



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

August 20, 2019

Samuel Justice
855 NE Marsh Lane
McMinnville, OR 97128

Re: 1901 NW Baker Creek Road – Land Use Application Approvals

Dear Mr. Justice:

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, August 13, 2019, your applications for a Comprehensive Plan Map Amendment (CPA 2-19), Zone Change (ZC 2-19), Planned Development Amendment (PDA 1-19), and Conditional Use (CU 2-19) were presented and considered. The subject property is located at 1901 NW Baker Creek Road. The subject property is more specifically identified as Tax Lot 101, Section 18, T. 4 S., R. 4 W., W.M.

Based on the material submitted and the review criteria in Sections 17.74.020, 17.74.030, and 17.74.070 of the McMinnville Municipal Code, the City Council voted to take the following actions on your land use applications:

- 1) **APPROVE** the Comprehensive Plan Map Amendment (CPA 2-19);
- 2) **APPROVE** the Zone Change (ZC 2-19);
- 3) **APPROVE** the Planned Development Amendment (PDA 1-19), subject to conditions; and
- 4) **APPROVE** the Conditional Use (CU 2-19), subject to conditions.

Enclosed for your records are copies of Ordinance No. 5074 (CPA 2-19), Ordinance No. 5075 (ZC 2-19), Ordinance No. 5076 (PDA 1-19), and Ordinance No. 5077 (CU 2-19), which were adopted by the City Council on August 13, 2019, and include your land use decisions with the Findings of Fact and Conclusionary Findings for approval.

The Planned Development Amendment (PDA 1-19) and Conditional Use (CU 2-19) approvals included conditions of approval, which are included in Ordinance No. 5076 and Ordinance No. 5077 and your land use decision documents. We have also outlined those conditions of approval below.

Planned Development Amendment (PDA 1-19) Conditions of Approval

1. That Ordinance 4633 is amended to remove the subject site and property from the Planned Development Overlay District, hereby adjusting the boundary of the Planned Development Overlay District. All other standards and conditions of approval adopted by Ordinance 4633 remain in effect.

Conditional Use (CU 2-19) Conditions of Approval

1. That prior to the development of the electrical power substation, the applicant shall submit building permits for all necessary construction activities. The site plan provided with the building permit construction plans shall be consistent with the preliminary site plan provided with the Conditional Use application.
2. That the applicant shall complete right-of-way improvements to the property's frontage along NW Baker Creek Road, as required by the McMinnville Transportation System Plan and Section 17.53.101 of the McMinnville Municipal Code.
3. That the applicant shall coordinate and schedule the construction of Baker Creek Road right-of-way improvements to coincide with the improvements to be completed with the development of the property surrounding and immediately adjacent to the subject site on the north side of Baker Creek Road. This property is currently undergoing development review with land use applications that have been submitted for rezoning, Planned Development, and subdivision.

In the event that the surrounding property does not move forward with development and subdivision in a timely manner, the applicant shall complete the right-of-way improvements by January 15, 2022. If the right-of-way improvements are deferred to a time that is past final building permit inspections, the applicant shall bond for the improvements in accordance with the Engineering Department's requirements for bonding and surety of deferred right-of-way improvements.

4. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits for the expansion of the electrical power substation. The landscape plan shall contain the following:
 - a. Perimeter fencing around the entire substation site as identified on the preliminary site plan and preliminary landscape plan provided with the Conditional Use application. The perimeter fencing shall be sight-obscuring as proposed in the application narrative. The specific fence materials to be used shall be submitted to the Planning Director for review to ensure that they are compatible with and do not have a detrimental visual impact on surrounding properties.
 - b. White two-railing fencing along the south property line to match the fencing along the south side of Baker Creek Road.
 - c. Shrubs forming a linear row around the perimeter of the entire substation site. The shrubs selected shall be evergreen shrubs to provide year-round vegetation.
 - d. Trees proposed shall be of a species or variety that may grow to a maximum mature canopy height of 25 feet, but not so small that they don't provide visual screening above the top of the fence.

All landscaping on the site shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

5. That the applicant plant street trees within curbside planting strip within the Baker Creek Road right-of-way in accordance. The proposed street tree plantings shall be included in the landscape plan required in Condition #4 above. The landscape plan shall identify the

locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

- 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 sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
6. That the lighting of the substation be limited to lighting that is described on page 7 (Section 1.1.3 – Substation Lighting) of the application narrative. Specifically, the substation will include only access and maintenance lighting. The access lighting will be low-intensity and controlled by photo sensors. The maintenance lighting will only be used when required for maintenance or emergency repairs. All lights on the site shall be directed downward and onto the substation site, and shall be shielded to reduce glare and minimize light visible from outside the facility.

The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and are entitled to notice as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. If no appeal is filed on or before September 10, 2019, the decision of the City Council will be final.

If you have any questions regarding this matter, please feel free to contact me at (503) 434-7330.

Sincerely,



Chuck Darnell
Senior Planner

CD:sjs

Enclosures:

*Ordinance No. 5074
Decision, Findings of Fact and Conclusionary Findings for the Approval of a Comprehensive Plan
Map Amendment from a Mix of Residential and Commercial Designations to Residential Only at
1901 NW Baker Creek Road (Docket CPA 2-19)*

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Ordinance No. 5075

Decision, Findings of Fact and Conclusionary Findings for the Approval of a Zone Change from a Mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to Only R-1 (Single Family Residential) at 1901 NW Baker Creek Road (Docket ZC 2-19)

Ordinance No. 5076

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Planned Development Amendment to Remove Property from an Existing Planned Development Overlay District at 1901 NW Baker Creek Road (Docket PDA 1-19)

Ordinance No. 5077

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Conditional Use to Allow for the Expansion of an Existing Electrical Power Substation at 1901 NW Baker Creek Road (Docket CU 2-19)