVILLE, OR 97128

Contact Email douglas@md-builders.com

Property Owner Information

Property Owner Name MELINDA JUDD Phone 971-237-7377
(If different than above)

Contact Name Phone

Address 815 NW 18TH PLACE

City, State, Zip MCMINNVILLE, OR 97128

Contact Email mindyjudd.00@gmail.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1945 ~~SW~~ NW 2ND ST

Assessor Map No. R4 419 - AD - 01500 Total Site Area 0.94 ACRES

Subdivision Block Lot

Comprehensive Plan Designation RESIDENTIAL Zoning Designation R-1

1. State nature of the request in detail: (ATTACHED)

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: (ATTACHED)

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration 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: (ATTACHED)

4. Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional: (ATTACHED)

5. Describe how 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: (ATTACHED)

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? (ATTACHED)

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: (ATTACHED)

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

- ☐ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).*
- ☐ *A legal description of the property, preferably taken from deed.*
- ☐ Compliance of Neighborhood Meeting Requirements.
- ☐ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

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

President- MD Builders INC 8-22-2019

Applicant's Signature Date

Aug. 22, 2019

Property Owner's Signature Date

Conditional Use Application for Health Clinic/Dental Office
in R-4 Multi-Family Zone Developed in Two Phases
1945 SW 2nd Street
Yamhill County Taxlot R4419AD-01500

1. State nature of the request in detail:

Assuming the request for zone change from R-1 to R-4 is approved, the conditional use will facilitate a health clinic/dental office as an accessory use to the primary use of multi-family residential in the R-4 zone. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types and increased access to health services.

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance:

The health clinic/dental office use is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

Volume II Goals and Policies
Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

Employment Diversification IV Response:
The health clinic/dental office building will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial/and use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets.

Housing V Response:
The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. The concept provides a variety of housing types that are in high demand in the community. The site is fully served by public and private

utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 and planned development overlay will help meet the city's objective for higher density and mixed-uses on flat sites with access from collector or arterial streets and one mile from area transit.

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

The size, design, and operating characteristics are compatible with the neighboring properties. The dental office use is consistent with the surrounding land uses. Abutting properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west. The scale and density of the proposed development will be varied; with a single story professional health clinic/dental practice as an accessory to the adjacent multi-family building. The uses fit in the context of the surrounding uses and provide additional services and housing options to the community and will be consistent with the feel of the area. The proposed development will be complimentary to the neighborhood and will be adequately served by established public infrastructure.

4. Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:

Abutting properties house conditional uses that include electrical power generation and church services. The health clinic/dental service will fit with the neighborhood and it is less of an impact visually and to public infrastructure than the higher density building development permitted in the R-4 zone.

5. Describe how 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 design, placement, and variety of buildings fit the nature of the setting and will complement the area. The health clinic and multi-family buildings will be in an urban area located off SW 2nd Street which is a major arterial street classification. The project will help the City of McMinnville with its goal to expand high-wage business growth, locate health and housing options close to residents, and invest in urban infill along major street corridors.

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site?

Not applicable; urban infill site that is flat and without unique environmental assets. Mature trees will be preserved to the extem possible.

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes:

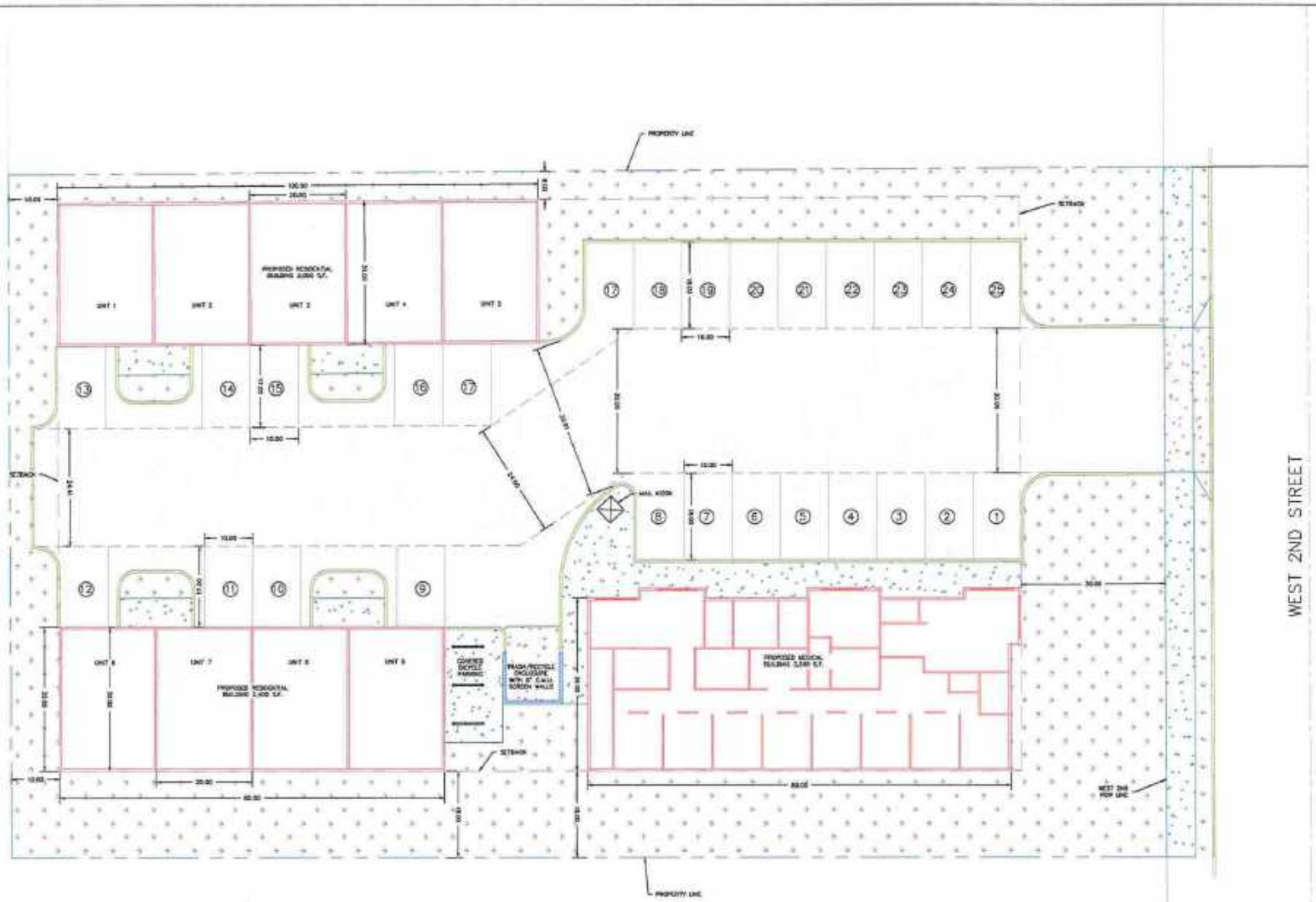
The intent is to provide a variety in development pattern and mixed uses for community benefit through an increase in housing options and access to health services.

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

Part of the Solomon Beary Donation Land Claim #54 in Section 19, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point in the center of the County Market Road #27, South 89° 39' West 1247.93 feet from the Northwest corner of the S.F. Staggs Donation Land Claim #55 in said Township and Range; thence North along the West line of a tract of land deeded to H.W. DEVLIN, et ux. by deed recorded May 31, 1960, in Deed and Mortgage, Film Volume 10, Page 940, to a point which is 270 feet North from the South line of said Donation Land Claim #54; thence South 88°17'10" East to the Northwest corner of that certain 0.80 acre tract conveyed by H.W. DEVLIN, et ux. to the UNITED STATES OF AMERICA by deed recorded March 9, 1965, in Film Volume 43, Page 778, Deed and Mortgage Records; thence South 1°42'50" West along the West line of said United States of America tract 270 feet to the South line of said Donation Land Claim #54; thence Westerly along said Donation Land Claim line in the center of the County Road to the place of beginning.



ASPHALT PAVING – 12,462 S.F. =35%

LANDSCAPING – 11,566 S.F =33%

PEDESTRIAN CONCRETE PAVING – 2,587 S.F. =7%

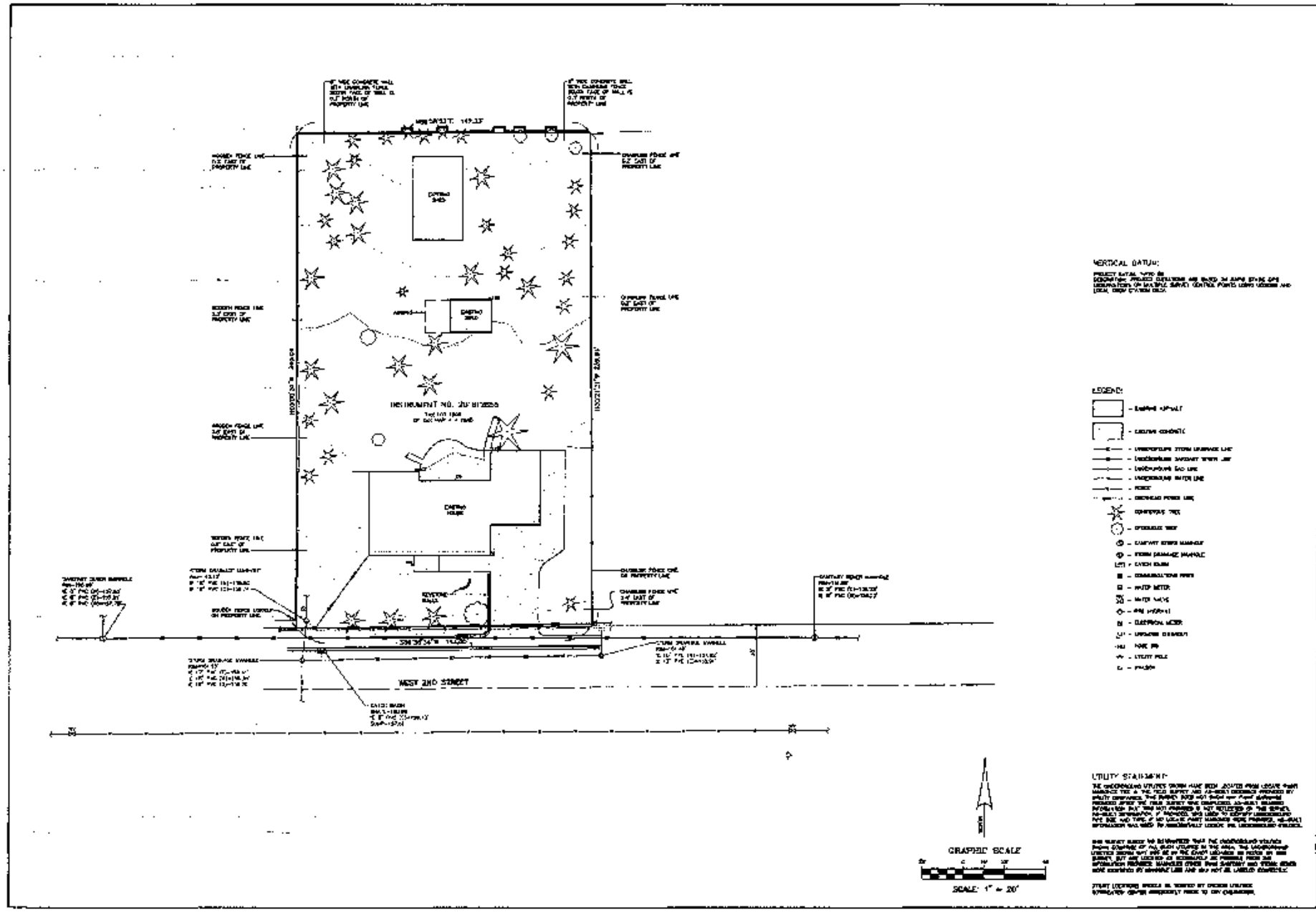
VEHICULAR CONCRETE PAVING – 477 S.F =1%

BUILDINGS – 8,600 S.F. =24%

TOTAL LAND AREA 35,692 S.F.

JUDD M/U DEVELOPMENT
PRELIMINARY SITE PLAN

TerraCalc Land Surveying



NORTHERN DATUM:

LEGEND:

UTILITY STATEMENT:

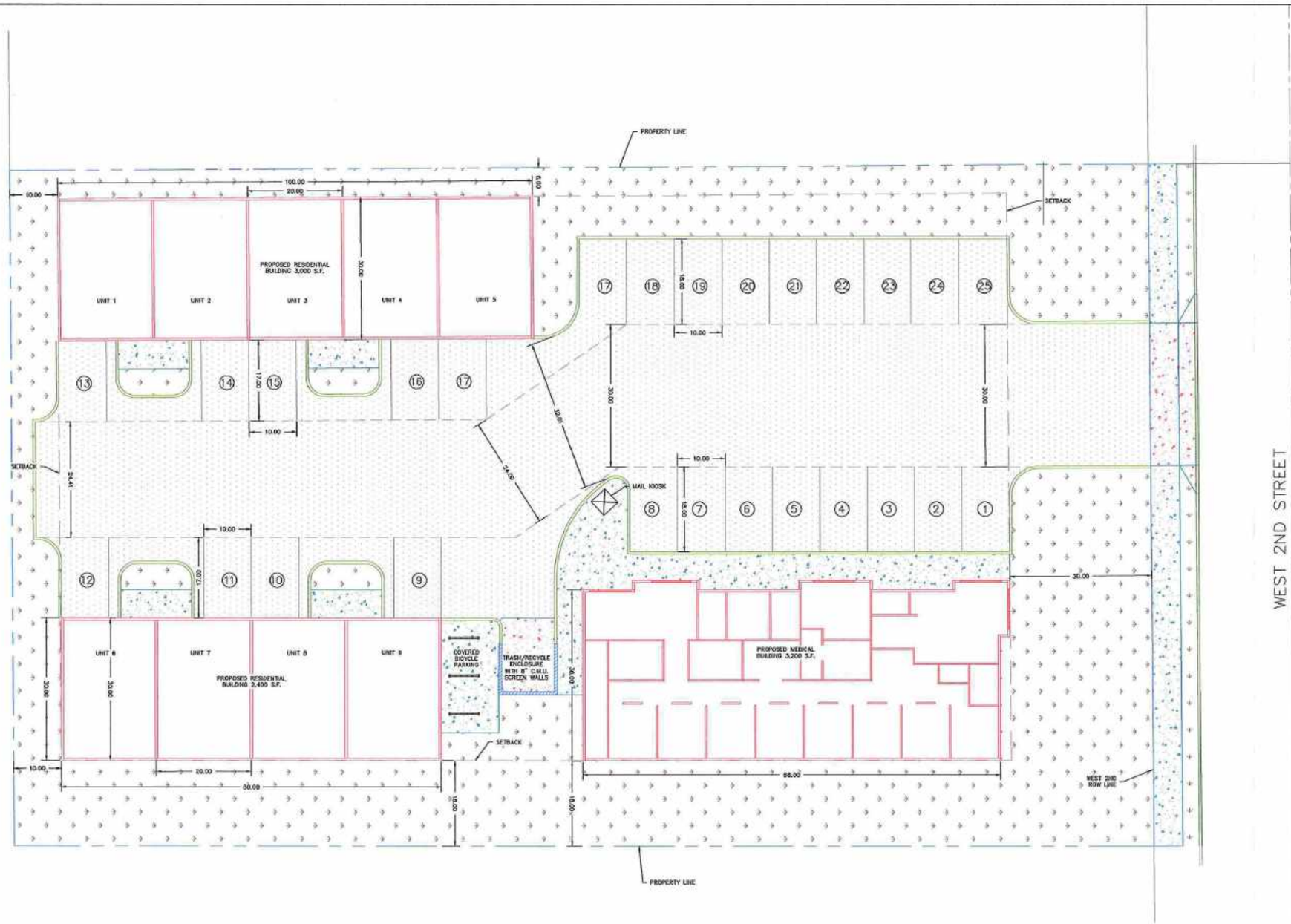
Terra Cafe
Land Surveying
Newberg, OR 97132

PROFESSIONAL LAND SURVEYOR

DR. JUDD PROPERTY
TOPOGRAPHIC SURVEY
LOCATED IN THE NE 1/4 OF SECTION 19, T. 4 S., R. 4 W., W.M.
MCMINNVILLE, OREGON

DATE	5/7/99
DRAWN	DSH
SURVEYOR	DSH
CHECKED	DSH
JOB NO.	DJP001
DRAWING NAME	TOPO
SHEET NO.	1 OF 1

1172



ASPHALT PAVING – 12,462 S.F. =35%

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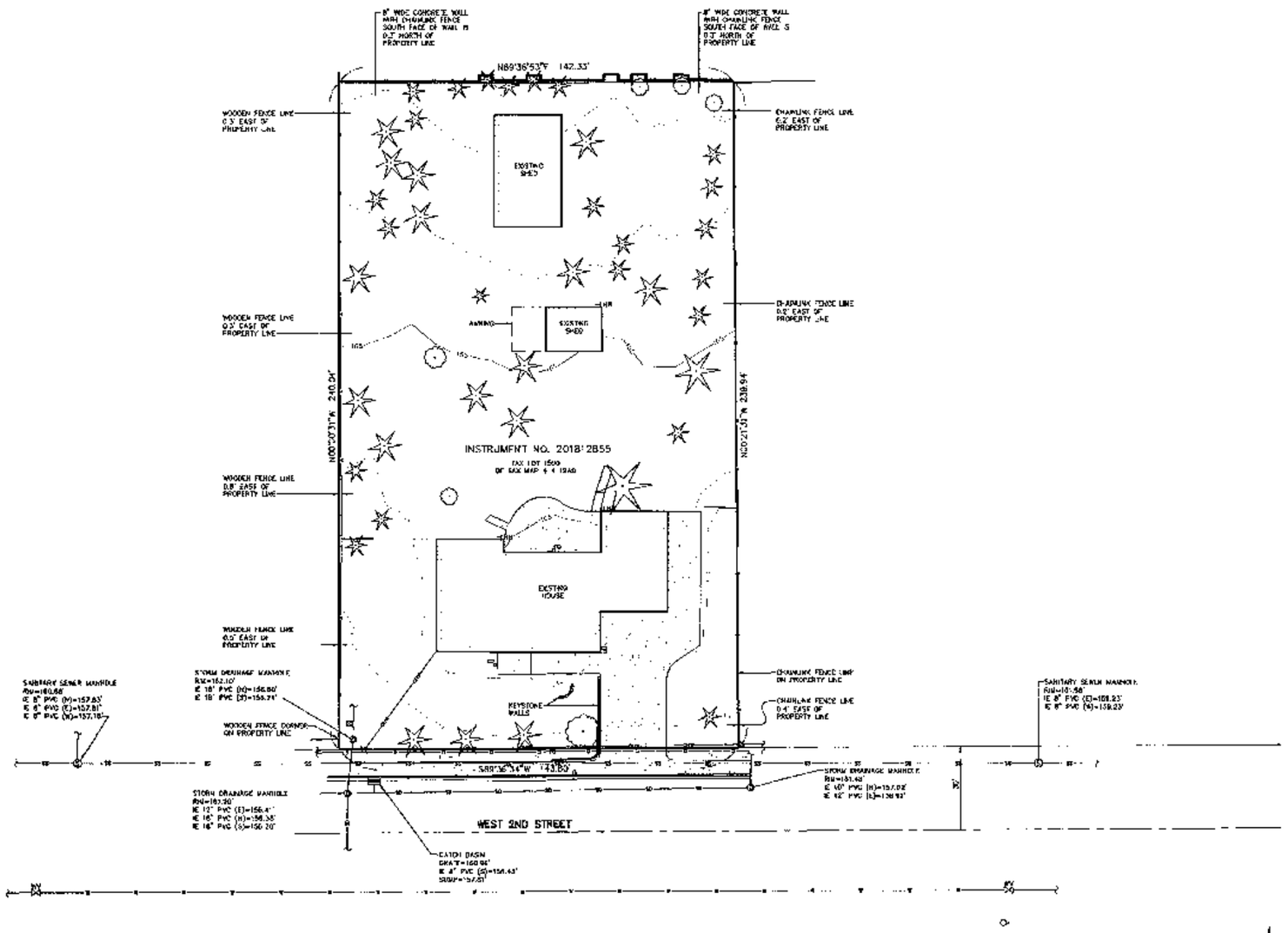
BUILDINGS – 8,600 S.F. =24%

TOTAL LAND AREA 35,692 S.F.

JUDD M/U DEVELOPMENT
PRELIMINARY SITE PLAN

Terra Calc
Land Surveying
1615 NE Miller St.
McMinnville, OR 97128
(503) 857-0935
www.terra-calc.com

REVISIONS
DRAWN BY: T.J.P.



VERTICAL DATUM:

PROJECT DATUM: NAVD 88
DESCRIPTION: PROJECT ELEVATIONS ARE BASED ON RAPID STATIC GPS OBSERVATIONS ON MULTIPLE SURVEY CONTROL POINTS USING GEOID09 AND LOCAL OPEN STATION DATA.

LEGEND:

- EXISTING ASPHALT
- EXISTING CONCRETE
- UNDERGROUND STORM DRAINAGE LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- OTHER
- OVERHEAD POWER LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- SANITARY SEWER MANHOLE
- STORM DRAINAGE MANHOLE
- CATCH BASIN
- COMMUNICATIONS RISER
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- ELECTRICAL METER
- MANHOLE CLEANOUT
- HOSE BIB
- UTILITY POLE
- MAILBOX

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE PAINT MARKINGS FED 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 AT THE EXACT LOCATION AS NOTED ON THIS SURVEY, BUT ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. MANHOLES 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.

GRAPHIC SCALE

20 0 10 20 40

SCALE: 1" = 20'

Terra Calc
Land Surveying
1615 NE Miller St.
McMinnville, OR 97128
(503) 857-0936
www.terra-calc.com

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
DARREN B. HARR
58181

RENEWAL DATE: 4-30-19

DR. JUDD PROPERTY
TOPOGRAPHIC SURVEY
LOCATED IN THE NE 1/4 OF SECTION 19, T. 4 S., R. 4 W., W.M.
MCMINNVILLE, OREGON

FOR: DR. JUDD

REVISIONS	
REV.:	DESCRIPTION:

DATE	5/7/19
DRAWN	DSH
SURVEYOR	DSH
CHECKED	DSH
JOB NO.	DJP001
DRAWING NAME	TOPO
SHEET NO.	1 OF 1

NEIGHBORHOOD MEETING FOR:

1945 West 2nd Street
McMinnville, OR 97128
Tax Lot#R4419AD01500

DATE: July 29th, 2019

TIME: 6:00 PM

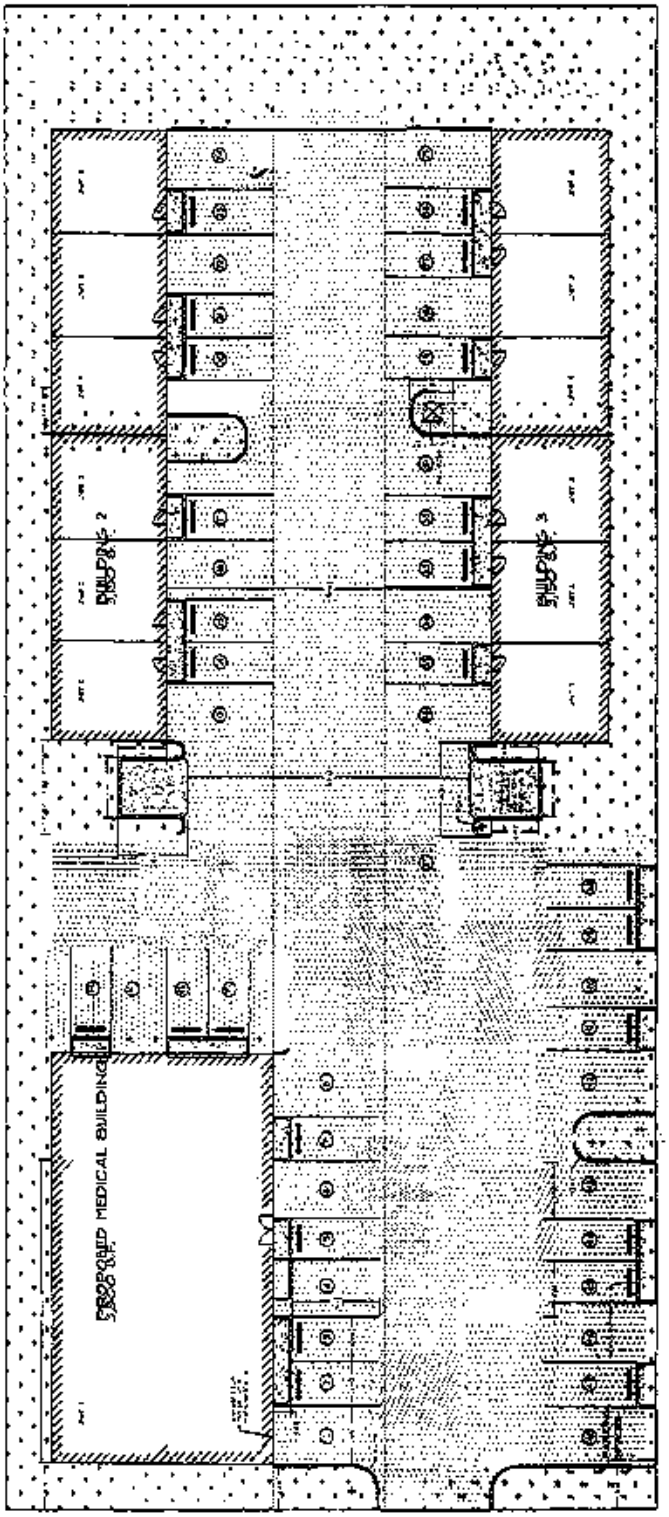
LOCATION: Laughing Bean Bistro
2274 NW 2nd Street
McMinnville, OR

This meeting will provide an opportunity for neighbors in the surrounding area to see and hear what will be proposed to the Planning Commission in the near future. Please come to this neighborhood meeting to receive information on the proposed development and to ask questions, provide input and voice any concerns that may arise.

PROPOSAL: Zone change from R1 to R4. Due to the housing shortage in McMinnville we are proposing townhouse style units approximately 1200 sq. ft. with a conditional use to include a medical office.

We invite anyone interested to come and have a conversation about the future development proposal.

Included in this mailed notice are a tax map and a conceptual site plan.



1345 N.W. 2ND STREET
PRELIMINARY SITE PLAN

12:26 PM
69%
Westside Bicycle/
Pedestrian Greenway
SUBJECT
PARCEL
NW Country Ct
NW 2nd St
SW 2nd St
Salvation Army
Filbert St
Google
KKJC

NEIGHBORHOOD MEETING SIGN-IN SHEET
1945 NW 2ND ST MCMINNVILLE, OREGON 97128
WHEN: 07/29/2019 6:00PM
LOCATION: LAUGHING BEAN BISTRO
2274 NW 2ND ST, MCMINNVILLE, OR 97128

NAME	ADDRESS	CONTACT INFO
Pat Jacobsen	729 NW Meadowood Circle	
N Townsend	958 Cascade	
A Joyce Sale	1023 Cascade Way	
Ann Beck	851 Meadowood Cir	
Nezah Chilton	300 NW Hillside	
Gary "	" "	
Dalena Saunders	308 NW Country Ct.	503-544-3174
Paul Meck	505 NW Hillside Pky	503-857-0940
DUDLEY FROST	435 " "	
John Lechuga	308 NW Country Ct	503 583 6413
Jon Wickersheim	220 NW Country Ct	503-901-6900
Phyllis Hart	254 Country Ct	503-434-6520
Janet Adams	255 NW Country Ct	971.241.9593

Map No.	Tax Lote	Site Address	Owner	Attn:
1	R4419AD04400			
2	R4419AD04700	351 NW MEADOWS DR	KNORR JAMES R	KNORR JAMES R
3	R4419 01200	300 NW HILLSIDE PARK	HCP SH ELP1 PROPERTIES LLC	HCP SH ELP1 PROPERTIES LLC
4	R4419AD05100	286 NW MEADOWS DR	FERGUS GOLDEN M &	FERGUS GOLDEN M &
5	R4419AC00213	220 NW COUNTRY CT	WICKERSHEIM JON	WICKERSHEIM JON
6	R4419AD04800	319 NW MEADOWS DR	ARMSTRONG RANDALL D	ARMSTRONG RANDALL D
7	R4419AD04100	483 NW MEADOWS DR	BENDER ELLEN H	BENDER ELLEN H
8	R4419AC00212	221 NW COUNTRY CT	ADAMS JANET A G	ADAMS JANET A G
9	R4419AD05300	350 NW MEADOWS DR	STAHL RICHARD J	STAHL RICHARD J
10	R4419DA02800	1767 SW ALMOND CT	BELL GRACIELA	BELL GRACIELA
11	R4419AD01601	433 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST
12	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA	JUDD MELINDA
13	R4419AD04200	475 NW MEADOWS DR	BRYANT NANCY L	BRYANT NANCY L
14	R4419AD04900	224 NW MEADOWS DR	MABRY DANIEL	MABRY DANIEL
15	R4419AD01400		CITY OF MCMINNVILLE	CITY OF MCMINNVILLE
16	R4419DA03000	1814 SW ALMOND CT	HERNANDEZ BONIFACIO	MADRIGAL MARIA 1/2
17	R4419AC00207	339 NW COUNTRY CT	GORDON JAMES G	GORDON JAMES G
18	R4419AC00206	361 NW COUNTRY CT	BARAINCA ALATZNE	BARAINCA ALATZNE
19	R4419AC00205	383 NW COUNTRY CT	KENOW LAURA J	KENOW LAURA J
20	R4419AC00215	280 NW COUNTRY CT	ANDERSON NICOLE L	ANDERSON NICOLE L
21	R4419AC00210	279 NW COUNTRY CT	ABBOTT STEVEN L	ABBOTT STEVEN L
22	R4419AD05200	318 NW MEADOWS DR	NASSAR WALID P	NASSAR WALID P
23	R4419AD04500	411 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES F	BELL ANTHONY E & LILIAN A TRUSTEES FOR
24	R4419AC00214	254 NW COUNTRY CT	HART PHYLLIS	HART PHYLLIS
25	R4419DB00119	104 SW MANZANITA ST	DORRELL JON D	DORRELL JON D
26	R4419AD01700	429 NW MEADOWS DR	LOYA BRENDA J	LOYA BRENDA J
27	R4419AD04300	467 NW MEADOWS DR	EQUITY TRUST COMPANY CUSTODIAN FBO	VOLKMAN LAURA IRA 57%
28	R4419DA02900	104 SW FILBERT ST	PARKER WILLIAM M	PARKER WILLIAM M
29	R4419AC00218	336 NW COUNTRY CT	BAUTISTA MANUEL	BAUTISTA MANUEL
30	R4419AD05500	422 NW MEADOWS DR	VANBUREN MICHAEL F &	VANBUREN MICHAEL F &
31	R4419DA03600	109 SW FILBERT ST	CHASTAIN LYNN D	CHASTAIN LYNN D
32	R4419DA14900	1950 SW 2ND ST	SALVATION ARMY	SALVATION ARMY

Mailing Address	City State	Zip
		0
28155 SW CANYON CREEK RD S	WILSONVILLE OR	97070
6737 W WASHINGTON ST STE 2300	MILWAUKEE WI	53214
286 NW MEADOWS DR	MCMINNVILLE OR	97128
220 NW COUNTRY CT	MCMINNVILLE OR	97128
1145 SW CYPRESS #24	MCMINNVILLE OR	97128
483 NW MEADOWS DR	MCMINNVILLE OR	97128
255 NW COUNTRY CT	MCMINNVILLE OR	97128
350 NW MEADOWS DR	MCMINNVILLE OR	97128
1173 JOELS PL	LAFAYETTE OR	97127
3079 NE KAREN CT	MCMINNVILLE OR	97128
815 NW 18TH PL	MCMINNVILLE OR	97128
78685 MORNING STAR	PALM DESERT CA	92211
224 NW MEADOWS DR	MCMINNVILLE OR	97128
230 NE 2ND ST	MCMINNVILLE OR	97128
1814 SW ALMOND CT	MCMINNVILLE OR	97128
339 NW COUNTRY CT	MCMINNVILLE OR	97128
361 NW COUNTRY CT	MCMINNVILLE OR	97128
383 NW COUNTRY CT	MCMINNVILLE OR	97128
280 NW COUNTRY CT	MCMINNVILLE OR	97128
1214 SW APPERSON ST	MCMINNVILLE OR	97128
1005 NW 2ND ST	MCMINNVILLE OR	97128
PO BOX 1235	MCMINNVILLE OR	97128
254 NW COUNTRY CT	MCMINNVILLE OR	97128
104 SW MANZANITA ST	MCMINNVILLE OR	97128
429 NW MEADOWS DR	MCMINNVILLE OR	97128
2388 OVERLOOK DR	LAKE OSWEGO OR	97034
104 SW FILBERT ST	MCMINNVILLE OR	97128
336 NW COUNTRY CT	MCMINNVILLE OR	97128
422 NW MEADOWS DR	MCMINNVILLE OR	97128
109 SW FILBERT ST	MCMINNVILLE OR	97128
PO BOX 8798	PORTLAND OR	97208

33	R4419AD04600	377	NW MEADOWS DR	HOUSTON MICHA J &	HOUSTON MICHA J &
34	R4419AC00216	308	NW COUNTRY CT	SAUNDERS DALENA M	SAUNDERS DALENA M
35	R4419AC00204	407	NW COUNTRY CT	JAMES BELINDA G	JAMES BELINDA G
36	R4419AD01300	1915	NW 2ND ST	MCMINNVILLE CITY OF	MCMINNVILLE CITY OF
37	R4419AC00217	320	NW COUNTRY CT	EFRAIMSON DANIEL	EFRAIMSON DANIEL
38	R4419AD05000	252	NW MEADOWS DR	KOSSMAN STEVEN E &	KOSSMAN STEVEN E &
39	R4419AD01600	437	NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST
40	R4419AC00222	418	NW COUNTRY CT	BROWNRIDGE RAY &	BROWNRIDGE RAY &
41	R4419AD01800	n/a		BELL ANTHONY	WIXOM RICHARD & JOYCE TRUST
42	R4419AD02001	459	NW MEADOWS DR	NORTH MAC PROPERTIES LLC	NORTH MAC PROPERTIES LLC
43	R4419AD02100				
44	R4419DA03700	121	SW FILBERT ST	DAVIDSON KENNETH A JR	DAVIDSON KENNETH A JR
45	R4419AC00208	325	NW COUNTRY CT	GRAHAM MITCHELL R	GRAHAM MITCHELL R
46	R4419AD02000	446	NW COUNTRY CT	NORTH MAC PROPERTIES LLC	NORTH MAC PROPERTIES LLC
47	R4419DB00120	200	SW MANZANITA ST	BREWTON SHAWN M &	BREWTON SHAWN M &
48	R4419AD05400	380	NW MEADOWS DR	CARLTON MARK R CO-TRUSTEE	CARLTON MARK R CO-TRUSTEE
49	R4419AC00211	255	NW COUNTRY CT	ADAMS JANET A G	ADAMS JANET A G
50	R4419AC00219	356	NW COUNTRY CT	BIERLY PHILIP S	BIERLY PHILIP S
51	R4419AC00221	400	NW COUNTRY CT	SHULMIRE RAYMOND &	SHULMIRE RAYMOND &
52	R4419AC00209	311	NW COUNTRY CT	RUSSELL ERIC D	RUSSELL ERIC D
53	R4419AD01701	421	NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES F	BELL ANTHONY E & LILIAN A TRUSTEES FOR
54	R4419AC00220	380	NW COUNTRY CT	NEFF-DOUGLAS JOANNE L	NEFF-DOUGLAS JOANNE L
55	R4419AD04000	495	NW MEADOWS DR	KLINGLER BRIAN	KLINGLER BRIAN
56	R4419 01200	300	NW HILLSIDE PARK	HCP SH ELP1 PROPERTIES LLC	HCP SH ELP1 PROPERTIES LLC
				MCMINNVILLE PLANNING DEPARTMENT	MCMINNVILLE PLANNING DEPARTMENT

377 NW MEADOWS DR	MCMINNVILLE	OR	97128
308 NW COUNTRY CT	MCMINNVILLE	OR	97128
407 NW COUNTRY CT	MCMINNVILLE	OR	97128
535 NE 5TH ST	MCMINNVILLE	OR	97128
3627 NW 27TH CIRCLE	CAMAS	WA	98607
252 NW MEADOWS DR	MCMINNVILLE	OR	97128
3079 NE KAREN CT	MCMINNVILLE	OR	97128
418 NW COUNTRY CT	MCMINNVILLE	OR	97128
3079 NE KAREN CT	MCMINNVILLE	OR	97128
PO BOX 594	MCMINNVILLE	OR	97128
			0
121 SW FILBERT ST	MCMINNVILLE	OR	97128
325 NW COUNTRY CT	MCMINNVILLE	OR	97128
PO BOX 594	MCMINNVILLE	OR	97128
200 SW MANZANITA ST	MCMINNVILLE	OR	97128
380 NW MEADOWS DR	MCMINNVILLE	OR	97128
255 NW COUNTRY CT	MCMINNVILLE	OR	97128
356 NW COUNTRY CT	MCMINNVILLE	OR	97128
400 NW COUNTRY CT	MCMINNVILLE	OR	97128
748 NW MORNING VIEW CT	MCMINNVILLE	OR	97128
PO BOX 1235	MCMINNVILLE	OR	97128
380 NW COUNTRY CT	MCMINNVILLE	OR	97128
495 NW MEADOWS DR	MCMINNVILLE	OR	97128
6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
231 NE 5TH ST	MCMINNVILLE	OR	97128

NOTICE
NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING

6:00 PM

LAUGHING BEAN BISTRO

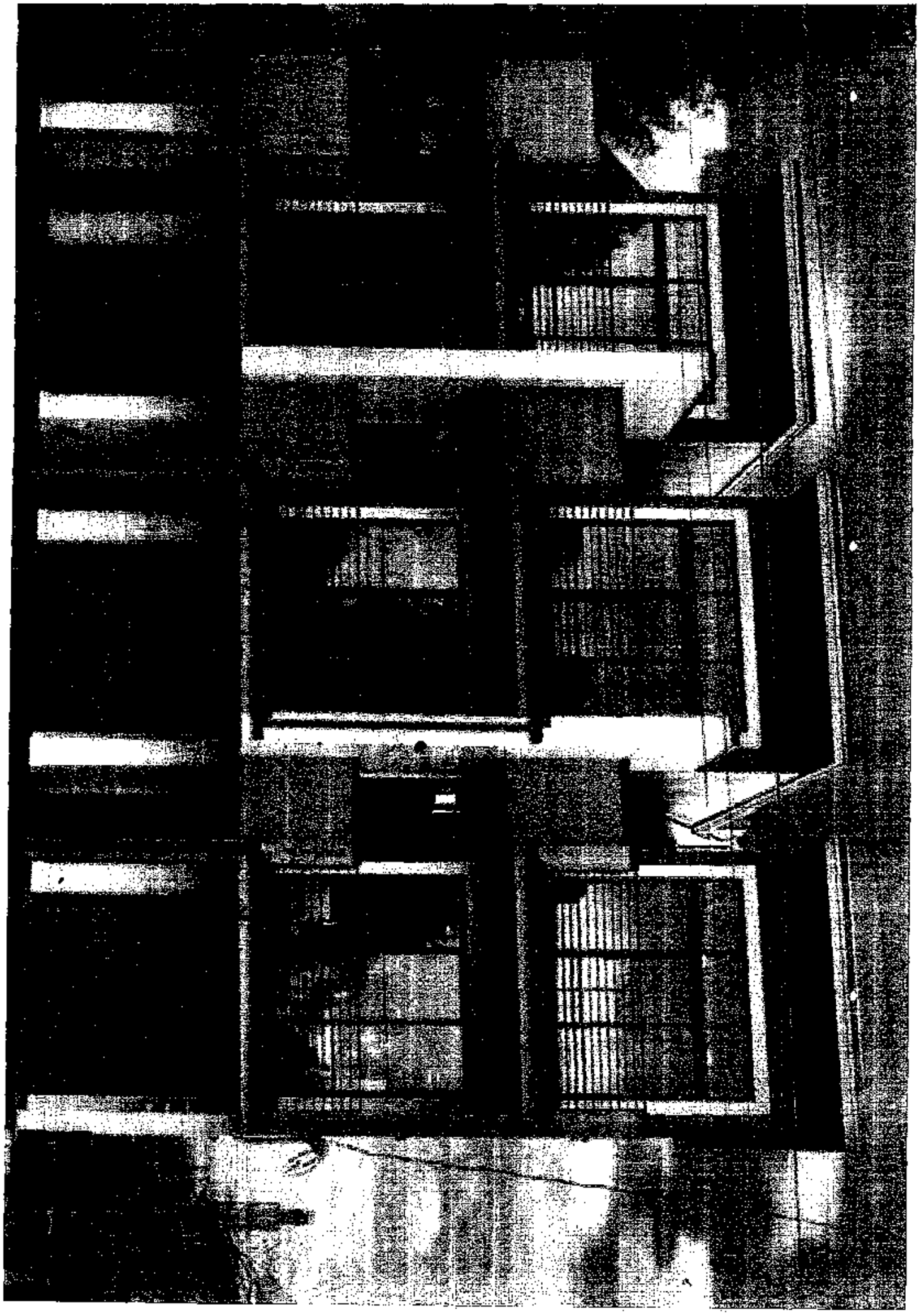
1945 NW 2ND ST MCMINNVILLE, OR 97128

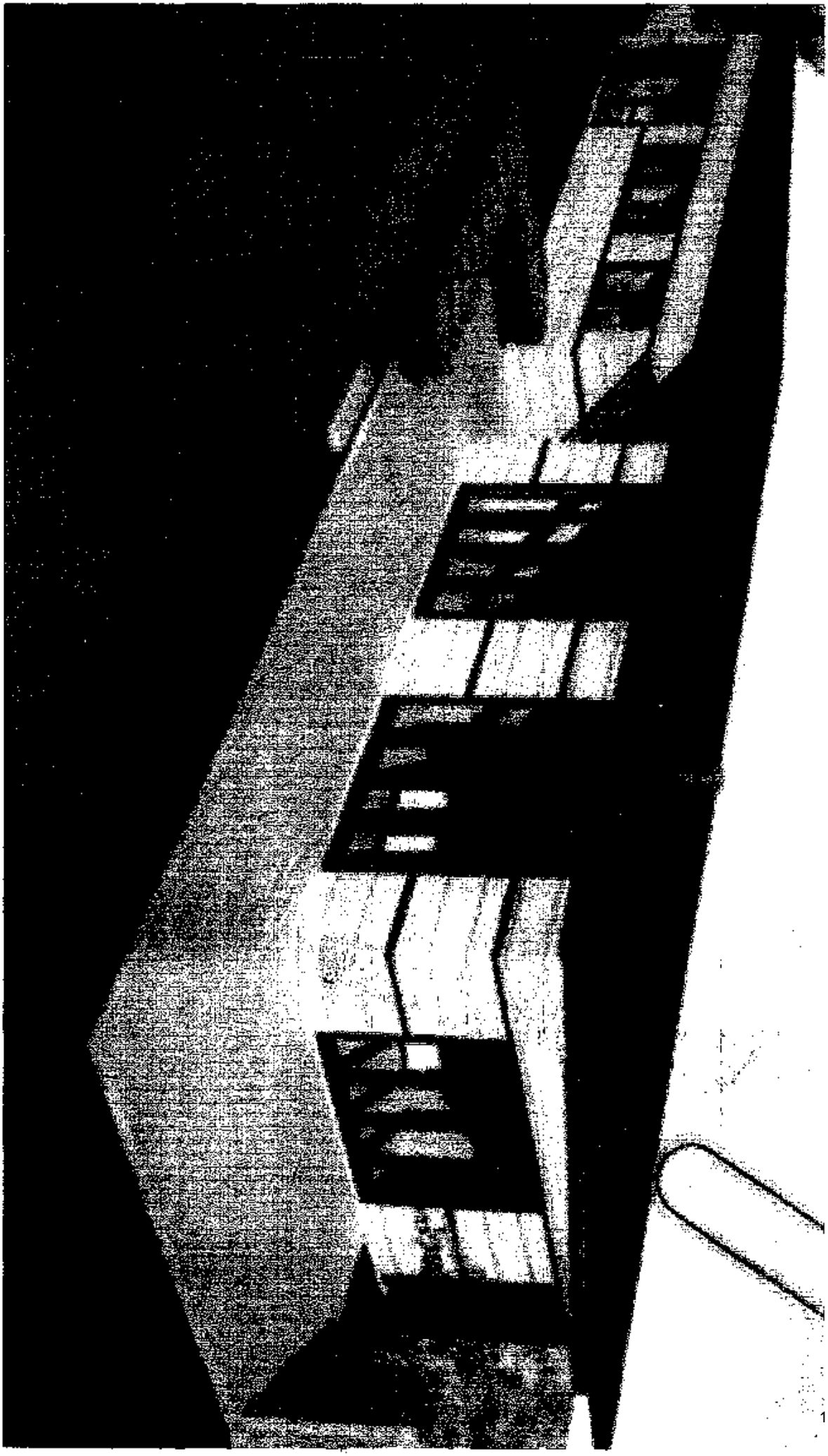
OPEN TO THE PUBLIC

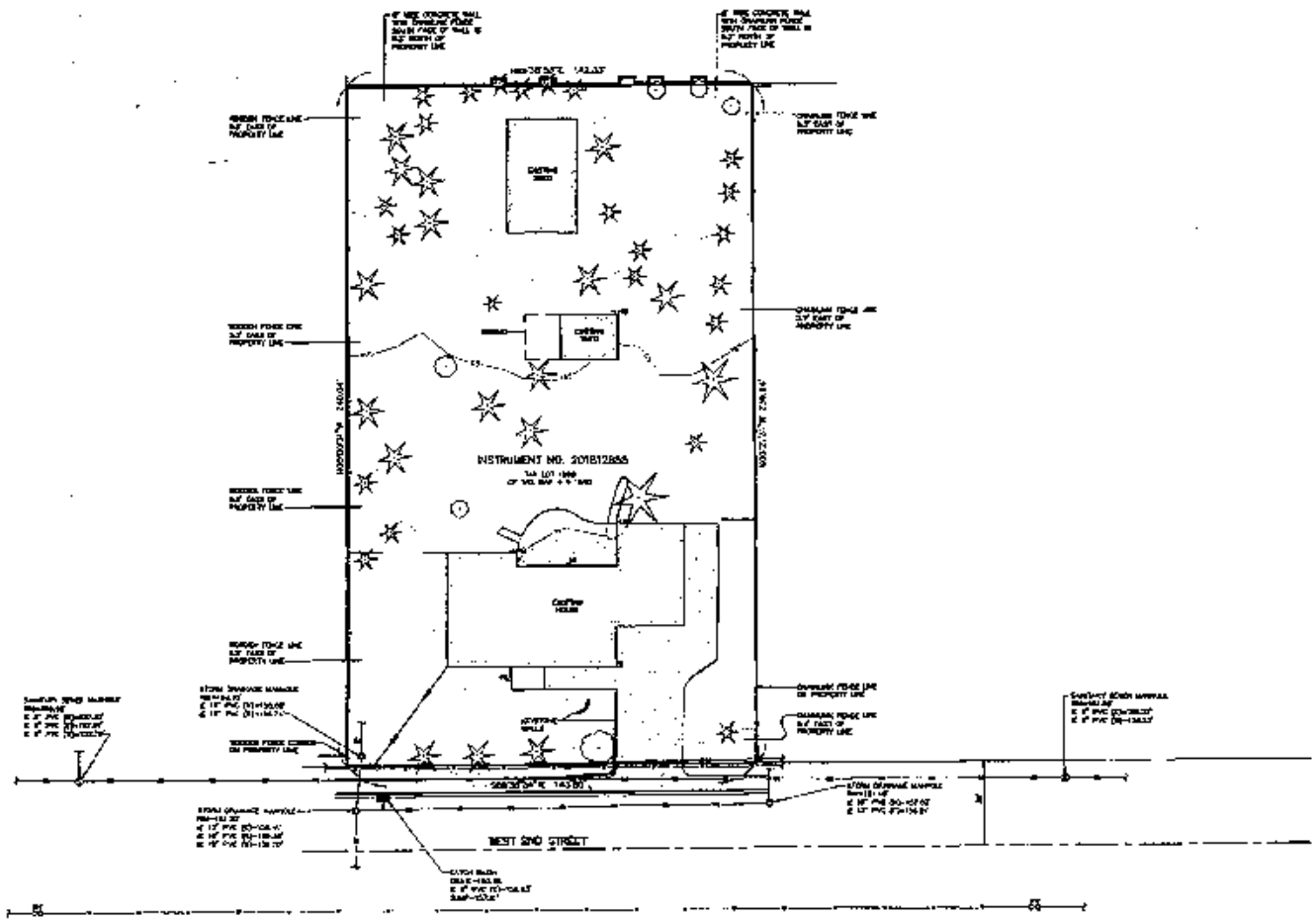
ALL ARE WELCOME TO ATTEND

1184

1845 N.W. 2ND STREET
PRELIMINARY SITE PLAN







VERTICAL DATUM:

PROJECT DATUM: NAVD 88
BENCHMARK: PROJECT ELEVATIONS ARE BASED ON RAPID STATIC GPS OBSERVATIONS OF BLM BLCK SURVEY CONTROL POINTS USING OPUS AND LOCAL GRID SYSTEM DATA.

LEGEND:

- CATTAIL ASPHALT
- CONCRETE
- DECIDUOUS STORM DRAINAGE LINE
- DECIDUOUS SANITARY SEWER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- FENCE
- CHAINLINK FENCE LINE
- DECIDUOUS TREE
- DECIDUOUS TREE
- SANITARY SEWER MANHOLE
- STORM DRAINAGE MANHOLE
- CATCH BASIN
- DOWNSPOUT DRAIN
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- ELECTRIC METER
- UNKNOWN ELEMENT
- POST BOX
- UTILITY POLE
- HOLLY

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD PAINT MARKINGS PLACED IN THE FIELD SURVEY AND ARE ALL DRAWING PROVIDED BY UTILITY COMPANIES. THIS SURVEY DOES NOT SHOW ANY VAULTS REPORTED PRESENT WHICH THE FIELD SURVEY HAS CONFIRMED. OR WHAT SHADING INFORMATION THAT WAS NOT PROVIDED IN BOTH REFLECTED ON THIS SURVEY AS FULL INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE. IF NO LOCATE WAS PERFORMED NOTE PROVIDED, REPORT APPROACHES WAS USED TO HYPOTHETICALLY LOCATE THE UNDERGROUND UTILITIES.

THIS REPORT BASED ON ASSUMPTIONS THAT THE UNDERGROUND LOCATED PLANS REPORTED OF ALL SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION AS MAPPED ON THIS DRAWING, BUT THE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. ANYONE OTHER THAN REPORT AND SHOWN ABOVE WERE REPORTED BY SURVEYOR LOW AND NOT ARE BE LIMITED CORRECTED.

UTILITY RECORDED SHOWS BY TERRA CAD CONTROL LIMITED NOTHING CENTER PARTIALLY FROM TO APPROXIMATE.

GRAPHIC SCALE

SCALE: 1" = 20'

Terra Cad
Land Surveying
1411 NE Hillside St.
McMinnville, OR 97128
(503) 857-0793
www.terra-cad.com

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 14, 2014
PAUL G. HAMPTON
56135

McMinnville, Yamhill County, Oregon

DR. JUDD PROPERTY
TOPOGRAPHIC SURVEY
LOCATED IN THE NE 1/4 OF SECTION 19, T. 4 S., R. 4 W., W.M.
MCMINNVILLE, OREGON
FOR: DR. JUDD

REVISIONS		
REV.	DESCRIPTION	

DATE	2/7/14
DRAWN	CSI
SURVEYOR	PSH
CHECKED	PSH
JOB NO.	DJP001
DRAWING NAME	TOPO
SHEET NO.	1 OF 1

1489

NEIGHBORHOOD MEETING AGENDA
1945 NW 2ND ST MCMINNVILLE, OREGON 97128
WHEN: 07/29/2019 6:00PM
LOCATION: LAUGHING BEAN BISTRO
2274 NW 2ND ST, MCMINNVILLE, OR 97128

OPPORTUNITY TO VIEW THE CONCEPTUAL SITE PLAN

DESCRIPTION OF MAJOR ELEMENTS OF PROPOSAL INCLUDING ACCESS AND PARKING, PROPOSED BUILDING SIZE, ETC.

OPPORTUNITY FOR NEIGHBORS TO SPEAK AND ASK QUESTIONS ABOUT ANY COMMENTS OR CONCERNS THEY MAY HAVE.

1945 NW 2ND ST MCMINNVILLE OREGON NEIGHBORHOOD MEETING SUMMARY

ON 07/29/2019 AT 6:00 PM IN THE LAUGHING BEAN BISTRO (2274 NW 2ND STREET MCMINNVILLE OR) WE HELD OUR NEIGHBORHOOD MEETING IN REGARDS TO THE ZONE CHANGE FOR 1945 NW 2ND ST, WHERE THIRTEEN PEOPLE WERE IN ATTENDANCE.

THE CONCERNS ADDRESSED WERE:

* THE FENCE TO THE WEST OF THE PROPERTY, IT WAS THE ORIGINAL FENCE AND WOULD LIKE SOME HELP REVAMPING IT OR REPLACING IT.

*CRIME IN THE EXISTING WOODED AREA HOPING SOME OF THE TREES WOULD BE REMOVED AND THE PARKING LOT WELL LIT.

*MAINTAINING THEIR PRIVACY STRATEGICALLY LEAVING AS MANY TREES AS POSSIBLE ALONG THE WEST PROPERTY LINE

*NICE CURB APPEAL LANDSCAPING FROM SECOND STREET.

*CURRANT LIGHTING IS POOR WANT BETTER LIGHTING.

*THE HEIGHT OF THE MEDICAL CLINIC AND WHERE THE WINDOWS WOULD BE IN RELATIONSHIP TO THE NEIGHBORING HOMES TO THE WEST OF THE PROPERTY

AS A WHOLE PEOPLE SEEMED TO BE ACCEPTING OF THE PROPOSAL WE AGREED TO ACCOMMODATE AS MUCH AS POSSIBLE TO THE REQUEST OF THE NEIGHBORS OUR PARKING WILL BE WELL LIT, WE WANT NICE CURB APPEAL, WE WILL TRY AND KEEP AS MANY TREES AS WE CAN, ALSO THINNING OUT THE TREES TO KEEP THE PROPERTY SAFE, AND WE DID AGREE TO ADDRESS THE FENCE AND AGREED TO MEET IN THE FUTURE TO DISCUSS SOLUTIONS FOR THE AGING FENCE. AS FOR THE HEIGHT OF THE MEDICAL CLINIC THE OWNER HAS DECIDED TO PURSUE A SINGLE LEVEL OF WHICH WILL HAVE ELIMINATED THE CONCERN OF THE HEIGHT OF THE BUILDING.

WE STARTED OUT PROPOSING A MIXED USE BUILDING FOR THE MEDICAL CLINIC BECAUSE OF THE DESPERATE NEED OF MORE HOUSING IN MCMINNVILLE. HAVING HEARD THE CONCERNS OF THE NEIGHBORS WE ARE PURSUING A SINGLE LEVEL BUILDING FOR THE MEDICAL CLINIC. OUR GOAL WAS TO OBTAIN FEEDBACK FROM THE NEIGHBORS TO MAKE EVERYONE'S TRANSITION TO SOMETHING NEW A PLEASANT ONE. OUR NEIGHBORS WERE VERY NICE HAD REASONABLE EXPECTATIONS AND THOUGH CHANGE IS HARD WE WOULD LIKE TO ACCOMMODATE THEM ANY WHERE WE CAN DURING THE COURSE OF CONSTRUCTION.

RECEIVED
OCT 28 2019
Planning Department

Responses to Zone Change Application

Proposed Change from R-1 Single Family Zone to R-4 Multi-Family and Conditional Use
Developed in Two Phases

1945 SW 2nd Street
Yamhill County Taxlot R4419AD-01500

1. *What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.*

Zone change from single-family residential R-1 to multi-family residential R-4 with conditional use where the first phase will be a dental office as an accessory use and the second phase will be primary use of multi-family residential housing. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types as and access to health services.

2. *Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol 2).*

The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

Volume II Goals and Policies

Preserve Quality of Air, Water, and Land Resources within the Planning Area II:01.12 city shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

Air, Water, and Land Resources Preservation II Response:
Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2nd St; in accordance with safe and visible access into the site and as required by development code.

Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the

proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

Employment Diversification IV Response:
As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 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; 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets; 71.09 high density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments: 1) areas not committed to low density, 2) areas with direct access from collector or arterial streets, 3) areas not subject to development limitations, 4) where existing facilities have the capacity for development, 5) areas within one-quarter mile of existing or planned public transportation, 6) areas buffered from low density residential areas to maximize privacy of established low density areas; 71.13 criteria determining areas appropriate for high-density residential development: 1) areas not committed to low or medium density development, 2) areas 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, 3) areas with direct access from a major collector or arterial street, 4) areas not subject to development limitations, 5) areas where existing facilities have the capacity for additional development, 6) areas within 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; 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; 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; 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 to have sufficient traffic carrying capacities; 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; 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; 99.00 adequate level of urban services, 1) sanitary sewer, 2) storm sewer, 3) streets, 4) water.

Housing V Response:
(58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00, 68.00, 69.00, 70.00) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options. (71.08) The site is fully served by public and private utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit. (71.09) The development will be high-density residential units with nine townhouse style dwelling units per acre. The current zoning of the site is lower density; however the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple-family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and 1.5 miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-half mile away. (86.00)

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.

NA.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.

NA.

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.

Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request.

Surrounding zones are higher density R-2 and R-4.

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.

The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the proposed development.

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

During the pre-development meeting with the City of McMinnville, it was noted that there are plans for future improvements to SW 2nd Street. Current road conditions will support the estimated range of daily vehicle drips of 20 to 40 trips; with the estimated average daily trips of 30. As a result, a traffic impact analysis was not required. Pedestrian, bicycle, and vehicle amenities will be provided on the site with the development. The owner will work with the City of McMinnville as they progress with the improvements to NW 2nd Street.

MEMORANDUM

REGISTERED PROFESSIONAL ENGINEER
85448
OREGON
MAY 23, 2013
LACY SUE VOSTI BROWN
EXPIRES: 12/31/19

DKS

DATE: November 27, 2019

TO: Douglas Egan | MD Builders, Inc.

FROM: Lacy Brown, Ph.D., P.E. | DKS Associates
Clive Lara, EI | DKS Associates

SUBJECT: McMinnville 1945 NW 2nd Street Zone Change Trip Generation Letter

---

This memorandum presents the findings of an evaluation of potential traffic impacts associated with a zone change for a 0.8-acre property located at 1945 NW 2nd Street in McMinnville, Oregon. The approximate location of the subject property is shown in Figure 1 below.

The applicant desires to change the current zoning from Single-Family Residential (R-1) to Multi-Family Residential (R-4) zoning for the development of up to nine multi-family townhome units and a 3,200 square foot dental office building (a conditional use). The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. Because the term "significant effect" is subjective, thresholds from other sources can be used to quantify what is "significant". Action 1F.05 in the Oregon Highway Plan quantifies an insignificant effect on the surrounding roadway network as an increase of less than 400 daily trips. Although the Oregon Highway Plan would not apply to the roadways in this study area, it provides a reasonable number for context.

Figure 1: Site Location

This memorandum summarizes the typical land use types allowed under the both the existing R-1 zone and the proposed R-4 zone as well as the reasonable worst-case development potential for each zoning category. The difference in estimated trip generation for the reasonable worst-case development level for the R-1 and R-4 zones represents the traffic impact of the zone change.

Existing Zoning Trip Generation

The intention of Single-Family Residential (R-1) zoning is to allow the use of single-family detached housing.[1] Class A mobile homes, single duplexes, and other low density residential land uses can be allowed with various restrictions which are not relevant to the subject property.[2]

For the purposes of identifying the reasonable worst-case trip generation for the existing zoning, ITE's Single-Family Detached Housing (ITE code 210) was assumed as the sole land use allowed under the existing zoning. A summary of the estimated trip generation rates for single family housing is presented in Table 1.[3]

Table 1: Trip Generation Rates for Selected Allowed Land Uses under R-1 Zoning

Land Use (ITE Code)	Units	Weekday Trip Generation Rates		
		Daily	AM Peak Hour	PM Peak Hour
Single-Family Detached Housing (210)	DU[a]	9.44	0.74	0.99

[a] DU = Dwelling Unit

Based on the minimum lot size requirements for R-1 zones, three 9,000 square-foot single family lots were assumed as the reasonable worst-case trip generation for the existing zoning.

Table 2 on the following page presents the reasonable worst-case trip generation estimate that could be potentially developed on the 0.8-acre subject property under the existing R-1 zoning.

As shown, full-build out of the property under existing zoning could generate 29 daily trips, 3 a.m. peak hour trips, and 3 p.m. peak hour trips. These values represent the reasonable worst-case trip generation produced under the existing R-1 zoning.

Table 2: Reasonable Worst-Case Land Use and Trip Generation for Existing R-1 Zoning

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Single-Family Detached Housing (210)	3 DU[a]	29	3	3
Total Trips Generated (Existing R-1 Zoning)	**3 DU[a]**	**29**	**3**	**3**

[a] DU = Dwelling Unit

[1] A list of permitted land uses for R-1 zoning can be found in the City of McMinnville Zoning Ordinance 3380, Chapter 17.12.
[2] A day care facility is also allowed under the existing R-1 zoning with provisions. Since a day care facility is also allowed under the proposed R-4 zoning, there would be a 0 net increase in vehicle trips and therefore the land use was not analyzed.
[3] Trip generation estimates calculated using average rates from the ITE Trip Generation Manual, 10th Edition.

Proposed Zoning Trip Generation

Under the proposed Multi-Family Residential (R-4) zoning, a wider variety of residential uses are allowed than the R-1 zoning.[4] There are several additional land uses that are listed as conditional uses, however for determining TPR-related impacts consideration is only given to permitted uses (conditional uses are subject to additional review and approval procedures at the local level). For the purposes of identifying the reasonable worst-case trip generation for the proposed zoning, only the highest trip generating uses are shown:

- Single-family dwellings
- Two-family dwellings
- Multi-family dwellings
- Residential/social facilities

A summary of the trip generation rates for different land uses permitted under the proposed R-4 zoning is presented in Table 3 below.[5]

Table 3: Trip Generation Rates for Selected Allowed Land Uses under R-4 Zoning

Land Use (ITE Code)	Units	Weekday Trip Generation Rates		
		Daily	AM Peak Hour	PM Peak Hour
Individual Land Uses Allowed				
Multifamily Housing (Low-Rise) (220)	DU[a]	7.32	0.46	0.56
Nursing Home (620)	Beds	3.06	0.17	0.22

[a] DU = Dwelling Unit

Based on a minimum density of 1,500 square feet per two-bedroom unit, a two-story apartment building, and a building footprint to lot size ratio of 0.3, it is estimated that the maximum number of multi-family units that could be developed on the 0.8 acre property is 14. Table 4 below shows the estimated reasonable worst-case trip generation for permitted uses in R-4 zoning.

Table 4: Reasonable Worst-Case Land Use and Trip Generation for Proposed R-4 Zoning

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise) (220)	14 DU[a]	103	7	8
Total Trips Generated (Proposed R-4 Zoning)		103	7	8
Total Trips Generated (Existing R-1 Zoning)		29	3	3
Net New Trips (R-4 Zoning – R-1 Zoning)		**74**	**4**	**5**

[a] DU = Dwelling Unit

[4] Permitted uses in R-4 zones included in the City of McMinnville Zoning Ordinance 3380, Chapter 17.21.
[5] Trip generation estimates calculated using average rates from the ITE Trip Generation Manual, 10th Edition.

As shown, the proposed zone change will result in a worst-case increase of 74 daily trips, 4 a.m. peak hour trips, and 5 p.m. peak hour trips. These values are based on reasonable worst-case development of permitted land uses in R-1 and R-4 zones.

Transportation Planning Rule Findings

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily increase of less than 400 trips (74 additional daily trips). Therefore, the proposed zone change would not contribute to a significant effect on the transportation system and would be consistent with the TPR Goal 12 requirements.

Traffic Impact Analysis Requirements

As discussed previously, the applicant is proposing to rezone the 0.8-acre property to R-4 zoning for the development of nine multi-family townhome units and a 3,200 square foot dental office building. (The dental office would require approval for a conditional use in the R-4 zone.) Table 5 summarizes the estimated trip generation of the proposed development plan. As shown, the proposed development is anticipated to generate a total of 188 daily trips, 16 a.m. peak hour trips, and 16 p.m. peak hour trips. This equates to a net increase of 159 daily trips, 13 a.m. peak hour trips, and 13 p.m. peak hour trips over the reasonable worst-case development under existing zoning.

Table 5: Proposed Development Trip Generation

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise)	9 DU[a]	66	4	5
Clinic (630)	3.2 KSF[b]	122	12	11
Total Trips Generated (Proposed Development)		**188**	**16**	**16**
Total Trips Generated (Existing R-1 Zoning)		**29**	**3**	**3**
Net New Trips (Proposed Development – R-1 Zoning)		**159**	**13**	**13**

[a] DU = Dwelling Unit
[b] KSF = 1,000 square-feet

The City of McMinnville does not currently have standards that specify a trip generation threshold for a traffic impact analysis (TIA), however established standards in nearby cities suggest that the estimated volume of traffic that will be generated by the proposed development

does not warrant a traffic impact analysis. Nearby local jurisdictions, including the City of Independence[6] and the City of Salem[7], require a traffic impact analysis (TIA) for developments that generate anywhere from 200 to 1,000 daily trips, depending on the adjacent roadway classification. The City of Newberg[8] requires a TIA for developments that generate more than 40 p.m. peak hour trips.

Summary and Recommendation

The vacant property located at 1945 NW 2nd Street in McMinnville, Oregon is currently zoned as Single-Family Residential (R-1). The applicant desires a zone change to Multi-Family Residential (R-4) zoning which would allow for the development of up to nine multi-family townhome units and a 3,200 square foot dental office building (a conditional use).

Based on a comparison of reasonable worst-case development under R-1 and R-4 zoning, the proposed zone change from would not contribute to a significant effect on the transportation system and would be consistent with the TPR Goal 12 requirements. No further evaluation is recommended to meet TPR requirements.

The proposed development of nine townhome units and a 3,200 square foot dental office would generate an estimated 188 daily trips, 16 a.m. peak hour trips, and 16 p.m. peal hour trips. Although the City of McMinnville does not currently have standards that specify a trip generation threshold for a TIA, established standards in nearby cities suggest that the estimated volume of traffic that will be generated by the proposed development does not warrant a traffic impact analysis. No additional traffic analysis is recommended.

Please feel free to contact me if you have any questions or comments.

---

[6] City of Independence Development Code. Section 80.30.005 F, Traffic Impact Analysis.
[7] City of Salem Unified Development Code. Section 803.015 B, Traffic Impact Analysis Applicability.
[8] City of Newberg Transportation System Plan, Traffic Impact Analysis Guidelines.