

## ORDINANCE NO. 5021

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

### RECITALS:

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

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

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

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

The City Council, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the

zone change review criteria listed in Section 17.74.020 and Planned Development Amendment review criteria listed in Section 17.74.070 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

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

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

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

Passed by the Council this 26<sup>th</sup> day of April 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

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

  
\_\_\_\_\_  
MAYOR

Attest:

Approved as to form:

  
\_\_\_\_\_  
CITY RECORDER

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

## EXHIBIT A



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

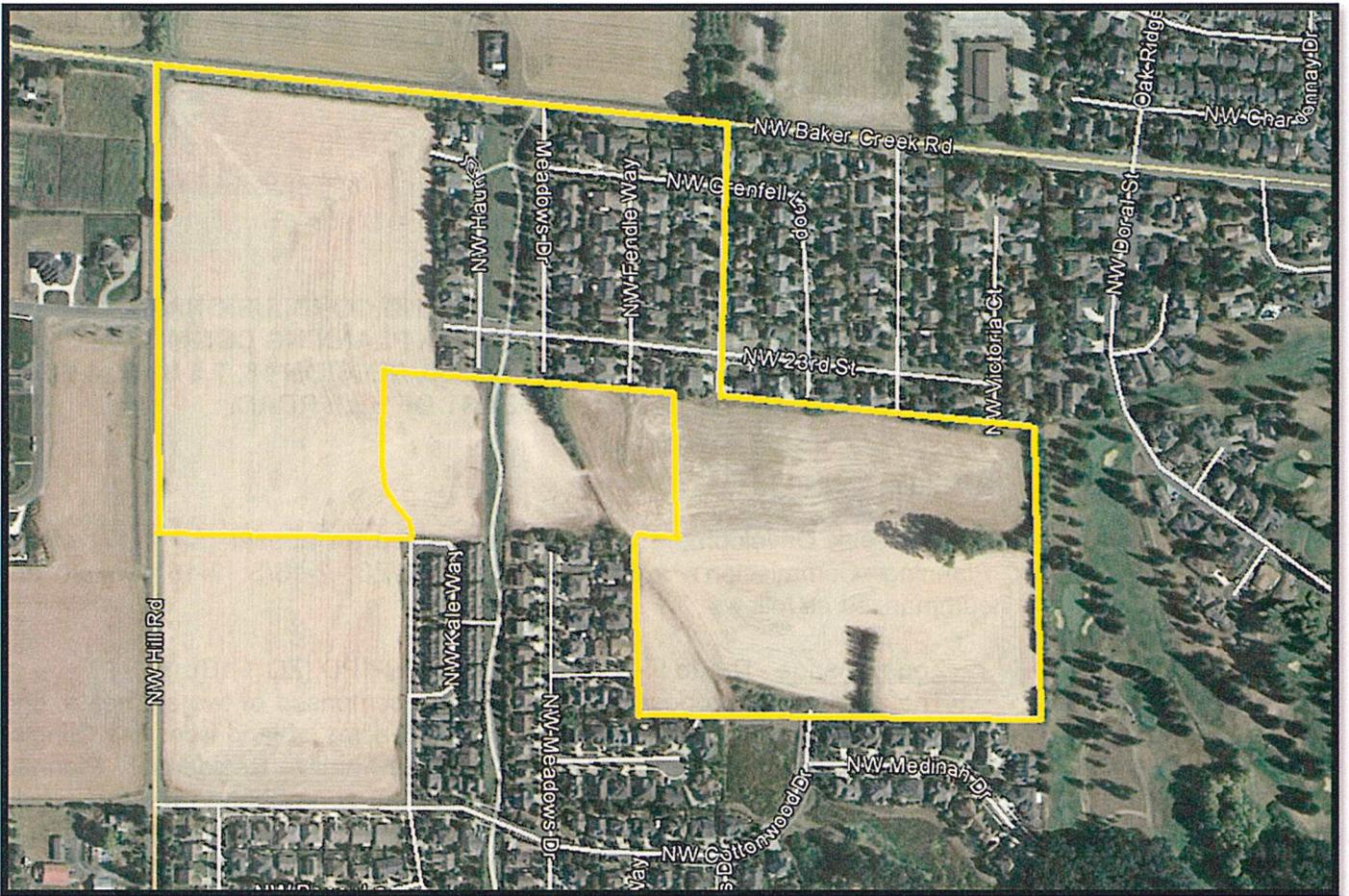
**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF AN APPEAL (AP 1-17) OF A PLANNING COMMISSION DENIAL OF ZC 1-16/ZC 2-16/S 3-16, TAX LOTS 200, 203 and 205, SECTION 18, T.4 S., R. 4 W., W.M., LOCATED SOUTH OF BAKER CREEK ROAD AND EAST OF HILL ROAD.**

**DOCKET:** AP 1-17

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

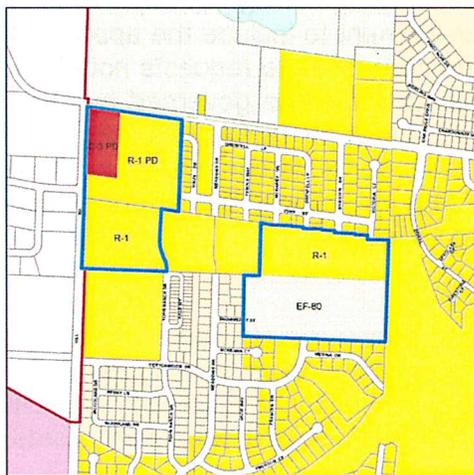
1. Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):  
The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion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

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



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

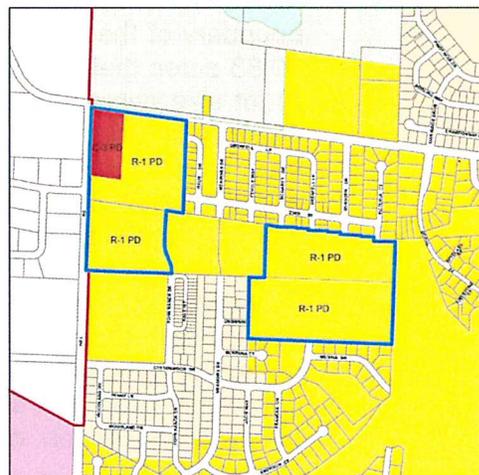
**Current Zoning**



Existing Zoning



**Requested Zoning**



Future Zoning if Approved







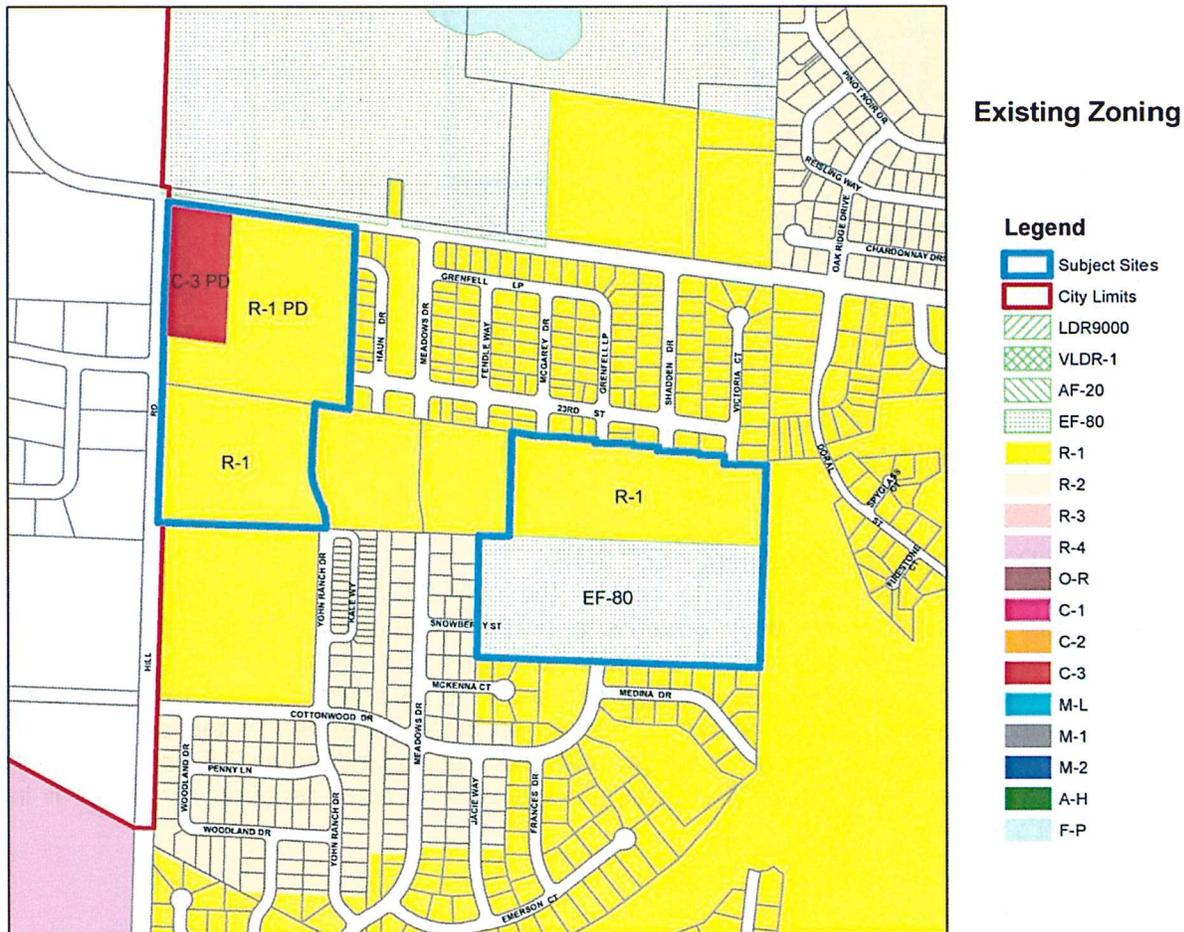
**APPLICATION SUMMARY:**

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

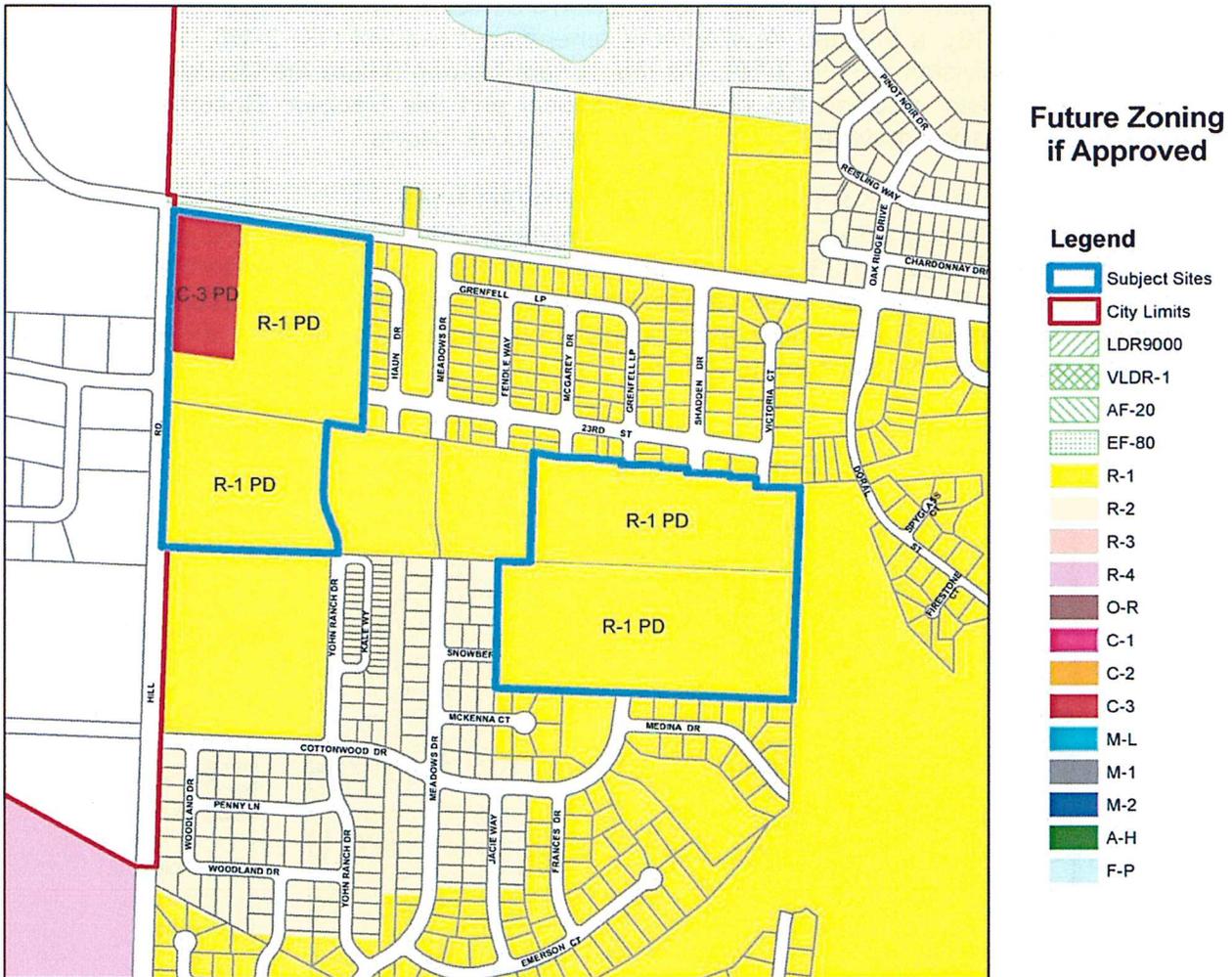
1. Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):

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

**Current Zoning**

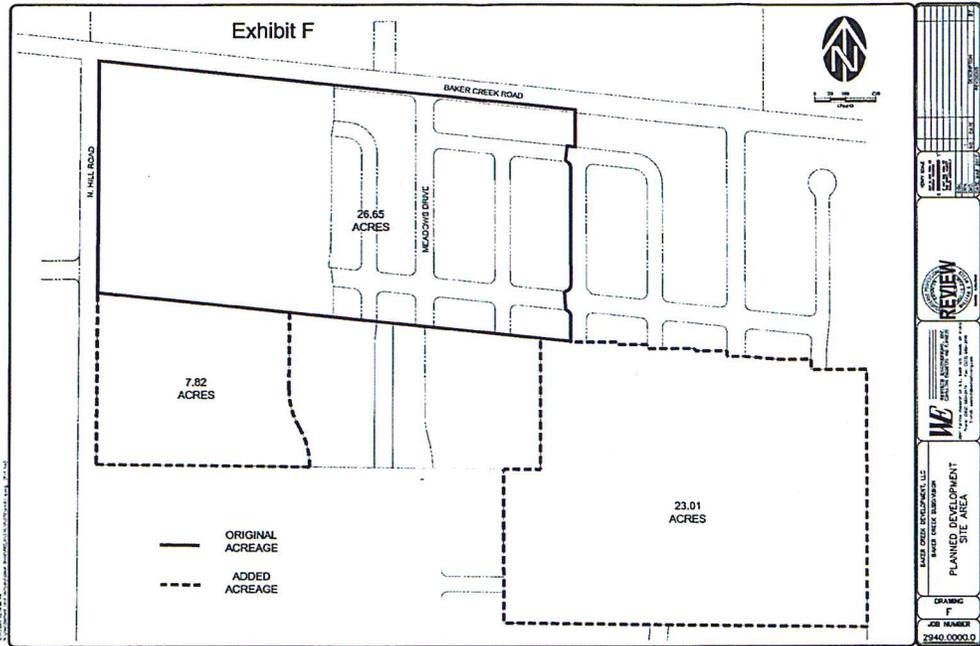


**Future Zoning if approved**



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

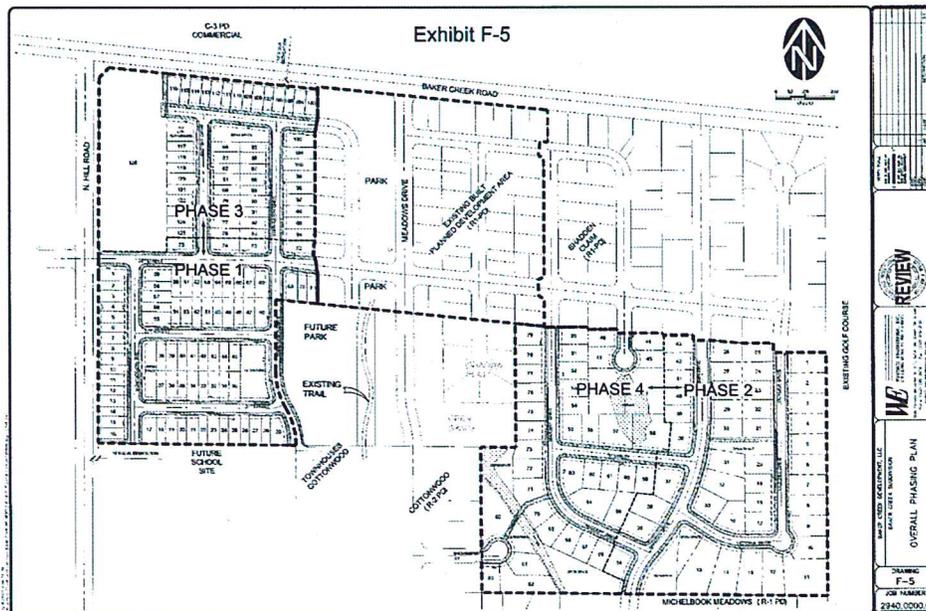
The applicant is also proposing to amend the existing planned development ordinance (Ordinance 4626) that currently governs a portion of the area proposed for residential development in a number of ways including an expansion of the boundary of the existing planned development to include the approximately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



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

3. Tentative Subdivision (S 3-16):

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

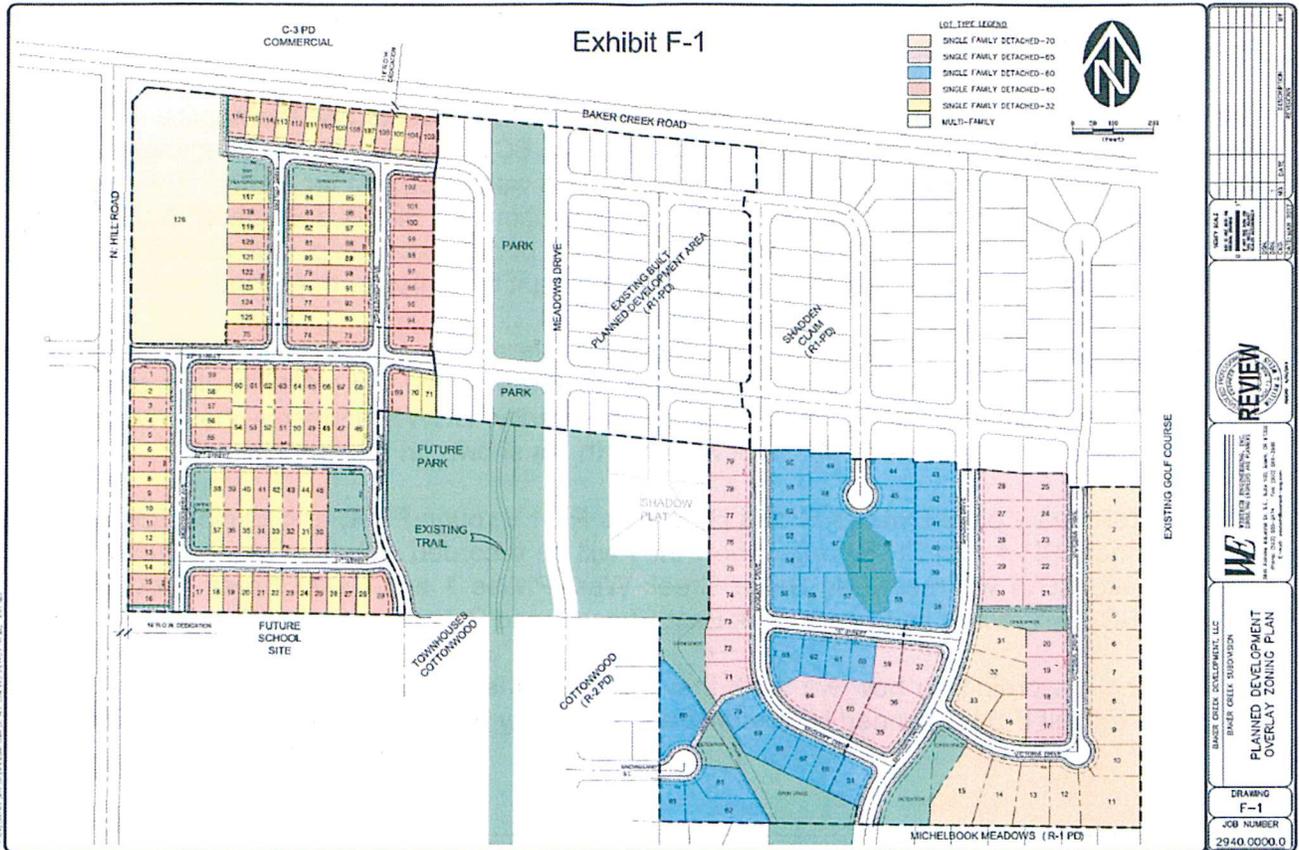


The applicant has devised unique labels for each of five types of proposed single-family lots that correspond to the minimum widths of the lots. The table below provides a summary of those lot types and their respective characteristics.

**Lot Types - Proposed Setback and Lot Size Adjustments**

Lot Type	Setbacks	Minimum Lot Size	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
SFD-70 (Meets all R-1 standards)	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	9,000 sq. ft.	50 feet	19	9.18%
SFD-65	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	6,463 sq. ft.	50 feet	29	13.9%
SFD-60	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	5,683 sq. ft.	50 feet	35	16.8%
SFD-40	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	4,000 sq. ft.	30 feet	69	33.2%
SFD-32	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	3,200 sq. ft.	26 feet	56	26.9%

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



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

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

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

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

**Baker Creek East (BCE)**

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



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

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

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

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

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

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

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

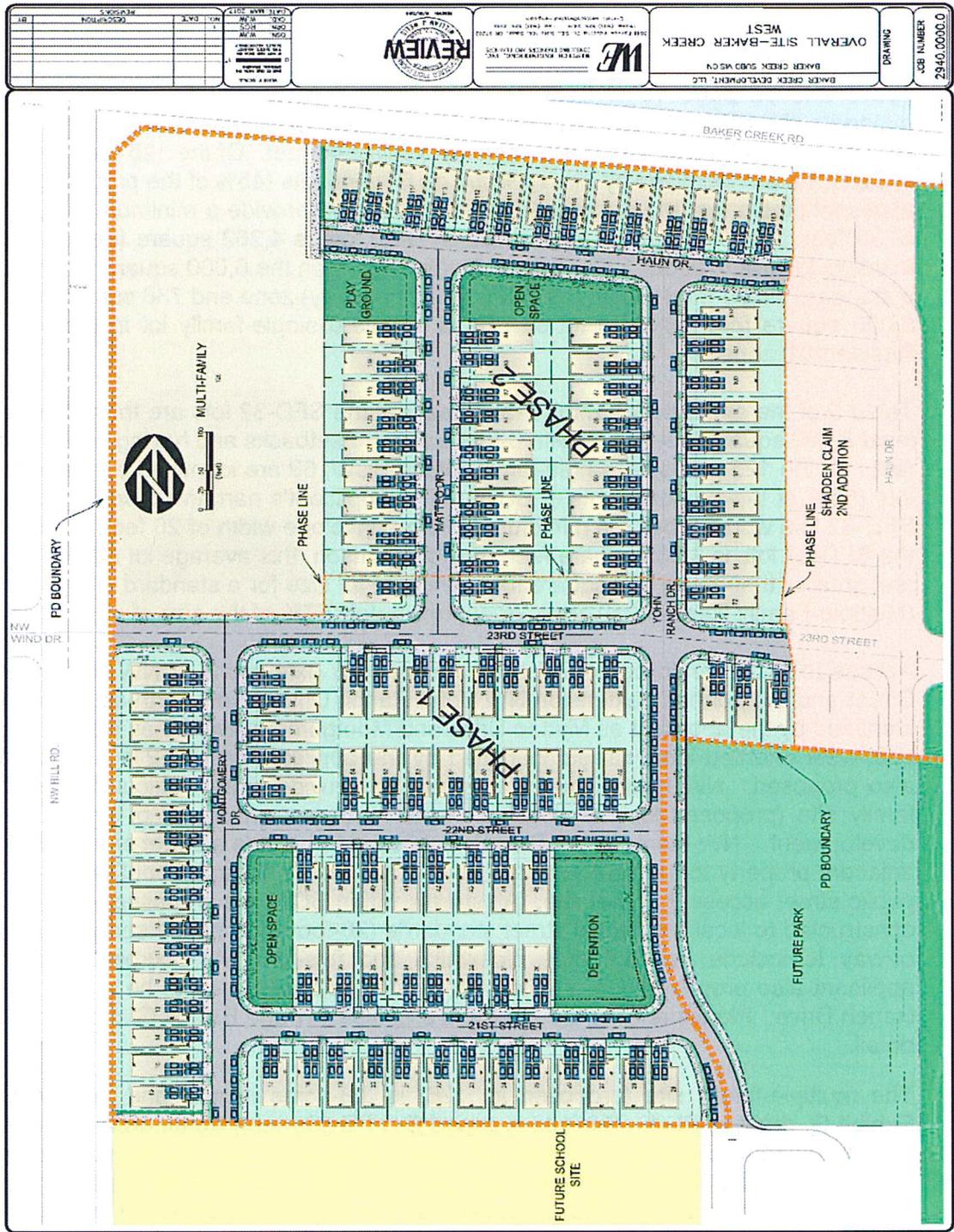
areas. Similarly, an additional similar pedestrian pathway is provided mid-block connecting NW Shadden Drive with NW Victoria Drive. This pathway is identified on the applicant's Attachment H-1, drawing SP-4 in an area simply identified as Open Space. This "open space" area is separately identified as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

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

### **Baker Creek West (BCW)**

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

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



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

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

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

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

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

### **CONDITIONS OF APPROVAL:**

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

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

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

1. That the Baker Creek tentative subdivision plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

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

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

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

A. SFD-70 Lots

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

Setbacks:

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

B. SFD-65 Lots

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

Setbacks:

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

C. SFD-60 Lots

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

Setbacks:

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

D. SFD-40 Lots – Permitted Exclusively in BCW

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

Setbacks:

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

E. SFD-32 Lots – Permitted Exclusively in BCW

3,200 square foot minimum lot size

Minimum Lot Width of 32 feet

Minimum Building Envelope Width of 26 feet

Setbacks:

Front Yard – 15 feet

Distance to Garage Front – 20 feet

Rear Yard – 20 feet

Interior Side Yard – 3 feet

Exterior Side Yard – 15 feet

4. That one private Mini-Park/Playground a minimum of 7,500 square feet in size be provided at the southwest quadrant of the proposed intersection of Haun Drive and Matteo Drive in the BCW portion of the development and shown as Tract D on the applicant's Exhibit G, Drawing PL-1. This Mini-Park/Playground shall be improved with commercial grade play equipment featuring at least ten different play elements for ages 2 - 12, benches and at least two picnic table as approved by the Planning Director, and be maintained by the Homeowners Association. In addition, the open space identified as Tract B in BCW shall be provided at a minimum size of 10,097 square feet and shall be located at the western end of the block bounded by 21<sup>st</sup> Street to the south, Montgomery Drive to the west and 22<sup>nd</sup> Street to the north and is shown on the applicant's Exhibit G, Drawing PL-2. The open space identified as Tract C in BCW shall be provided at a minimum size of 11,393 square feet and shall be located at the northern end of the block bounded by Matteo Drive to the west, Haun Drive to the north and Yohn Ranch Drive to the east and is shown on the applicant's Exhibit G, Drawing PL-1. Additionally Tract C and Tract D of BCW, and Active Space A of BCE shall be landscaped with turf. Appropriate benches, trashcans and picnic tables need to be provide and reviewed by the Landscape Review Committee as part of the Landscape Plan. All detention areas and passive open spaces shall be landscaped and reviewed by the Landscape Review Committee as part of the Landscape Plan as well.

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

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

variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

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

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

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

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

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

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

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

14. Shadden Drive shall be constructed to a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
15. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
16. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
17. The applicant shall install a barricade at the southern terminus of proposed Montgomery Avenue consistent with City standards. The barricades shall include signage with text stating: "This Street is planned for extension to serve future development."
18. On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
19. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
20. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
21. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat.
22. A detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
23. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
24. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
25. The proposed detention facility tracts shall be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
26. That the applicant shall provide twenty-five percent (25%) of the single-family lots (52 of the proposed 208 single-family lots) for sale to the general public for a period of six months following recording of the final plat.

27. Prior to recording the subdivision plat, that applicant shall provide to the Planning Director a wetland quality assessment for the areas identified as wetlands on the tentative subdivision plan. Those areas are identified as affecting tentative lots 46, 47, 57 and 58 of BCE and the Tract A Open Space as identified on the applicant's Exhibit H-2, Drawing C-3. The applicant shall either protect or mitigate the wetland(s) as necessary. If wetlands are identified and required to be protected on tentative lots 46, 47, 57 and/or 58 of BCE, the applicant shall provide verification that a reasonable building envelope remains on each affected lot.
28. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities, including any proposed overflow weirs.
29. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
30. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
31. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
32. The applicant shall secure all required state and federal permits, including, if applicable, those related to wetland fill and impacts, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
33. The applicant shall submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
34. The required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
35. The applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
36. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
37. The applicant shall submit copies of the proposed restrictive covenants prepared for the development prior to the final plat approval. The covenants shall define a standard fence design for those properties which back onto Hill Road, onto Baker Creek Road, onto the storm water detention tracts, onto the recreational open spaces (Tracts B, C and D depicted on the applicant's Exhibit G, Drawings PL-1 and PL-2), and onto the pedestrian accessway facilities between Snowberry Street/McGarey Drive and between Shadden Drive/Victoria Drive. The fence design shall be of a style which provides visual relief, interest and long-term durability. In addition, the covenants shall require that the areas within wetland easements shall be kept in natural condition, to the extent practicable.
38. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowners Association maintains

and repairs any needed improvements, including landscaping of common areas and the planter strips between the subdivision fence line and the public streets, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&R's shall be reviewed by and subject to City approval prior to final plat approval.

39. The applicant shall submit plans for all pedestrian accessways including between Snowberry Street/McGarey Drive, between Shadden Drive/Victoria Drive, between Haun Drive/Baker Creek Road, and between Montgomery Avenue and Hill Road. The accessways shall be improved by the applicant with a minimum 10-foot wide concrete surface unless otherwise approved by the Planning Director. The pedestrian pathways located in the BCW portion of the development shall be located within 20-foot wide easements. Plans shall also depict landscaping along both sides of the pathways except where crossing wetland areas identified as requiring habitat protection or where adjacent to open active space as approved by the Planning Director. Plans shall also depict underground irrigation adjacent to both sides of all pathways. Improvement plans shall be forwarded for review and approval by the McMinnville Landscape Review Committee prior to commencing improvements of the accessway. All required improvements to the pedestrian accessways shall be completed by the applicant prior to filing of the final plat.
40. That adjacent pairing of driveways shall be required to create on-street parking opportunities of increased lengths.
41. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. Street tree specifications will be provided by the City of McMinnville for Hill Road and Baker Creek Road. All other street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
  - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
  - B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees. This provision does not apply to the multi-family lot.
  - C. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting
42. That, if the property owner wishes a one-year extension of the City Council approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, a request for such

extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

43. That plat phasing is approved as depicted in the applicant's submittal listed as Exhibit F-5 in the applicant's submittal and generally described as:
- a. Phase 1 – All land south of and including the lots located adjacent to the north edge of 23<sup>rd</sup> Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW).
  - b. Phase 2 – All land east of and including the lots located adjacent to the west edge of Shadden Drive of Baker Creek East (BCE).
  - c. Phase 3 – The northern balance of BCW inclusive of the C-3 PD zoned land.
  - d. Phase 4 – The western balance of BCE.

This four-phase development plan shall be valid for a period of five years from the date of this approval. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

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

### **ATTACHMENTS:**

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

#### **Attachment 1 - Application**

#### **Attachment 2 - Application Supplemental Materials**

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

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

**Attachment 3 - Public Notices**

**Attachment 4 - Testimony Received**

**Attachment 5 - McMinnville Staff Report – City Council, April 25, 2017**

**Attachment 6 - Decision Letter from the Planning Commission**

**Attachment 7 - McMinnville Ord. No. 4626**

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

**Attachment 8 - Testimony Received**

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

**Original Application and Exhibits**

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

Exhibit M – Sample Photo Elevations for 26-Foot and 30-Foot Dwellings (11 pages)  
 Exhibit N – Gales Creek Terrace Preliminary Plat East & West (two pages)  
 Exhibit O – Phase II & III Tentative Plan  
 Exhibit P – NW Neighborhood Park Master Plan  
 Bear Creek PUD – Site Plan  
 South Fork – Preliminary Plat

**Staff Reports – List staff reports and dates**

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

**Planning Commission Meeting Minutes**

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

**Communications**

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

**Notices**

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

**COMMENTS:**

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

**McMinnville Engineering Department**

**STREETS**

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

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



## SANITARY SEWER

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

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

## STORM DRAINAGE

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

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

## McMinnville Water & Light

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

## McMinnville Parks Department

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

## McMinnville School District No. 40

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

## Additional Testimony

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

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

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

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

## FINDINGS OF FACT

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

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

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

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

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

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

### **CONCLUSIONARY FINDINGS:**

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

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

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

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

#### Additional Design Considerations:

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

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

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

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

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

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

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

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

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

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

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

General Housing Policies:

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

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

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

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

Policies:

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

Westside Density Policies:

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

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

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

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

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

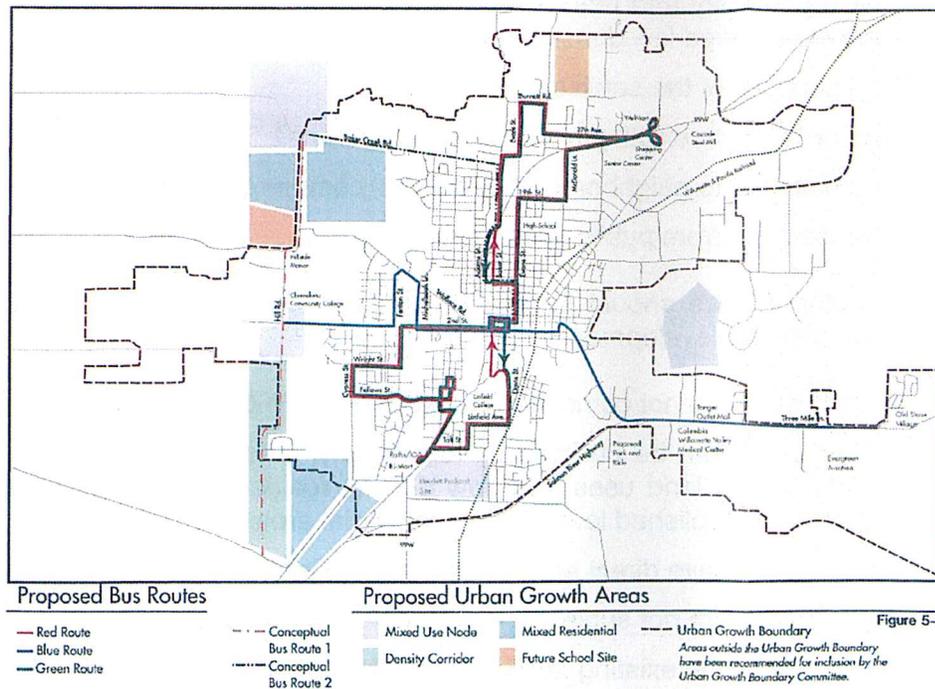
1. The density of development in areas historically zoned for medium and high density development;

2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
3. The capacity of the services;
4. The distance to existing or planned public transit;
5. The distance to neighborhood or general commercial centers; and
6. The distance from public open space.

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

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

Finding: Goal V 2 and Policies 71.01, 71.09, 71.10 and 71.13 are met by this proposal in that the development proposes to provide a range of residential single-family lot sizes in addition to multiple-family development opportunities thereby promoting an energy-efficient and land intensive development pattern. This proposal is not subject to topographical or other geographical limitations. Transitional and/or alternating lot sizes are proposed where adjacent to existing abutting development to provide privacy from those established neighborhoods while also creating a transition to the lot designs proposed for the balance of the proposal. There are also private open spaces proposed within the tentative phased subdivision plan in addition to the development of an adjacent 5.7-acre barrier-free public park currently being designed to serve as an extension of the Westside Bicycle and Pedestrian Path located between the proposed BCW and BCE portions of the proposal. Additionally, the proposed residential density of the expanded Planned Development area is 5.8 dwelling units per acre which is less than the six-unit per acre West side residential density limitation; a limitation applicable only to areas located outside of existing or planned transit corridors as noted in Policy 71.01. The portion of the development that is proposed to contain higher residential density (BCW) is located within ½ mile of a transit corridor (Hill Road and Baker Creek Road as shown on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below) where future public transit is planned as the land develops and higher residential densities are encouraged. The portion of the development that is proposed to contain higher residential density (BCW) is also located within ¼ mile of land located north of the Baker Creek Road and designated as Commercial on the McMinnville Comprehensive Plan Map.



**Planned Development Policies:**

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

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

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

#### Residential Design Policies:

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

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

**Low-Cost Housing Development Policies:**

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

**Multiple-family Development Policies:**

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

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

**Urban Policies:**

- 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:
1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
  2. Storm sewer and drainage facilities (as required).
  3. Streets within the development and providing access to the development, improved to city standards (as required).
  4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)
  5. Deleted as per Ord. 4796, October 14, 2003.

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

**Lot Sales Policy:**

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

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

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

**Streets****Policies:**

- 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.
- 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:
1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.

2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
  3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
  4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)
  5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist
- 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.
- 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

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

## Parking

### Policies:

- 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.
- 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

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

## Bike Paths

### Policies:

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

- 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.
- 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

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

### **Supportive of General Land Use Plan Designations and Development Patterns**

Policies:

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

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

### **Circulation**

Policies:

- 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:
1. Pedestrian circulation,
  2. Enhancement of emergency vehicle access,
  3. Reduction of emergency vehicle response times,
  4. Reduction of speeds in neighborhoods, and
  5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics. (Ord. 4922, February 23, 2010)
- 132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)

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

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

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

### **Sanitary Sewer System**

#### Policies:

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

### **Storm Drainage**

#### Policies:

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

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

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

### **Water System**

#### **Policies:**

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

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

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

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

### **Water and Sewer – Land Development Criteria**

#### **Policies:**

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

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

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

## **Police and Fire Protection**

### **Policies:**

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

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

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

### **Policies:**

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

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

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

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

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

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

Policies:

173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

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

### **Energy Conservation**

Policies:

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

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

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

Policies:

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

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

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

General Provisions:

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

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

#### R-1 Single-Family Residential Zone:

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

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

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

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

A. A front yard shall not be less than twenty feet;

B. A rear yard shall not be less than twenty feet;

C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet.

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

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

#### C-3 General Commercial Zone:

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

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

#### R-4 Multiple-Family Residential Zone:

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

C. Multiple-family dwelling

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

A. A front yard shall not be less than fifteen feet;

B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;

C. A rear yard shall not be less than twenty feet;

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

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

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

#### Off-Street Parking and Loading:

17.60.060 Spaces – Number required.

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

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

#### Planned Developments:

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

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

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

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

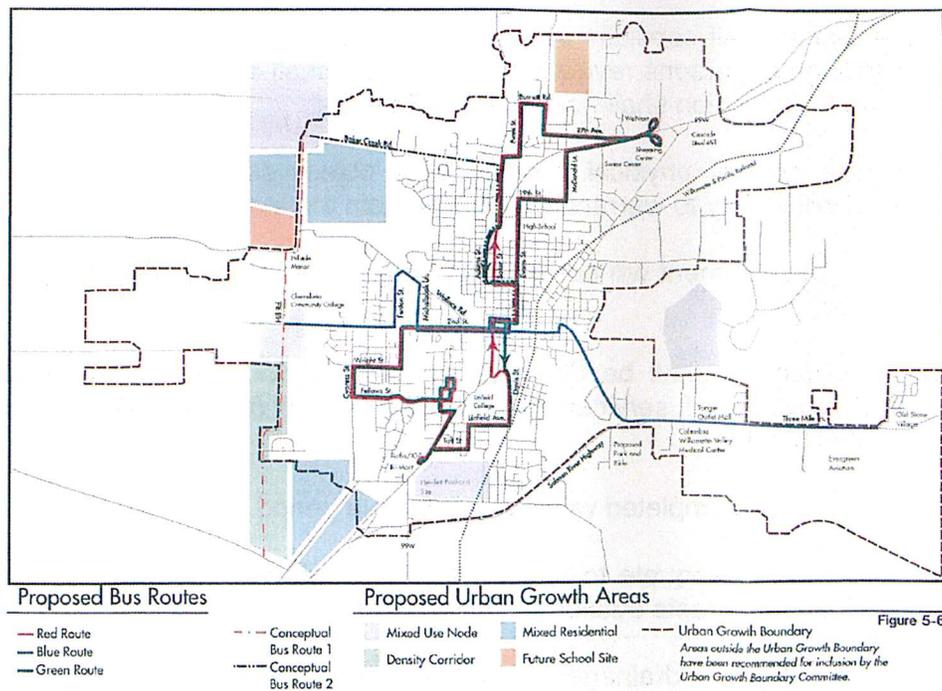
- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones.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

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

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

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
- (1) There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
  - (2) Resulting development will not be inconsistent with the comprehensive plan objectives of the area;
  - (3) The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels (as amended by Ordinance No. 4242, April 5, 1983);
  - (4) The plan can be completed within a reasonable period of time;
  - (5) The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
  - (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
  - (7) The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the City as a whole.

Finding: Section 17.51.030 (C) is satisfied by the request in that the design objective of this proposal is to fulfill the City's policy direction to achieve higher residential densities for developable residential land within ¼ mile of identified transit corridors and to continue the City's dispersal policy regarding multiple-family residential development as shown on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below. This proposal helps to enact the intended residential density of the comprehensive plan objectives for this area and can be completed in a reasonable period of time as has been provided for by providing a condition of approval allowing the subdivision phasing plan to remain valid for a period of five years. The proposed street network is adequate to support anticipated traffic which can also be supported by the surrounding existing street network. Public facilities have the capacity to adequately serve the proposed development and there are no indications that the proposal will have an adverse effect due to pollutants or noise on surrounding areas or the City as a whole.



**Review Criteria:**

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

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

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

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

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

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

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

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

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

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

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

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

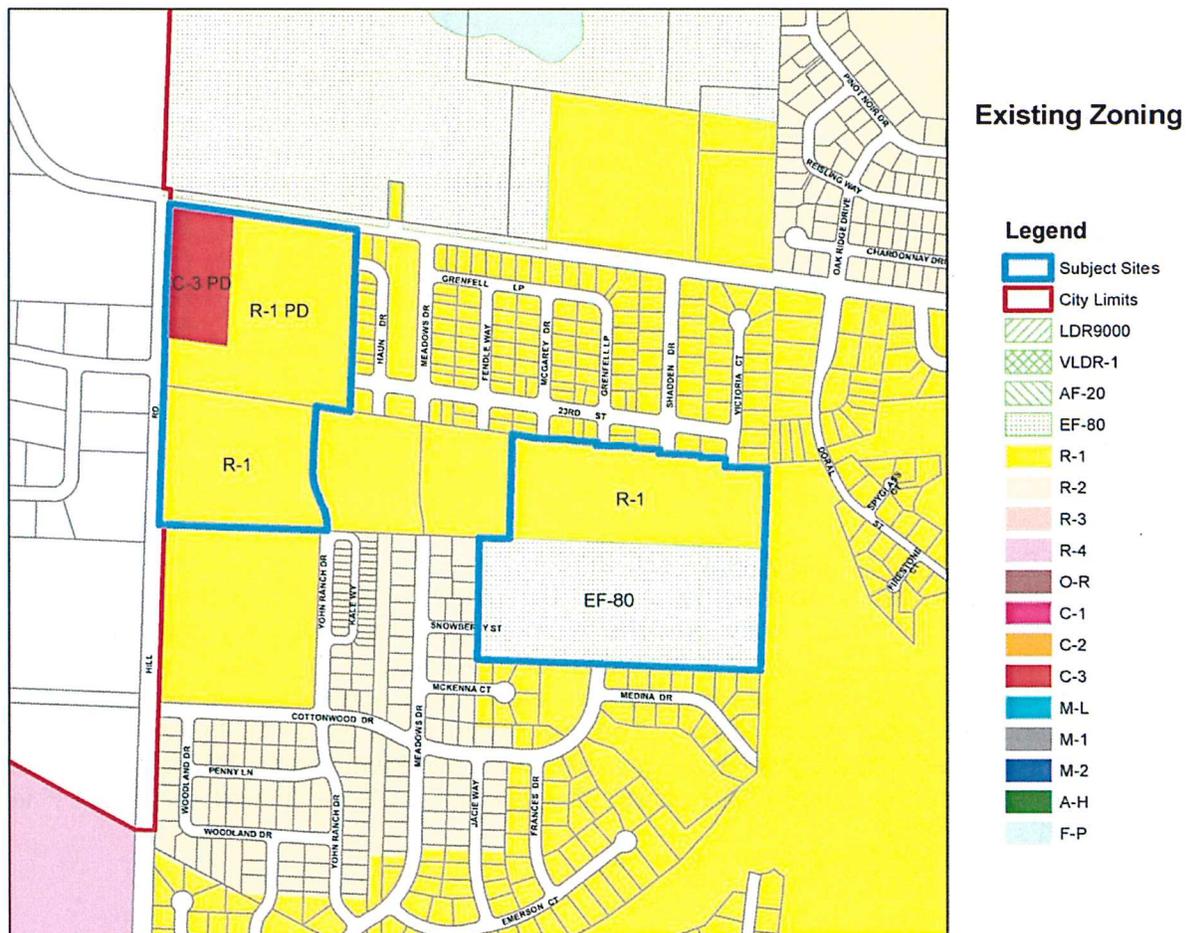


**APPLICATION SUMMARY:**

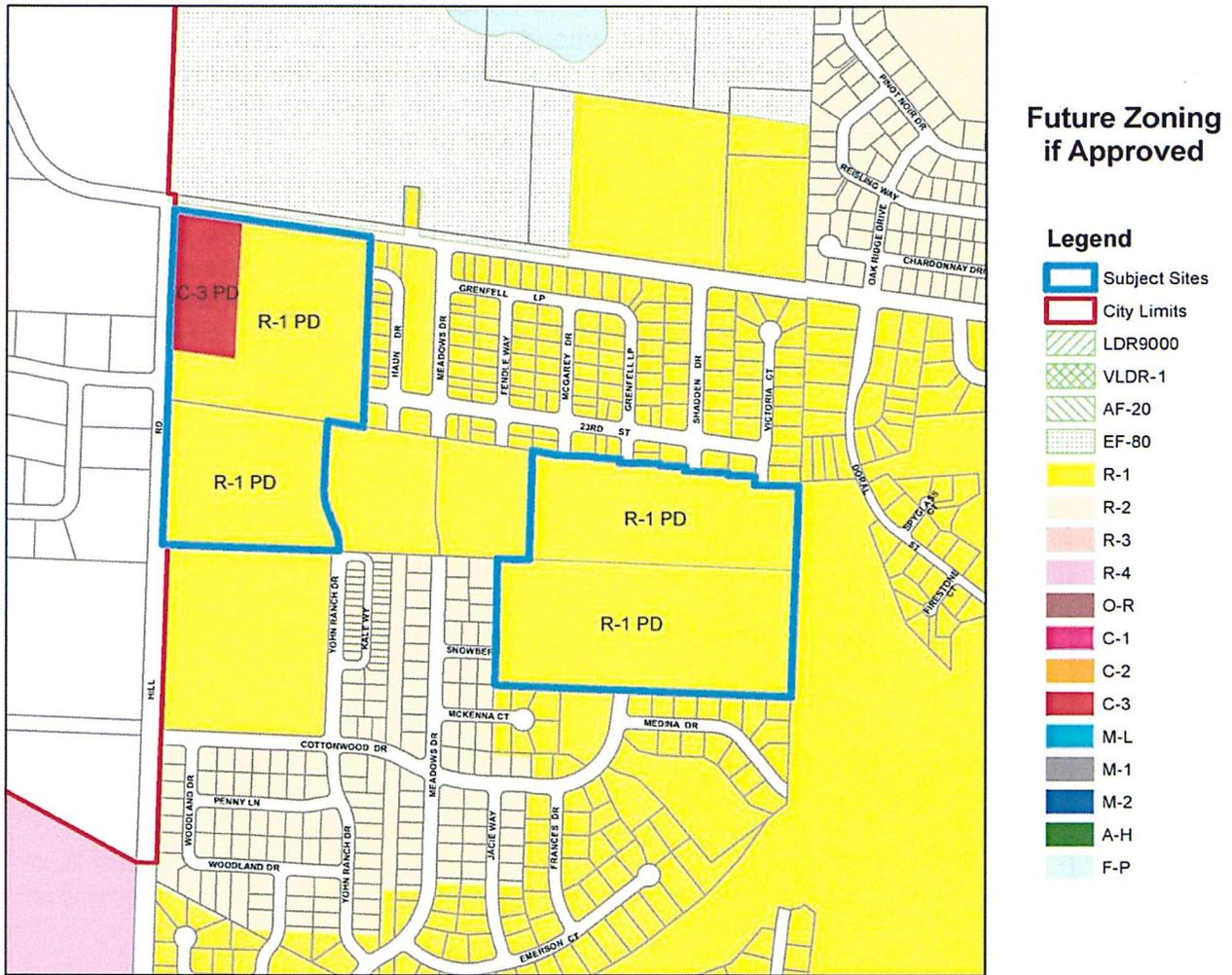
This application is an appeal of the Planning Commission’s denial of three land use requests: a zone change request (ZC 1-16), a planned development amendment request (ZC 2-16), and a tentative phased residential subdivision plan (S 3-16). As this appeal hearing before the Council is a *de novo* hearing,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

1. Zone Change - R-1 to R-1PD and EF-80 to R-1PD (ZC 1-16):  
 The applicant is proposing a zone change comprised of two elements, one of which would rezone approximately 17.23 acres of land from R-1 (Single-Family Residential) to R-1 PD (Single-Family Residential Planned Development). The remaining portion of the zone change request would rezone approximately 13.61 acres of land from EF-80 (Exclusive Farm Land – 80-Acre Minimum) to R-1 PD.

**Current Zoning**



### Future Zoning if approved



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

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

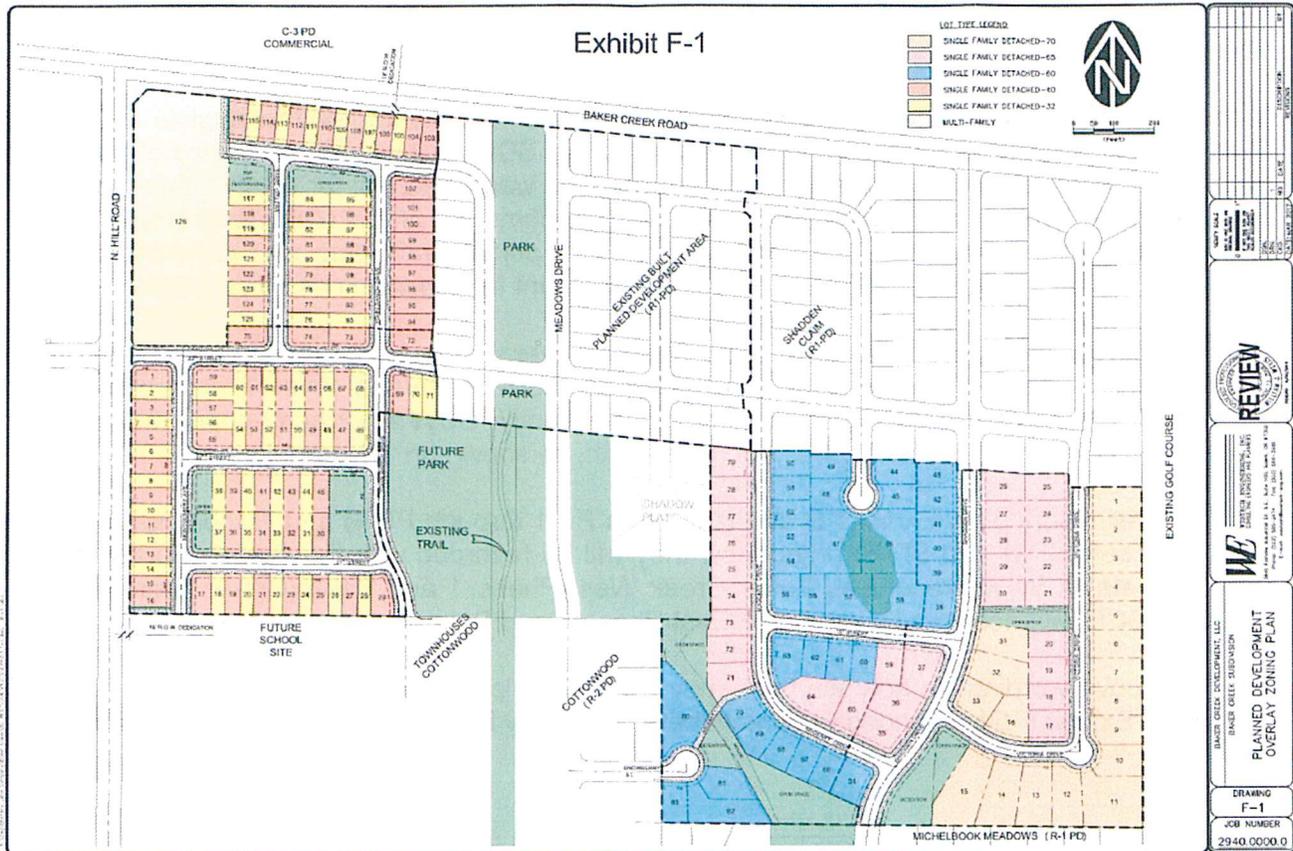


The applicant has devised unique labels for each of five types of proposed single-family lots that correspond to the minimum widths of the lots. The table below provides a summary of those lot types and their respective characteristics.

### Lot Types - Proposed Setback and Lot Size Adjustments

Lot Type	Setbacks	Minimum Lot Size	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
SFD-70 (Meets all R-1 standards)	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	9,000 sq. ft.	50 feet	19	9.18%
SFD-65	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	6,463 sq. ft.	50 feet	29	13.9%
SFD-60	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	5,683 sq. ft.	50 feet	35	16.8%
SFD-40	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	4,000 sq. ft.	30 feet	69	33.2%
SFD-32	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	3,200 sq. ft.	26 feet	56	26.9%

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



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

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

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

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

**Baker Creek East (BCE)**

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

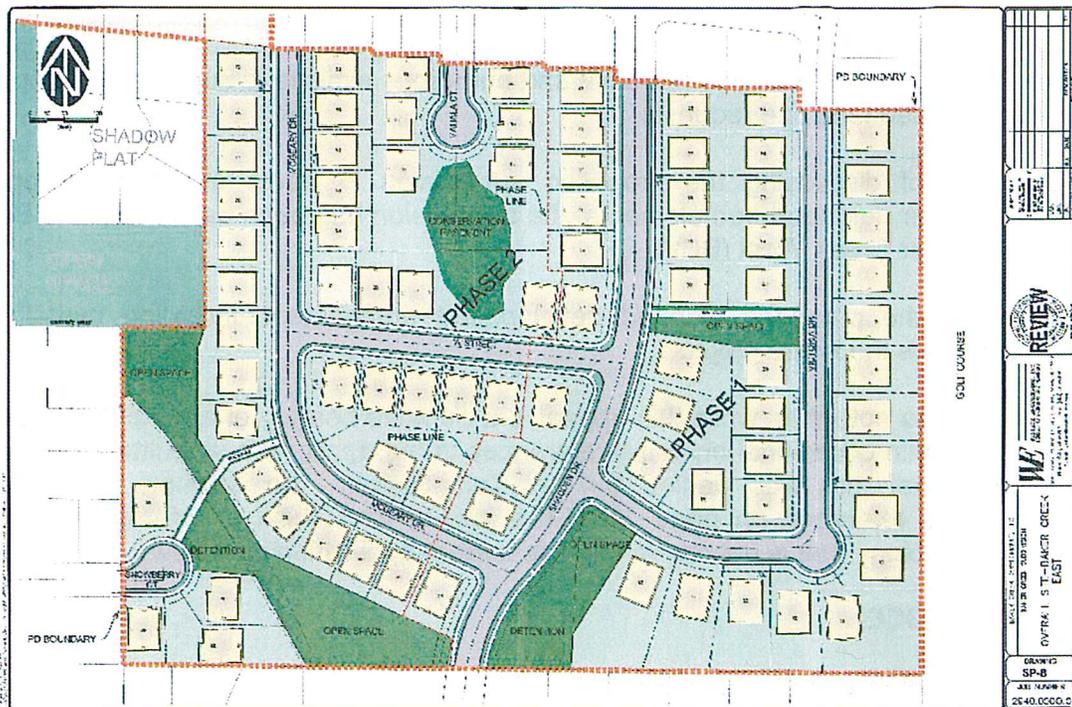
Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCE) the phasing in this graphic is incorrect. According to the phasing plan proposed throughout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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

### **Baker Creek West (BCW)**

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

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



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

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

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

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

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

### **CONDITIONS OF APPROVAL:**

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

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

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

1. That the Baker Creek tentative subdivision plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

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

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

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

A. SFD-70 Lots

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

Setbacks:

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

B. SFD-65 Lots

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

Setbacks:

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

C. SFD-60 Lots

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

Setbacks:

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

D. SFD-40 Lots – Permitted Exclusively in BCW

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

Setbacks:

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

E. SFD-32 Lots – Permitted Exclusively in BCW

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

Setbacks:

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

4. That one private Mini-Park/Playground a minimum of 7,500 square feet in size be provided at the southwest quadrant of the proposed intersection of Haun Drive and Matteo Drive in the BCW portion of the development and shown as Tract D on the applicant's Exhibit G, Drawing PL-1. This Mini-Park/Playground shall be improved with commercial grade play equipment featuring at least ten different play elements for ages 2 - 12, benches and at least two picnic table as approved by the Planning Director, and be maintained by the Homeowners Association. In addition, the open space identified as Tract B in BCW shall be provided at a minimum size of 10,097 square feet and shall be located at the western end of the block bounded by 21<sup>st</sup> Street to the south, Montgomery Drive to the west and 22<sup>nd</sup> Street to the north and is shown on the applicant's Exhibit G, Drawing PL-2. The open space identified as Tract C in BCW shall be provided at a minimum size of 11,393 square feet and shall be located at the northern end of the block bounded by Matteo Drive to the west, Haun Drive to the north and Yohn Ranch Drive to the east and is shown on the applicant's Exhibit G, Drawing PL-1. Additionally Tract C and Tract D of BCW, and Active Space A of BCE shall be landscaped with turf. Appropriate benches, trashcans and picnic tales need to be provide and reviewed by the Landscape Review Committee as part of the Landscape Plan. All detention areas and passive open spaces shall be landscaped and reviewed by the Landscape Review Committee as part of the Landscape Plan as well.

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

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

variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

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

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

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

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

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

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

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

14. Shadden Drive shall be constructed to a 36-foot-wide paved section with curb and gutter, planter strips, and sidewalks within a 60-foot right-of-way.
15. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
16. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
17. The applicant shall install a barricade at the southern terminus of proposed Montgomery Avenue consistent with City standards. The barricades shall include signage with text stating: "This Street is planned for extension to serve future development."
18. On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
19. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
20. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
21. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat.
22. A detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
23. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
24. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
25. The proposed detention facility tracts shall be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
26. That the applicant shall provide twenty-five percent (25%) of the single-family lots (52 of the proposed 208 single-family lots) for sale to the general public for a period of six months following recording of the final plat.

27. Prior to recording the subdivision plat, that applicant shall provide to the Planning Director a wetland quality assessment for the areas identified as wetlands on the tentative subdivision plan. Those areas are identified as affecting tentative lots 46, 47, 57 and 58 of BCE and the Tract A Open Space as identified on the applicant's Exhibit H-2, Drawing C-3. The applicant shall either protect or mitigate the wetland(s) as necessary. If wetlands are identified and required to be protected on tentative lots 46, 47, 57 and/or 58 of BCE, the applicant shall provide verification that a reasonable building envelope remains on each affected lot.
28. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities, including any proposed overflow weirs.
29. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
30. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
31. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
32. The applicant shall secure all required state and federal permits, including, if applicable, those related to wetland fill and impacts, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
33. The applicant shall submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
34. The required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
35. The applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
36. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
37. The applicant shall submit copies of the proposed restrictive covenants prepared for the development prior to the final plat approval. The covenants shall define a standard fence design for those properties which back onto Hill Road, onto Baker Creek Road, onto the storm water detention tracts, onto the recreational open spaces (Tracts B, C and D depicted on the applicant's Exhibit G, Drawings PL-1 and PL-2), and onto the pedestrian accessway facilities between Snowberry Street/McGarey Drive and between Shadden Drive/Victoria Drive. The fence design shall be of a style which provides visual relief, interest and long-term durability. In addition, the covenants shall require that the areas within wetland easements shall be kept in natural condition, to the extent practicable.
38. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowners Association maintains

and repairs any needed improvements, including landscaping of common areas and the planter strips between the subdivision fence line and the public streets, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&R's shall be reviewed by and subject to City approval prior to final plat approval.

39. The applicant shall submit plans for all pedestrian accessways including between Snowberry Street/McGarey Drive, between Shadden Drive/Victoria Drive, between Haun Drive/Baker Creek Road, and between Montgomery Avenue and Hill Road. The accessways shall be improved by the applicant with a minimum 10-foot wide concrete surface unless otherwise approved by the Planning Director. The pedestrian pathways located in the BCW portion of the development shall be located within 20-foot wide easements. Plans shall also depict landscaping along both sides of the pathways except where crossing wetland areas identified as requiring habitat protection or where adjacent to open active space as approved by the Planning Director. Plans shall also depict underground irrigation adjacent to both sides of all pathways. Improvement plans shall be forwarded for review and approval by the McMinnville Landscape Review Committee prior to commencing improvements of the accessway. All required improvements to the pedestrian accessways shall be completed by the applicant prior to filing of the final plat.
40. That adjacent pairing of driveways shall be required to create on-street parking opportunities of increased lengths.
41. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. Street tree specifications will be provided by the City of McMinnville for Hill Road and Baker Creek Road. All other street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
  - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
  - B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees. This provision does not apply to the multi-family lot.
  - C. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting
42. That, if the property owner wishes a one-year extension of the City Council approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, a request for such

extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

43. That plat phasing is approved as depicted in the applicant's submittal listed as Exhibit F-5 in the applicant's submittal and generally described as:
- a. Phase 1 – All land south of and including the lots located adjacent to the north edge of 23<sup>rd</sup> Street (not to include the C-3 PD zoned land) of Baker Creek West (BCW).
  - b. Phase 2 – All land east of and including the lots located adjacent to the west edge of Shadden Drive of Baker Creek East (BCE).
  - c. Phase 3 – The northern balance of BCW inclusive of the C-3 PD zoned land.
  - d. Phase 4 – The western balance of BCE.

This four-phase development plan shall be valid for a period of five years from the date of this approval. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

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

#### **ATTACHMENTS:**

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

#### **Attachment 1 - Application**

#### **Attachment 2 - Application Supplemental Materials**

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

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

**Attachment 3 - Public Notices**

**Attachment 4 - Testimony Received**

**Attachment 5 - McMinnville Staff Report – City Council, April 25, 2017**

**Attachment 6 - Decision Letter from the Planning Commission**

**Attachment 7 - McMinnville Ord. No. 4626**

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

**Attachment 8 - Testimony Received**

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

**Original Application and Exhibits**

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

- Exhibit M – Sample Photo Elevations for 26-Foot and 30-Foot Dwellings (11 pages)
- Exhibit N – Gales Creek Terrace Preliminary Plat East & West (two pages)
- Exhibit O – Phase II & III Tentative Plan
- Exhibit P – NW Neighborhood Park Master Plan
- Bear Creek PUD – Site Plan
- South Fork – Preliminary Plat

#### **Staff Reports – List staff reports and dates**

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

#### **Planning Commission Meeting Minutes**

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

#### **Communications**

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

#### **Notices**

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

#### **COMMENTS:**

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

#### **McMinnville Engineering Department**

##### **STREETS**

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

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



## SANITARY SEWER

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

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

## STORM DRAINAGE

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

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

## McMinnville Water & Light

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

## McMinnville Parks Department

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

## McMinnville School District No. 40

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

## Additional Testimony

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

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

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

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

## FINDINGS OF FACT

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

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

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

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

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

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

### **CONCLUSIONARY FINDINGS:**

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

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

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

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

#### Additional Design Considerations:

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

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

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

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

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

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

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

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

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

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

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

General Housing Policies:

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

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

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

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

Policies:

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

Westside Density Policies:

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

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

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

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

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

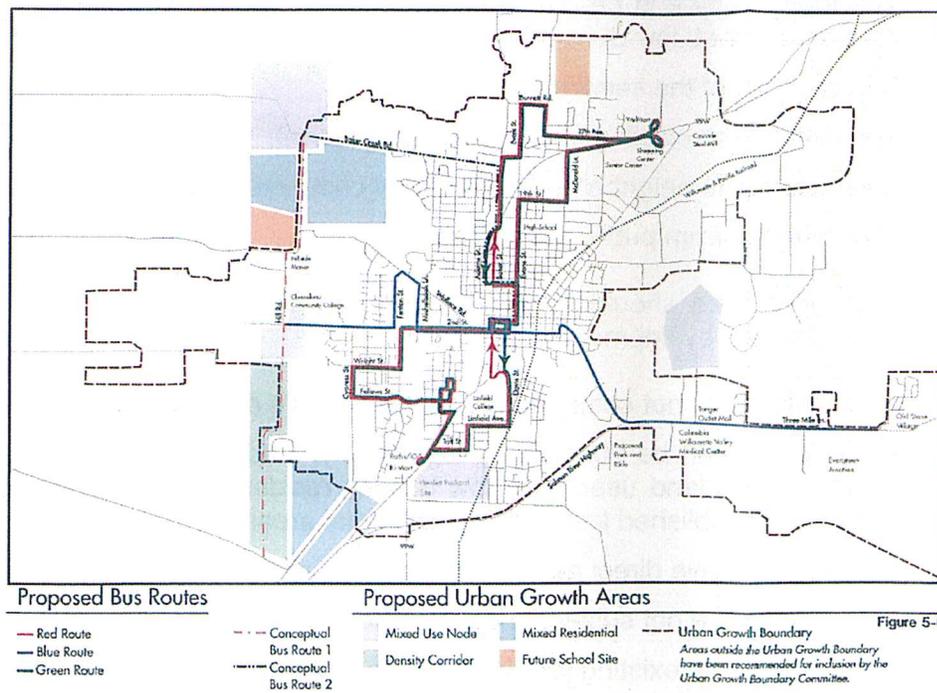
1. The density of development in areas historically zoned for medium and high density development;

2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
3. The capacity of the services;
4. The distance to existing or planned public transit;
5. The distance to neighborhood or general commercial centers; and
6. The distance from public open space.

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

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

Finding: Goal V 2 and Policies 71.01, 71.09, 71.10 and 71.13 are met by this proposal in that the development proposes to provide a range of residential single-family lot sizes in addition to multiple-family development opportunities thereby promoting an energy-efficient and land intensive development pattern. This proposal is not subject to topographical or other geographical limitations. Transitional and/or alternating lot sizes are proposed where adjacent to existing abutting development to provide privacy from those established neighborhoods while also creating a transition to the lot designs proposed for the balance of the proposal. There are also private open spaces proposed within the tentative phased subdivision plan in addition to the development of an adjacent 5.7-acre barrier-free public park currently being designed to serve as an extension of the Westside Bicycle and Pedestrian Path located between the proposed BCW and BCE portions of the proposal. Additionally, the proposed residential density of the expanded Planned Development area is 5.8 dwelling units per acre which is less than the six-unit per acre West side residential density limitation; a limitation applicable only to areas located outside of existing or planned transit corridors as noted in Policy 71.01. The portion of the development that is proposed to contain higher residential density (BCW) is located within ½ mile of a transit corridor (Hill Road and Baker Creek Road as shown on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below) where future public transit is planned as the land develops and higher residential densities are encouraged. The portion of the development that is proposed to contain higher residential density (BCW) is also located within ¼ mile of land located north of the Baker Creek Road and designated as Commercial on the McMinnville Comprehensive Plan Map.



**Planned Development Policies:**

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

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

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

#### Residential Design Policies:

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

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

## Low-Cost Housing Development Policies:

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

## Multiple-family Development Policies:

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

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

**Urban Policies:**

- 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:
1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
  2. Storm sewer and drainage facilities (as required).
  3. Streets within the development and providing access to the development, improved to city standards (as required).
  4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)
  5. Deleted as per Ord. 4796, October 14, 2003.

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

**Lot Sales Policy:**

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

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

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

**Streets****Policies:**

- 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.
- 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:
1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.

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

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

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

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

## **Parking**

Policies:

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

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

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

## **Bike Paths**

Policies:

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

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

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

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

### **Supportive of General Land Use Plan Designations and Development Patterns**

Policies:

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

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

### **Circulation**

Policies:

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

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

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

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

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

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

### **Sanitary Sewer System**

#### Policies:

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

### **Storm Drainage**

#### Policies:

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

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

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

### **Water System**

#### **Policies:**

- 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:
1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.
  2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.
  3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;
  4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.
- 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

### **Water and Sewer – Land Development Criteria**

#### **Policies:**

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

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

### **Police and Fire Protection**

#### **Policies:**

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

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

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

#### **Policies:**

- 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.
- Finding: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
- 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.
- 168.00 Distinctive natural features and areas shall be retained, whenever possible, in future urban developments.
- 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

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

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

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

Policies:

173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

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

**Energy Conservation**

Policies:

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

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

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

Policies:

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

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

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

General Provisions:

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

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

#### R-1 Single-Family Residential Zone:

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

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

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

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

A. A front yard shall not be less than twenty feet;

B. A rear yard shall not be less than twenty feet;

C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet.

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

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

#### C-3 General Commercial Zone:

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

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

#### R-4 Multiple-Family Residential Zone:

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

C. Multiple-family dwelling

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

A. A front yard shall not be less than fifteen feet;

B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;

C. A rear yard shall not be less than twenty feet;

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

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

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

#### Off-Street Parking and Loading:

17.60.060 Spaces – Number required.

A. Residential land use category

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

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

#### Planned Developments:

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

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

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

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

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

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

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

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
- (1) There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
  - (2) Resulting development will not be inconsistent with the comprehensive plan objectives of the area;
  - (3) The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels (as amended by Ordinance No. 4242, April 5, 1983);
  - (4) The plan can be completed within a reasonable period of time;
  - (5) The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
  - (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
  - (7) The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the City as a whole.

Finding: Section 17.51.030 (C) is satisfied by the request in that the design objective of this proposal is to fulfill the City's policy direction to achieve higher residential densities for developable residential land within ¼ mile of identified transit corridors and to continue the City's dispersal policy regarding multiple-family residential development as shown on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below. This proposal helps to enact the intended residential density of the comprehensive plan objectives for this area and can be completed in a reasonable period of time as has been provided for by providing a condition of approval allowing the subdivision phasing plan to remain valid for a period of five years. The proposed street network is adequate to support anticipated traffic which can also be supported by the surrounding existing street network. Public facilities have the capacity to adequately serve the proposed development and there are no indications that the proposal will have an adverse effect due to pollutants or noise on surrounding areas or the City as a whole.



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

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

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

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

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

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

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

