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CITY OF MCMINNVILLE

BAKER CREEK NORTH DEVELOPMENT

Location: 1755 NW Baker Creek Road
McMinnville, Oregon
Yamhill County

Parcel A: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904865 (a.k.a. Commercial property)

Parcel B: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904867 (a.k.a. Phase 2)

Parcel C: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904874 (a.k.a. Phase 1)

Parcel D: Known in Yamhill County Official Records as the property described in: Exhibit C of Instrument # 201904870 (a.k.a. Park Donation property)

Parcel E: Known in Yamhill County Official Records as the property described in: Exhibit D of Instrument # 201904874 (a.k.a. Phase 3)

Prepared by: Steve Kay, AICP

Prepared for: Stafford Development Company, LLC
8840 SW Holly Lane
Wilsonville, OR 97070

[Revised Nov. 8, Sept. 11 & 23, 2019] April 29, 2019

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APPLICANT'S STATEMENT

PROJECT NAME: Baker Creek North Development

REQUEST: Concurrent Approval of:

- Land Donation to the City for a "Special Use Park"
- Comprehensive Plan Map Amendment
- Zoning Map Amendment to C-3
Zoning Map Amendment to R-4
- Planned Development Amendment to Ordinance No. 4633
- Phased Subdivision (more than 10 lots)
- (New) Planned Development
- Tree Removal & Street Tree Planting Plan

Affected Parcels:

Parcel D
Parcels A & B
Parcel A
Parcels B, C, & E
Parcels A & B
Parcels B, C, & E
Parcels B, C, & E
Parcels B, C, & E

APPLICANT:

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PROPERTY OWNER:

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PROPOSED COMPREHENSIVE PLAN

MAP AMENDMENT AREA: 4.672 Acres

PROPOSED ZONING MAP AMENDMENTS AREA: 55.328 Acres

PROPOSED SUBDIVISION AND

NEW PLANNED DEVELOPMENT AREA: 48.7 Acres

PROPOSED PARK LAND DONATION AREA: 14.9 Acres

LIST OF EXHIBITS

- 1: Copies of Signed Application Forms
- 2: Property Deeds
- 3: Preliminary Development Plan Set
 - EXH-1 through EXH-8 Various General Exhibits including Map Key
 - PL-1 through PL-5 Preliminary Plat
 - SP-1 through PL-5 Site Plan (Typical Street Sections Drawing SP-5)
 - GR-1 through GR-5 Grading Plan
 - UT-1 through UT-5 Utility Plan
 - ST-1 through ST-26 Street Plan & Profile
 - L1.0 through L.10.0 Street Tree and Landscape Plan
 - IR1.0 through IR2.0 Irrigation Plan
- 4: Geotechnical Report
- 5: Neighborhood Meeting Documentation
- 6: Traffic Analysis Report

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I. REGULATIONS ADDRESSED

A. McMinnville Comprehensive Plan

Volume I: Goals and Policies
Page 13 Residential Development – Design Considerations

Volume II: Goals and Policies
Page 23 Chapter IV: Economy of McMinnville
Page 29 Chapter V: Housing and Residential Development
Page 45 Chapter VI: Transportation System
Page 65 Chapter VII: Community Facilities

B. McMinnville Municipal Code

Title 17: McMinnville Zoning Ordinance
Page 75 Chapter 17.09: Zone Classification, Boundaries and Maps
Page 75 Chapter 17.21: R-4 Multiple-Family Residential Zone
Page 81 Chapter 17.33: C-3 General Commercial Zone
Page 83 Chapter 17.48: F-P Flood Plain Zone
Page 84 Chapter 17.51: Planned Development Overlay
Page 95 Chapter 17.53: Land Division Standards
Page 120 Chapter 17.57: Landscaping
Page 121 Chapter 17.58: Trees
Page 127 Chapter 17.60: Off-Street Parking and Loading
Page 129 Chapter 17.61: Solid Waste and Enclosure Plan
Page 129 Chapter 17.62: Signs
Page 131 Chapter 17.72: Applications and Review Process
Page 139 Chapter 17.74: Review Criteria

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II. SUMMARY:

The applicant, Stafford Development Company, LLC, is requesting concurrent review and approval of multiple applications:

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Planned Development Amendment to Ordinance No. 4633
- Phased Subdivision
- (New) Planned Development
- Tree Removal Permit
- Street Tree Plan & Landscape Plan Review

In addition to the above land use actions, the applicant requests acceptance of the donation of Parcel D, 14.9 acres of land, from the property owner to the City of McMinnville for use as a public “Special Use Park” called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999.

Park Land Donation

There is no application process in this code for acceptance of the proposed land donation as well as the suggested acceptance of the dedication of open space tracts as public parks. The June 1999 Parks Master Plan (page 22) states that park acquisition is to be coordinated by the Director of Parks and Recreation. So, the applicant requests that a decision on acceptance of the proposed 14.9 acre park land donation, and a decision on whether to accept transfer of tracts in the Baker Creek North Planned Development, be coordinated simultaneously with review of these applications, so the applicant can plan for the future ownership and maintenance of those parcels.

To permit public use of the donated park land, the applicant is proposing to install a rustic pedestrian path with a bark chip surface. The proposed path will be installed as off-site improvements during Phases 2A and/or Phase 3A of the Baker Creek North Planned Development. The pathway will have connectivity to proposed common open spaces within the planned development. The off-site park improvements will also be accessible to the general public from adjacent sidewalks and the BPA trail south of the site.

Comprehensive Plan Map Amendment

This requested comprehensive plan map amendment, in conjunction with the planned development amendment as discussed below, will remove the commercial designation from 4.76 acres of the site. The applicant is proposing to replace this with a residential designation and reconfigure the comprehensive plan map consistent with the boundary of the 6.62-acre parcel proposed for commercial zoning below.

Zoning Map Amendment

The requested amendment will rezone two areas of the site. The applicant is proposing to zone a total of 48.7 acres of the site to an R4 designation. Of the 48.7 acres, the southwest 9.41 acres is existing R1 zoned land that will convert to R4 with this request. The remaining 39.29 acres to be zoned R4 currently has no urban zoning, only remnant County zoning. In addition, the requested map amendment will zone another 6.62 acres to C3, which also is an area that currently has no urban zoning, only remnant County

zoning. The portion of the site to be zoned C3 conforms to the previously mentioned Comprehensive Plan Map amendment. The area zoned C3 will also conform to the revised planned development boundary for Ordinance 4633 as described below, thus this portion of the site will be designated with a C3-PD planned development overlay.

Planned Development Amendment - Ordinance No. 4633

Ordinance 4633 was approved in October of 1996 resulting in the commercial designation of 11.3 acres of the site and a commercial planned development overlay (C3-PD) which restricts development with two conditions of approval. Ordinance 4633 was the product of Ordinance No. 4626 condition #7, which was approved in July of 1996 and required 10 acres to be designated commercial with a restriction for residential uses. Planned Development Ordinance No. 4626 was repealed in its entirety as condition #7 of City Case File No. AP 1-17 with approval of Ordinance No. 5021 in April 2017, therefore it no longer applies and has no effect on Ordinance 4633 which the applicant requests to amend here. The City ordinance that was the impetus for the creation of Ordinance 4633 is no longer in effect and circumstances of twenty years ago that generated the planned development conditions are no longer present, thus the proposed planned development amendment is prudent and warranted.

The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:

1. No more than 120 multi-family units may be developed on the site.
2. At least 2-acres of neighborhood commercial uses shall be developed on the site.

The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone.

It is the applicant's understanding that this area was designated commercial at a time when expansion of the City's urban growth boundary (UGB) westward was being pursued and this commercial area was hoped to be a large commercial center for McMinnville's (north)westward expansion. This UGB expansion to the northwest did not materialize. This has left the site with a glut of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, being a developer who has owned the site for almost four years, and having purchased it from a bankruptcy trustee, attests to this lack of demand for so much commercial land based on the lack of interest from others in the property for such uses. The commercially designated area is too large for the current pattern of development in McMinnville. A large commercial development is not appropriate since it would drain economic activity from the downtown commercial core and other established commercial centers in McMinnville. The proposed planned development amendment as established by Ordinance No. 4633, and an amendment to the Comprehensive Plan Map to decrease the area designated commercial as proposed, will allow the remaining commercial area to be regulated under current C3 zone standards. This will allow the property to more freely meet the market needs for uses allowed by the C3 zone, supporting a mix of uses such as neighborhood commercial and needed multi-family housing. The proposed amended planned development conditions will ensure this outcome.

Phased Subdivision

The residential planned development described below is proposed as a ten phase subdivision, as shown on the exhibit drawing EXH-6 Phasing Plan. The phases are clustered into three groups: Phase 1A-D, Phase 2A-2C, & Phase 3A-3C. The phases are predicted to begin in 2020 following approval of these applications and continue over the next 5-10 years as approved by the City of McMinnville.

Phase 1A will be the first phase to begin site construction, as it can be served by gravity sanitary sewer. The sanitary sewer pump station will come in Phase 1B, which can be developed before or after Phase 1C. Phase 2A will come with development of Phase 1D and Phase 3A will come with development of Phase 1B. The other phases will come in their logical order.

As indicated by the attached Existing Conditions Plan and Preliminary Utility Plans, public utilities are in the vicinity of the subject site and the facilities can be extended to accommodate the proposed development in an orderly and timely fashion.

Planned Development

This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay.

Vicinity Description

The proposed planned development site is bounded on each side with land having characteristics as follows:

Northeast: A Planned Development Amendments and Subdivision, City of McMinnville Project No. PDA 3-18/PDA 4-18/S 3-18.

East: Existing Single-family residential dwellings on R2-PD (planned development) zoned lots (Oak Ridge subdivision), and a local church property.

South: Adjacent commercial land, and NW Baker Creek Road, across from which are the phases of Shadden Claim and Baker Creek West planned developments.

Southwest: Hill Road street improvement and new traffic circle (roundabout).

West: Land in the County outside the Urban Growth Boundary (UGB) zoned EF-80.

North: Land in the Baker Creek floodplain corridor, including some upland areas outside the floodplain area designated residential on the Comprehensive Plan Map and within the Urban Growth Boundary.

Site Description

All of the subject parcels are currently vacant from an urban perspective, but have been actively farmed, primarily with grass seed. The site generally slopes down from the south to north, although a small area drains surface water to the southeast. The entire site is on top of a long bluff and out of the 100-year floodplain and away from any local drainage. The site is located north of Baker Creek Road, generally west of Shadden Drive, and east of the intersection of Baker Creek Road and Hill Road where there is a new roundabout. The project will extend proposed NW Hill Lane from the roundabout, and extend NW Meadows Drive, NW Shadden Drive, and NW Blake Street into the site from their current termini at intersections and street stubs. The applicant's road profiles and details indicate a half street improvement will be installed along the NW Baker Creek Road frontage from Meadows Dr. to Shadden Dr, and new streets within the development will be fully improved to meet City standards.

Housing

Consistent with Housing Element goals and policies of the Comprehensive Plan, the proposed Planned

Development will include a mix of housing types to meet the diverse needs of McMinnville residents. The applicant's Typical Lots sheet demonstrates that the requested R-4 zoning will allow the construction of various small, medium, and large lot single-family detached dwelling units.

Open Spaces

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include a multiple play structures, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process:

- 1) Lots: The number in the proposed seven lot types (i.e. SFD-70) reflects the typical width of the lot (i.e. 70 feet typical width). "SFD" stands for "Single-Family Detached" dwelling, and the "a" in "SFDa" stands for a lot with a garage loaded from the alley.
 - Area - The proposed seven lot types provide an overall average lot area that exceeds 4,500 square feet per lot.
 - Overall average lot area for large and medium lot types SFD-70, SFD-60, SFD-50, SFD-45, & SFD-40, where the garage faces the street, will be at least 5,000 square feet per lot. This average mimics the minimum lot size of a detached single-family dwelling in a standard subdivision.
 - Overall average lot area for small lot types SFD-30a & SFD-26a, where the garage faces an alley, will be at least 2,500 square feet per lot. This mimics the minimum lot size of a common wall construction single-family dwelling in a standard subdivision, even though this planned development approach requests these dwellings types detach from the common wall approach.
 - Orientation – Side property lines are oriented as much as practicable at 90 degrees to the roadway where the dwelling takes access. Approval will require lot orientation at the final plat to substantially conform to preliminary plat drawings PL-1 through PL-5.
- 2) Setbacks: Minimum setbacks in the planned development are illustrated on the Typical Lots exhibit for each of the seven lot types per the Lot Type Plan. Below are setbacks that **differ** from a standard subdivision. Setbacks that meet the code standard, like 20-foot setback to the face of the garage, are not listed below:
 - Internal side yard setbacks shall be 5 feet on SFD-70, SFD-60, SFD-50 and SFD-40 lots, one foot less than the standard.

- Internal side yard setbacks shall be 4 feet on SFD-45 lots, two foot less than the standard.
 - Internal side yard setbacks shall be 3 feet on each side of the dwelling on SFD-30a and SFD-26a lots, instead of 0 feet and 6 feet as would be required if these lots were built with dwellings in a standard subdivision with common wall construction. This means, the proposed lot types will have the same amount of total side yard as 2-unit town house lots in a standard subdivision would have, only no burdensome common wall.
 - Rear building setback from an alley shall be 15 feet.
- 3) Frontage: Most lots have the minimum 25 feet of frontage on a public street required by code. The lots listed below do not and the request is for approval of the access as proposed.
- Lot 131 has a flag pole with 20 feet of frontage on a public street.
 - Lot 270 has a flag pole with 20 feet of frontage on a public street with an easement over it for a private drive, which serves as a common access to serve both Lot 270 and adjacent Lot 269. As preferred by MZO Section 17.53.100C.3, Lot 269 does not have a proposed flag pole.
 - Lots 206-209 have no frontage or flag poles (as preferred by the code section stated above), rather they are served by a private drive that is in a 25-foot wide easement from a public street over the fronts of Lots 207-210.
 - Lots 21-32, 44-49, & 69-80 have more than 25 feet of frontage on a proposed public alley at the rear of the lot. In addition, the lots maintain over 25 feet of frontage on a proposed private open space tract with a pedestrian way (some end lots also have side yard frontage on a public street).
- 4) Private Drives: The following lots are served by a common drive in an easement shown on the preliminary plat, rather than a driveway with frontage on a public street.
- Lots 270 and 269, through an easement over Lot 270, see drawing PL-5.
 - Lots 206-210, through an easement over Lot 207-210, see drawing PL-3.
- 5) Driveways: Modified driveway widths at the public street as shown on the proposed Site Plan drawings SP-1 through SP-5. Driveways are paired, where possible, to facilitate on-street parking between driveways and a street tree planted between them in the parking strip between the curb and sidewalk, where possible.
- SFD-70 & SFD-60 lots have 30 feet wide driveways.
 - SFD-40 lots have 20 feet wide driveways.
 - SFD-45 lots have 18 feet wide driveways.
 - SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.
- 6) Alleys: Both through alleys and dead end alleys (of less than 150 feet) are proposed, all with a right-of-way width of 22 feet.
- 7) Blocks: Some blocks exceed the perimeter dimension standards, but are provided with mid-block pedestrian ways to ensure adequate circulation and access.
- 8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
- The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into

the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.

- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
- Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
- The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
- Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

9) Monument Signs: Two monument signs along Baker Creek Road are proposed with the dimensions described on drawing L9.0 Landscape Plan.

- One will be located in Phase 1A on the NW corner of Shadden Drive oriented to the east, and the other in Phase 1C on the NE corner of Meadows Drive oriented to the west as shown on the Landscaping Plan drawing L2.0.

Tree Removal Permit, Street Tree Plan and Landscape Plan Review

Tree removal is allowed by code as part of an approved development project, and street tree planting is required in a new residential subdivision. Trees needed to be removed to facilitate the development project are shown on landscape drawing L1.0 Street Tree Plan, as are the proposed street tree plantings in the public right of way. Modifications are requested under the planned development to allow variation to the spacing standards of street trees due to conflict with improvements. Trees that will be preserved in tracts and the rear of lots are shown with protective fencing on this drawing. Additional trees are shown to be planted in common area open space tracts within the planned development on the other landscaping plan sheets L2.0-L10.0.

Sign Permit

A subdivision monument sign is allowed by code. Two are proposed above under #9 in the list of modifications proposed with the planned development to allow them with the dimensions shown on Landscape Plan L9.0 and at the locations shown and Landscape Plan drawing L2.0.

Concurrent Review and Approval Requested

This Applicant's Statement addresses applicable provisions of the McMinnville Comprehensive Plan and the McMinnville Zoning Ordinance. Copies of the signed Application Forms, Property Deeds and Easements, Preliminary Development Plans, Geotechnical Report, Neighborhood Meeting Documentation, and Traffic Analysis Report have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. MCMINNVILLE COMPREHENSIVE PLAN

VOLUME I: GOALS AND POLICIES

RESIDENTIAL DEVELOPMENT – DESIGN CONSIDERATIONS

The final segment in this section examines the requirements which currently must be met in all new residential developments. Those requirements include the provision of a minimum level of public facilities and services and the retention of creation of parklands and open space. In addition to these requirements, the Citizens' Advisory Committee's subcommittees examined several other design considerations not currently required—including energy-efficient subdivision designs and the provision of bike and pedestrian paths—for their possible application to future residential developments. Each of these design considerations is explored below:

Public Facilities and Services Requirements

The land division ordinance, as well as other codes, set the minimum requirements for the provision of public facilities and services for new residential developments. Those requirements include the provision of sanitary sewerage collection lines, storm drainage systems, street improvements, and water service. Not only are the minimum requirements set in these ordinances, but the responsibilities of both the city and the developer for providing these facilities and services are established.

It is important that the design standards for these public improvements be adequate to handle the expected levels of development without adding unnecessary costs to the price of housing. It is noted in the transportation element of this plan that street improvement standards, especially for local discontinuous streets, should be reevaluated to allow some flexibility in improvement requirements. Still, the provision of at least a minimum level of these services must remain a priority consideration.

COMMENT:

The plans demonstrate that the provision of public facilities and services will occur concurrent with the phased development. As required, the facilities have been designed to handle the needs of the proposed development and meet requirements set forth by the McMinnville Zoning Ordinance and Public Works standards. The Applicant has received concurrence from City staff that system capacity exists for the extension of utilities service. Traffic capacity is demonstrated in the Traffic Analysis Report included with this application.

Open Space and Parklands

Open space is established in residential developments in several ways. First, the setbacks which apply in all residential zones are designed, in part, to leave a portion of each lot in open area for landscaping. In a single-family residential zone, these setbacks can reserve over 50 percent of the lot area for open space. Second, these requirements in the landscape ordinance, which apply to multiple-family developments, currently require up to 25 percent of the area to be landscaped and/or to be left in large recreational open spaces. Planned developments, finally, can combine open spaces into more efficient and usable land areas by clustering development.

Parklands are provided for through the requirements of the land division ordinance, which requires a dedication of land, or money in lieu of land, to the public. As currently written, the ordinance sets a fee per unit for those developments which have not dedicated land. The ordinance does not apply to new lots created through partitioning procedures or to mobile home park developments. The city should review the ordinance to determine the advisability of requiring these future residential units to contribute to the park funds.

COMMENT:

With approval of the proposed Comprehensive Plan Amendment, and Zoning Map Amendment applications, the applicant requests concurrent approval of the Baker Creek North Planned Development. The planned development includes the creation of 19 common open space tracts. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, and paths. Some of the tracts within the planned development are proposed for dedication to the City for future park land. The proposed tracts efficiently provide open space and recreation amenities, permitting the proposed reductions in lot sizes and in required setbacks, and the clustering of residential uses within the planned development.

In addition to the common open space tracts, the applicant is proposing to donate an additional 14.9 acres of park land adjacent to Baker Creek for a Special Use park.

Residential Development – Land Use Controls

The traditional tools for land use development—zoning and subdivision ordinances—have been employed almost exclusively in McMinnville. The zoning ordinance controls the land uses permitted within a designated area and such other concerns as minimum lot sizes, setbacks of structures from property lines, and density. The subdivision ordinance controls the actual division of land into lots, and the provision of public facilities and

amenities (e.g., parklands)—the actual design of a development.

On the whole, these land development techniques have been successful, accepted by both public and private interests. However, with changes in development technology and changing social and economic patterns, traditional zoning is being viewed as an antiquated method of land use control. Some of the problems associated with zoning include:

- 1. It is arbitrary, with lines on a map bestowing great economic windfalls to a few landowners.**
- 2. The uses allowed in certain zones (primarily commercial and industrial) often bear little relationship to the effect a land use would leave on surrounding property. For instance, certain commercial uses may be entirely compatible with residential neighborhoods, but only allowed in commercial zones.**

COMMENT:

The applicant is requesting approval of several map amendment applications to address current economic trends in McMinnville that are related to the above-mentioned residential development goals and policies. This includes the use of the planned development process to deal with “traditional zoning...being...an antiquated method of land use control.” This process allows residential development that more closely meets the needs of the community and housing market.

When the existing C3-PD designation was applied to 11.3 acres of the subject site in 1996, there was an expectation that a large UGB expansion would occur in the northwest quadrant of the City and a large regional commercial complex should be developed on the property. It was thought that residential use of the land should be prohibited to reserve it for commercial use. However, this UGB expansion effort was abandoned by the City 2011. In 2013, the City completed its Economic Opportunity Analysis (EOA), which recommends that the City re-designate some of its 235.9 acres of surplus Industrial land for regional commercial uses near the City’s downtown core. Consistent with current economic needs of the community, the proposed Planned Development Amendment, Comprehensive Plan Map Amendment, and Zoning Map Amendment will reduce the amount of Commercial designated land to 6.62 acres, which is more appropriately sized for commercial uses. The proposed planned development amendment removing conditions created by Ordinance 4633 will ensure that no less than 2 acres is used for neighborhood commercial and that no more than 120 multi-family dwelling units are created on the remainder of the commercial land area.

The proposed Comprehensive Plan Map and Zoning map amendments also address current housing needs in the community. In 2001, the McMinnville Housing Needs Analysis determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs for the 2000-2020 planning period. However, as indicated above, the City’s last UGB expansion effort was unsuccessful. Since the City’s deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently

completing its Housing Needs Analysis. The updated analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. The attached Preliminary Development Plans indicate that the applicant is proposing to rezone a portion of the site to R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs, and the proposed C3 zone with a planned development overlay will allow for multi-family dwellings to further address this urgent housing need (see Exhibit 3).

3. As methods of housing construction and subdivision design change to meet market demand, zoning restrictions often inhibit the new trend.

In reaction to these problems, planners have devised alternate methods of land use controls which try to circumvent the shortcomings of zoning and provide a more equitable method of dispersing land development rights. Some of these techniques include:

Performance Standards

A method whereby certain standards concerning traffic generation, noise levels, open space requirements, etc., are set, and as long as any development meets those standards, the use is allowed.

COMMENT:

Concurrent with the map amendments, the applicant is requesting approval of a Planned Development application. The applicant has addressed the planned development approval criteria with this narrative to demonstrate how the proposal meets applicable performance standards as well or better than residential developments that are approved under typical subdivision standards.

Transferable Development Rights (TDRs)

Involves the transfer of the right of land development from one parcel of land to the next, with both owners benefiting financially.

COMMENT:

The applicant is not proposing transferable development rights with the submitted applications.

Purchasing of Development Rights

A technique whereby the government purchases the development rights to property but the landowner retains title to the land and continues to use it for farming, forestry, or some other use deemed desirable for the community.

COMMENT:

The applicant is not proposing to sell development rights with the submitted applications.

Density Bonus Incentive Zoning

A variation of traditional zoning that permits the modification of standards to allow developers greater leeway in land use utilization provided that some other public good is offered as a tradeoff. For instance, a developer may be allowed to build additional units on the land as long as a certain amount of open space is provided or a bikeway system is developed.

In McMinnville, the alternative to traditional zoning has been the use of the planned development concept.

COMMENT:

As mentioned above, the applicant is requesting approval of a Planned Development application with the proposed map amendments. As demonstrated by the attached preliminary development plans, the applicant is not proposing to exceed the maximum density of the R-4 zoning district. The applicant also intends to apply the base zone density to the commercial area of the site, whose amended planned development condition would allow no more than 120 multi-family dwelling units.

Planned Developments

The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area's future residents. Unlike conventional zoning, planned developments allow for varying of lot sizes, flexibility in design, and integration of different building types such as townhouses, multi-family units, and single-family homes. In addition, amenities such as common open areas, playgrounds, and recreation centers may be provided to the development's residents. Typically, structures in a planned development are clustered in such a manner as to achieve the same overall density that would have been achieved if the developer had laid out the project in a conventional grid lotting pattern.

Since the PD concept encompasses planning on the level of a "community" or "neighborhood" area rather than on the basis of "single" or "individual" lots, the elements of the development can have a

close relationship to each other. Numerous studies have shown that construction cost of roads can be less for the developer (many PDs require less roads than conventional developments), and municipal services can also be provided at less cost.

McMinnville's zoning ordinance allows planned developments in two ways—as an overlay over an area in which conditions for approval for development are specified and as an overlay which accompanies a specific development plan submitted by a developer. As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.) while allowing developments to achieve the overall density of the underlying zone. The flexibility of these provisions is attractive to developers. It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required. It is also imperative that the conditions attached to these planned developments, especially as they concern the technical aspects of the development (including those requirements of the underlying zone) are carefully considered and then specified.

Based on the information presented on land use controls, the City finds that:

1. The traditional tools for land use development—the zoning and subdivision ordinances—have been used almost exclusively in McMinnville until recently.
2. A number of alternative development tools are available for land use control; these tools merit future consideration by the City. They include: performance standards, transferable development rights, the purchase of development rights, and density bonus incentive zoning.

COMMENT:

As stated above, the proposed map amendments will allow approval of Baker Creek North, a residential planned development that maintains the density of the underlying R-4 zone. The attached preliminary development plans demonstrate that housing will be clustered for efficient provision of transportation and utilities facilities. The proposed open space tracts will function as community gathering spaces and

will address both active and passive recreational needs of the neighborhood. Proposed recreational facilities also include the development of an off-site trail within 14.9 acres of donated park land north of the development. As such, the proposed amenities on-site and off-site improvements on the donated land are being provided in excess of what is normally required under traditional subdivision and zoning ordinances. These benefits associated with the proposed planned development will be provided without a request for transferable development rights, the purchase of development rights, or density bonus incentive zoning.

3. The planned development provisions of the zoning ordinance have been used extensively in McMinnville. Advantages of planned developments include:

- **Less expense in development and maintenance than the conventional grid design if properly designed. More efficient use of streets and sewers can allow savings to accrue not only to the housing consumer, but also to the local government body which must ultimately service the new population's needs.**
- **Opportunities for the development to design with flexibility, incorporating street patterns and residential arrangements which effectively utilize the land and can protect unique natural areas.**

COMMENT:

The applicant is proposing use of the City's planned development provisions to create attainable housing opportunities for a variety of income levels. The proposed mix of small, medium, and large lot single-family dwellings will address the diverse housing needs of the community. As demonstrated by the attached preliminary development plans, efficient provision of transportation and utility services will be achieved by the proposed street layout and the use of alleys. Smaller yards and increased density along the south side of the site is consistent with the goals of the transit corridor along Baker Creek Road, while larger lots in the northern portion of the site provide a buffer for the natural area associated with the donated special use park land.

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

COMMENT:

The Baker Creek North Planned Development provides several public benefits in addition to varied

housing options. The mix of housing types will promote social inclusion and a more diverse street scape, adding to homes and property values, as opposed to a monotonous cookie cutter pattern of a standard subdivision approach. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for more reduction of resource consumption in terms of yard maintenance costs and use of alternative transportation modes such as walking or biking, and eventually transit use, once added as planned by local authorities.

The attached Landscape Plans demonstrate that 19 open space tracts are proposed to be developed with pedestrian pathways and recreation amenities. The recreational spaces will be attractively landscaped as shown on the landscaping plans included in the application materials. Proposed amenities including multiple play structures, picnic shelter, picnic tables, and park benches. The community spaces will support active and passive recreation interests and promote social interaction among the residents.

5. **When planned developments are utilized, it is important that those requirements which are varied in the zoning ordinance are carefully considered and that new requirements are clearly specified.**

COMMENT:

As required, the applicant has addressed how the proposed Code standard modifications are offset by the proposed amenities. The requested modifications are detailed in this narrative and include variations from the minimum lot size, setback, and frontage requirements. The applicant is also proposing to include common drives, paired driveways, alleys, pedestrian accessways, and modified street tree spacing within the planned development.

Additional Design Considerations

Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few

selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs. Close attention to maintenance costs to the public will, however, have to be monitored. Based on the information presented on residential development design considerations, the City finds that:

1. **A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.**

COMMENT:

The submitted plans demonstrate that the proposed development meets City standards for sanitary sewer, storm, and water services. The proposed street improvements will support all modes of transportation. Pedestrian accessways are proposed, helping to encourage alternative modes of travel to parks, schools, and other activity centers.

2. **Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. Planned developments can preserve large open areas for open space by clustering development in smaller areas. The requirements of landscaping ordinance also insure that multiple-family developments provide both open recreational space and landscaped open areas.**

COMMENT:

The attached Preliminary Site Plan indicates that the applicant is proposing to reduce setbacks for some of the housing types in order to cluster the residential development and preserve more of the site for common open space. As a result, larger open space areas are provided with the proposed planned development than what is normally provided if the site were subdivided under traditional zoning. Besides the preservation of open space in tracts to off-set smaller lots and smaller yard setbacks on some lots, some lots have larger yards and larger setbacks, thus open space is also preserved in larger yards (i.e. on the east edge of the site adjacent to Oak Ridge subdivision).

3. **Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of moneys in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all**

future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

COMMENT:

The submitted plans indicate donation to the City of several open space tracts with recreation amenities within the Baker Creek Planned Development. The other tracts not desired as park land for the City will be owned and maintained by a homeowners association. In addition, the applicant is proposing to donate a separate 14.9 acre parcel to the City as park land. To facilitate public use of the park land, the applicant is proposing to install off-site pedestrian trail improvements within the donated land during Phase 2A and/or Phase 3A of the Baker Creek North Planned Development project to connect the BPA corridor to the east, such that it may extend east to Tice Park with improvements off-site by others as envisioned in the City's parks plan of 1999.

- 4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.**

COMMENT:

The attached plans illustrate that the proposed streets are laid out in an east-west direction to the maximum extent possible given limitations of the existing topography, significant natural features along the north boundary of the site, and the existing street pattern.

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

COMMENT:

The applicant's Preliminary Landscape Plans illustrate how proposed pedestrian paths within the common open space tracts and the proposed pedestrian accessways connect to recreation facilities within the site and to those which abut the site. Specifically, the plans indicate that a proposed pedestrian pathway directly connects to the powerline (BPA easement) trail south of the site. In addition, the plans demonstrate that several pedestrian paths will provide connections to a proposed off-site trail within the donated park land adjacent to Baker Creek.

VOLUME II: GOALS AND POLICIES

CHAPTER IV: ECONOMY OF MCMINNVILLE

Commercial Development

Goal IV 2: To encourage the continued growth of McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the city and county residents.

COMMENT:

This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City’s last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

Policy 21.04: The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.

COMMENT:

The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City's Sanitary Sewer system's capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy's workforce and appropriately scaled commercial area.

Policy 21.05: Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.

COMMENT:

The proposed C3 zoned area of the site is in an area already designated for commercial on the City's comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according to the City's comprehensive plan goals and policies.

Goal IV 3: To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future commercial lands, and discouraging strip development.

COMMENT:

The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

General Policies:

Policy 22.00: The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

COMMENT:

As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City's 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused

industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

Policy 24.00: **The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.**

COMMENT:

The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

Locational Policies:

Policy 24.50: **The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis.**

COMMENT:

The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City's ability to meet its commercial land needs.

The EOA provides specific recommendations to fulfill the City's economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant's proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

Policy 25.00: **Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.**

COMMENT:

There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately

located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

Policy 26.00: **The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.**

COMMENT:

No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates “heavy traffic”. That type of commercial should be located on arterials and in the central business district per this policy. The applicant’s attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

Policy 27.00: **Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.**

COMMENT:

This commercial designated area is across the street from residential areas. No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the proposed C3 zoned area will be appropriately scaled as allowed by the C3 zone. There are residential areas around the commercial parcel and neighborhood oriented commercial uses of no less than 2 acres are proposed with the amendment to the planned development overlay, which will make future commercial uses less intensive than envisioned by the current Ordinance 4633.

Design Policies:

Policy 29.00: **New direct access to arterials by large-scale**

commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

COMMENT:

No specific commercial use is proposed at this time. Consideration to land uses and traffic patterns will be given for any commercial uses proposed in the future on the proposed C3 zoned area, if access to arterials is sought. The proposed residential development plans internal circulation roads and access to the minor arterial Baker Creek Road at three points: 1) An extension of the north leg of Hill Road and Baker Creek Road roundabout in the form of a street proposed as Hill Lane, 2) An extension of Meadows Drive north from its current intersection with Baker Creek Road where new striping will be added for bike lanes, and 3) An extension of Shadden Drive north from its current intersection with Baker Creek Road where new striping will also be added for bike lanes. Both Meadows and Shadden drive will have additional pavement width on the west side of their sections to allow for a right turn lane.

Policy 30.00: Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.

COMMENT:

The C3 zoned area is located adjacent to NW Baker Creek Road, a minor arterial street. Future access to the commercial uses will not focus traffic through residential neighborhoods or reduce the carrying capacity of the adjacent streets. The traffic analysis provided with this application showed that, in the worst case scenario, the capacity of adjacent streets is sufficient.

Policy 31.00: Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.

COMMENT:

No specific commercial use is proposed at this time. A design to minimize bike and pedestrian conflicts and provide connections can be considered at the time of a future commercial development application. These travel modes are facilitated by the proposed semi-grid like street pattern of the adjacent residential developments and other pathways.

Proposals:

Policy 6.00: A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

COMMENT:

The submitted plans indicate that the applicant is not currently proposing to develop the C3 zoned portion of the site. Prior to development of the site, a commercial use development application will be submitted for review of the proposed site design, circulation, parking facilities, and landscaping features. The traffic study provided with this application demonstrates that in the worst case scenario, there is sufficient off-site capacity in the surrounding street network for future uses of the commercial site.

CHAPTER V: HOUSING AND RESIDENTIAL DEVELOPMENT

Goal V 1: To promote development of affordable, quality housing for all city residents.

General Housing Policies:

Policy 59.00: Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

COMMENT:

In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

Goal V 2: To promote a residential development pattern that is land intensive and energy-efficient, that provides for an urban level of public and private services, and that allows unique and innovative development techniques to be employed in residential designs.

COMMENT:

In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

Policies:

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

COMMENT:

The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

Policy 69.00: The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

COMMENT:

This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

Westside Density Policy:

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

COMMENT:

The Baker Creek North site is located within a ¼ mile of the north side of a planned transit corridor. The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the area of Baker Creek North as adjacent to a planned transit corridor in Figure 2-11 (page 2-18), Figure 6-18 and 6-19 (pages 6-26 and 6-27 respectively).

The area is labeled as 1b. Baker Creek Road and Hill Road on the TDP's Figure 2-11 Potential Future Transit Service Areas. Route "5" is labeled as a future route serving Baker Creek Road on the TDP's Figure 6-18 System Map and Figure 6-19 McMinnville map, both subtitled Near-Term, Short-Term and Mid-Term Changes. Finally, the TDP's page 6-31 shows this planned new transit corridor as Project ID number SL9.

The significance of the proximity of the Baker Creek North site being within ¼ mile of this transit corridor is that that area is not limited by the 6 units per acre density applied to areas outside of ¼ mile of a planned transit corridor by Policy 71.01. The proposed planned development amendment condition to allow no more than 120 dwelling units would allow multi-family to be dispersed into this area. This area is also within a ¼ mile of the transit corridor, so it is not limited by the 6 units per acre policy.

The submitted Preliminary Development Plans indicate that 280 single-family dwellings will be constructed within the site's 48.7 acre planned development. Virtually the entire planned development site is inside the transit corridor, less than ¼ miles away from Baker Creek Road. The planned development area has a gross density of 5.75 units per acre, and a net density of 8.16 dwelling units per net acre. Therefore, the planned densities meet this policy.

- 1. It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain, and parklands will not be included in the density calculations.**

COMMENT:

Over the past year, the City's Planning Director and City Engineer have evaluated and provided feedback regarding the preliminary plans for the proposed residential development during multiple meetings with the applicant.

As mentioned above, the proposed planned development provides a gross density of 5.75 units per acre and is inside the transit corridor. This is less than the 6 units per acre established by these policies. The planned development density within the transit corridor is an appropriate density along a transit corridor per Policy 71.01 (above) and to provide a compact urban form along those areas where existing services already exist per Policy 68.00 (above).

The entire site is privately owned, so no portion is school property or parklands. No area of floodplain exists on the proposed development site. Therefore, none of these three area types is included in the density calculations. Analysis has been done in conjunction with City staff to confirm that public facilities and services have the capacity to support the proposed commercial area under the planned development amendment application, in addition to the proposed density of the new residential planned development described above. The Applicant seeks the City Planning Director and the City Engineer's positive determination through a decision of approval for these planned densities on both the new residential planned development area and the commercial parcels amended planned development area.

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

COMMENT:

Allowing the development proposed and future development of the commercial lot will not cause other properties to develop at less than 6 dwelling units per acre. The proposed development is at the end of the sewer line, so there are no uphill properties within this sewer service area with pending development dependent on surplus sewer service capacity. There have also been recent improvements made by the City to the sewer system capacity. Thus, the proposed project will not generate a lack of sewer capacity.

5. **Applications for multiple-family zone changes will be considered in relation to the above factors, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set for in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the zoning ordinance**

COMMENT:

The applicant is requesting approval of a Zoning Map Amendment application to designate 48.7 acres of the site as R-4 (Multi-Family Residential). The proposed planned development addresses the above factors in this narrative. As required, the applicant has addressed in this narrative below how the proposed zone change meets those factors set forth by Section 17.74.020 of the zoning ordinance. There is sewer capacity, per analysis completed with the City. The submitted applications illustrate a common sense dispersal of dwelling unit types with higher residential density closer to parks, transit, commercial uses, and arterial streets and lower density farther away.

Policy 71.05: **The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.**

COMMENT:

As required, the applicant has addressed applicable policies of the Comprehensive Plan to demonstrate consistency with the proposed Zoning Map amendments. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

While the 2001 Residential Land Needs Analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply. As indicated by the attached Preliminary Development Plans, the applicant is proposing to rezone a portion of the site R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs (see Exhibit 3).

Policy 71.09: Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

COMMENT:

Much of the proposed planned development area north of Augustine, Charles and Wessex, respectively, will be developed with blocks in a medium-density range (4-8 dwelling units per net acre) like most of McMinnville. These lots south of Augustine, Charles, and Wessex, respectively, have density ranges by block from about 10 to 15 units a net acre. Bringing the overall site to just over 8 dwelling units per net acre.

- 1. Areas that are not committed to low density development;**

COMMENT:

The applicant is requesting approval of a Zoning Map Amendment to change 9.41 acres of existing R1 zoned land to an R4 classification. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that 63.9 acres of additional R4 zoned land should be added the UGB. As mentioned above, the City is currently conducting a Housing Needs Analysis and has found that McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB for the 2018-2041 planning period.

When the City's UGB last expansion effort was undertaken in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since a future UGB expansion effort could have similar challenges, some existing low-density residential land should be changed to medium and high-density designations. The proposed R4 zoning of the 9.41 acres of existing R1 zoned land will permit an increase in residential density, helping to address the City's critical need for additional housing units without expanding the City's UGB.

- 2. Areas that have direct access from collector or arterial streets;**

COMMENT:

The attached Preliminary Development Plans indicate that the proposed R4 zoned portion of the site, and the C-3 zone area, are located directly adjacent to NW Baker Creek Road, a minor arterial street (see Exhibit 3). The proposed planned development is provided consolidated access onto NW Baker Creek Road from the proposed extensions of NW Hill Lane, NW Meadows Drive, and NW Shadden Drive.

- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;**

COMMENT:

The submitted Preliminary Development Plans indicate that the proposed R4 zoned area of the site is not constrained by environmental factors such as topography, flooding, or poor drainage. The proposed planned development is located outside of the riparian corridor along Baker Creek north of the site, where a 100-year floodplain limits development.

- 4. Areas where the existing facilities have the capacity for additional development;**

COMMENT:

The Existing Conditions Plan demonstrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant worked with City staff to confirm sewer and other utility capacity exits. The submitted plan also indicates that NW Hill Road's transportation facilities have recently been upgraded and a roundabout has been installed at the intersection with NW Baker Creek Road adjacent to the site. The City is adding center turn lane striping to Baker Creek Road. These transportation facilities can accommodate future development of the subject site as well as other developable properties in McMinnville's northwest quadrant. This is further demonstrated by the transportation study provided with this application.

- 5. Areas within one-quarter mile of existing or planned public transportation; and**

COMMENT:

The proposed R4 zoned area and C3 zoned area are currently located within ¼ mile of planned public transportation as described in the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I (see also response to Policy 70.01 above).

- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.**

COMMENT:

There are no low density residential areas adjacent to the Baker Creek North site that are planned for high density residential uses.

There is a church and a residential development known as Oak Ridge east of the site that was developed with an R2-PD overlay zone. There is also a proposed development northeast of the site, which is a new residential development and a modification of an old approved development. These areas are not low density even though underlying zoning may be R-2 because net density is over 4 units per acre, classifying them as medium density developments per Policy 71.09 above. The proposed lots in this area

of Baker Creek North Planned Development are larger, therefore they will not be development at a higher density. The attached Preliminary Development Plans demonstrate that the proposed lots adjacent to the Oak Ridge development are extra deep to retain the mature trees along this boundary. The trees and extra deep rear yards will help buffer this existing development, regardless of how density is measured for the adjacent development.

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

- 1. Areas which are not committed to low or medium density development;**

COMMENT:

In 2001, the City adopted the McMinnville Housing Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meeting higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application in 2011. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

As mentioned above in response to Policy 71.09 1., the City is currently conducting a Housing Needs Analysis and has found that an additional 449 acres should be added to the UGB to meet housing needs over the next 20 year planning period. When the City's last attempt to expand the UGB occurred in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since only a portion of the current housing need can currently be accommodated by Residential designated land within the UGB, some low-density residential land will need to be changed to medium and high-density designations. The proposed R4 zoned portion of the site, most of which has not yet received urban zoning, is not currently committed to low or medium density housing. This area and the 9.41 acres zoned R1 that will change to R-4 classification will allow a needed increase in residential density, helping to address the City's critical need for additional housing units. These factors make this area appropriate for high density residential development.

- 2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;**

COMMENT:

As mentioned above in response to Policy 71.09 2., there are no established low-density residential areas adjacent to the site. To the south of the site, the proposed planned development is buffered from existing residential areas with an R1-PD zone overlay by NW Baker Creek Road, a minor arterial street. To the east of the site is the Oak Ridge Subdivision, which has been developed with medium-sized lots in the R2-PD zone overlay. The proposed development has extra deep lots adjacent to the Oak Ridge lots to allow existing trees to remain in the rear yards as a buffer. Mitigation measures to buffer the proposed development are not required since there are no low-density residential areas adjacent to the

site.

- 3. Areas which have direct access from a major collector or arterial street;**

COMMENT:

As mentioned above in response to Policy 71.09 4., the proposed R4 zoned portion of the site is located directly adjacent to NW Baker Creek Road, an arterial street. The proposed planned development is provided with consolidated access to NW Baker Creek Road, a minor arterial street, from the proposed extensions of NW Hill Lane, NW Meadows Drive, NW Shadden Drive. Therefore, the proposed access is appropriate for the high-density development.

- 4. Areas which are not subject to development limitations;**

COMMENT:

The development site is appropriate for high-density development since it is not constrained by development limitations.

- 5. Areas where the existing facilities have the capacity for additional development;**

COMMENT:

The submitted Existing Conditions Plan illustrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant completed analysis in conjunction with the City which concluded sewer capacity exists to serve the site. The submitted plan also indicates that NW Hill Road's transportation facilities were recently upgraded with the addition of a roundabout at the intersection with NW Baker Creek Road. Center turn lanes on Baker Creek Road were also added by the City. The transportation improvements were designed to accommodate future development of the subject site and other developable properties in the northwest area of McMinnville. Sufficient existing capacity of facilities adjacent to the site make it appropriate for high density residential development. This is further evidenced by the traffic analysis provided by the applicant with this application.

- 6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;**

COMMENT:

As discussed above in response to Policy 71.09 5., all of the proposed R-4 zoned and C-3 zoned areas are located within one-half mile of planned public transit routes. This proximity to planned public transit routes makes this area appropriate for high density residential development.

- 7. Areas within one-quarter mile from neighborhood and general commercial**

shopping centers; and

COMMENT:

The applicant is proposing a Zoning Map amendment to designate 6.62 acres within the C3 zone in the southwest corner of the site, conforming to the Commercial Comprehensive Plan designation for that parcel. This proximity to a commercial designated land qualifies this site for high density residential development, and the proposed R4 zoning classification requested.

8. Areas adjacent to either private or public permanent open space.

COMMENT:

Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

Planned Development Policies:

Policy 72.00: Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

COMMENT:

As this narrative and responses to these Policies have demonstrated, the proposed zoning of R4 for the residential designated portions of the site is appropriate due to the site characteristics. The applicant could develop the site with a standard subdivision approach to meet the R4 standards with basic 2,500 square feet common wall dwelling lots (townhouses) and 5,000 square feet cookie cutter detached single-family dwellings. However, because it is written in Policy 72.00 that it is the City's policy that planned developments shall be encouraged and be the favored form of residential development in the City, and in order to allow the developer to use unique and innovative development techniques as is the City's goal (see Goal V 2 above), the applicant has prepared a planned development application for the R4 zoned portion of the site to help meet the City's goals and policies. Likewise, the applicant is proposing to amend the planned development overlay created under Ordinance 4633 to strike the existing conditions and allow no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units on the C3 zoned portion of the site.

The Baker Creek North Planned Development will accrue the benefits sought by this policy in many

ways, some of which are highlighted here. The development provides a bounty of open space, common walkways and recreational amenities to support the social fabric of the community and creating habitat space to benefit the environment. The proposed lot sizes and building setbacks create attainable housing choices for a variety of income levels. The mix of housing will promote social inclusion and an aesthetically diverse streetscape adding to the value of homes and property. The volume of new dwellings will help support the community's need for housing, providing economic and social benefits for the City. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for a reduction of resource consumption in terms of yard maintenance costs as well as an incremental reduction in transportation costs since more residents will live closer to the arterial and have convenient access to transit options in the future. Therefore, environmental benefits will be provided by a reduction in pollution that comes from less yard maintenance and fewer vehicle trips for residents. Higher density housing in the planned development will support the demand for future planned transit, which will deliver a social, economic and environmental benefit to all residents in that corridor.

Policy 73.00: Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

COMMENT:

The attached Typical Lots Plan indicates that the applicant is proposing 7 different single-family lot sizes with specifications to provide a variety of housing types within the development. Lots that would normally contain a common wall structure (a.k.a. townhouse) are proposed with side yards, so the lots are wider than the standard to accommodate the yards. These planned development lots allow a product that is similar to a townhouse, but better for the occupant in many ways, including livability, independence and privacy. These two types (SFD-26 & SFD-30) are the "small" lots. The two types (SFD-45 & SFD-40) slightly smaller than standard R-4 lots are "medium" lots. Lots larger than standard R-4 lots (SFD-50, SFD-60, & SFD-70) are "large" lots. The Preliminary Site Plans illustrate that some of the lots will be accessed by alleys and others directly from the street. Some will even have front yards facing a common walkway and green space. Also, lot sizes vary from street to street or block to block, and sometimes even alternate from lot to lot. This unique approach to the lot layout adds to the variety of housing available on a given street. Depending on the lot size, single-family homes will be developed as either one or two-story structures. With different single-family dwelling choices on small, medium and large sized lots, the planned development will offer attainable housing for a wide range of income levels within the community.

Policy 74.00: Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

COMMENT:

The applicant has sited the proposed planned development to capitalize on its location along the bluff overlooking the Baker Creek riparian corridor. The general natural topography of the site will be retained with the proposed development. Proposed Tract F is an open space that will have a public path, benches and picnic amenities for the community, with excellent views of this natural feature. Tract L is also an area that will contain a trail with public access to view this significant adjacent natural area. Tract N is being preserved as a common open space with significant trees, and the trees on the rear of the lots along the east boundary adjacent to Oak Ridge development are also preserved, along with various

single trees on the rear of lots along the site's boundary. (see Landscape Plans)

Policy 75.00: Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

COMMENT:

The Baker Creek Planned Development includes 19 proposed common open space tracts that are designed to directly benefit future residents of the development. After the proposed open space tracts are developed with active and passive recreation amenities as shown on the applicant's Landscape Plan sheets and the final plat records for the respective phase of development, the applicant is proposing to dedicate those tracts and facilities to the City of McMinnville that the City desires to own. Any tracts not dedicated or accepted by the City will be transferred to an incorporated homeowners association with an assessment and reserve fund to maintain the common areas for the community.

Policy 76.00: Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

COMMENT:

The submitted Preliminary Site Plans identify the location of 19 common open space tracts that are dispersed throughout the Baker Creek Planned Development and readily accessible to future occupants of the development. They are all adjacent to a public street with a sidewalk.

Policy 77.00: The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

COMMENT:

The submitted Preliminary Site Plans and Preliminary Landscape Plan demonstrate how the proposed sidewalk and street system promote safe and efficient travel throughout the development. Roadways are fully looped with no cul-de-sacs. The plans illustrate how pedestrian and bicycle travel will be enhanced with the development of accessways which shorten the distance between residential blocks and provide access to open space areas. The proposed improvements include widening and striping the north side of Baker Creek Road to add a bike lane and extra wide sidewalk, as well as a center turn lane. Both Meadows Drive and Shadden Drive include a three-lane section at their southern ends with a right turn lane from these streets onto Baker Creek Road.

Policy 78.00: Traffic systems within planned developments

shall be designed to be compatible with the circulation patterns of adjoining properties.

COMMENT:

The submitted Preliminary Site Plan demonstrates that the proposed planned development connects to all streets which are stubbed to the subject site (see Exhibit 3). To provide connectivity and compatible circulation with adjoining properties, the applicant is proposing to extend NW Blake Street, NW Shadden Drive, NW Meadows Drive, and proposed NW Hill Lane with the proposed development. The internal streets are also stubbed out to facilitate future development of adjacent underdeveloped parcels.

Residential Design Policies:

Policy 79.00: The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

COMMENT:

The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site's development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract "G" in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

Policy 80.00: In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

COMMENT:

The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

Policy 81.00: Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

COMMENT:

Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

Multiple-family Development Policies:

Policy 90.00: Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.

COMMENT:

The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

Policy 92.00: High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

COMMENT:

As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

Policy 92.01: High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.

COMMENT:

No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

Policy 92.02: High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.

COMMENT:

To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

Urban Policies

Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
2. Storm sewer and drainage facilities (as required).
3. Streets within the development and providing access to the development, improved to city standards (as required).
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).

COMMENT:

As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to

the site from adjacent main lines.

CHAPTER VI: TRANSPORTATION SYSTEM

Goal VI: To encourage development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

COMMENT:

The development of the sites outlined in these applications will result in the improvement of the north side of the minor arterial called Baker Creek Road which to allow for the coordinated movement as envisioned by the City's Transportation System Plan. The proposed on-site streets, pedestrian accessways, and trail improvements will also promote this goal.

Streets Policies

Policy 117.00: The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

COMMENT:

This policy is met by the proposed roadways and lot frontages along those right-of-ways in the application's plans.

Policy 118.00: The City of McMinnville shall encourage development of roads that include the following design factors:

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

COMMENT:

The attached preliminary development plans indicate that the proposed road sections meet the City design standards. Where proposed Charles Street does not extend straight east from proposed Alfred Drive to proposed Gregory Drive, a pedestrian path is provided to ensure minimal adverse effects on adjacent natural features as encouraged by factor 1 above. Where large blocks are proposed with mid-block pedestrian paths instead of streets under the flexibility proposed by the planned development application, policy design factor 2 above is being supported. The extra right turn lanes for southbound traffic at Meadows Drive and Shadden Drive are supporting design factor 3 above. The development will support all modes of transportation as encouraged by design factor 4. Connectivity to adjacent developments and extension of existing streets is proposed, while no cul-de-sacs are planned to provide conformance with design factor 5. Therefore, all design factors of this policy are met by the proposal.

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

COMMENT:

The existing Baker Creek Road transportation corridor will be more efficiently utilized with this proposal, meeting the intent of this policy.

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

COMMENT:

The applications propose access at existing street intersections with Baker Creek Road. The traffic analysis provided shows this can be done safely even in the worst case scenario. No development or other access to Baker Creek Road from the commercial property is proposed at this time, although it may be proposed at a future time upon application for site development of that parcel.

Policy 121.00: The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

COMMENT:

No direct access is proposed from the residential development to Baker Creek Road. Street intersections from this large scale residential development are proposed to match up with opposite existing intersections.

Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three

functional road classifications:

1. Major, minor arterials.

–Access should be controlled, especially on heavy traffic-generating developments.

–Designs should minimize impacts on existing neighborhoods.

–Sufficient street rights-of-way should be obtained prior to development of adjacent lands.

–On-street parking should be limited wherever necessary

–Landscaping should be required along public rights-of-way.

COMMENT:

Proposed improvements in all phases developed along Baker Creek Road will control and limit access to the existing intersections. The designs include an extra right turn lane at Meadows Drive and Shadden Drive to minimize delay. Approval of the development will also create additional connectivity to the minor arterial for other developments via streets stubbed to adjacent properties. The proposed extension of exiting streets stubs will also disburse traffic volumes in adjacent residential communities. The attached plans indicate that required right-of-way widths are provided to facilitate the street improvements. No on-street parking is proposed on Baker Creek Road, an arterial street. Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

2. Major, minor collectors.

–Designs should minimize impacts on existing neighborhoods.

–Sufficient street rights-of-way should be obtained prior to development of adjacent lands.

–On-street parking should be limited wherever necessary.

–Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)

–As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.

COMMENT:

No collector streets are proposed with these development applications.

3. Local Streets

–Designs should minimize through-traffic and serve local areas only.

–Street widths should be appropriate for the existing and future needs of the area.

–Off-street parking should be encouraged wherever possible.

–Landscaping should be encouraged along public rights-of-way.

COMMENT:

Anticipated through-traffic on local streets will serve this neighborhood only, not the larger regional area. The proposed street widths are standard for local streets. The width increases in the southern segments at the approach to Baker Creek Road to allow right turn only lanes. Off-street parking is encouraged with standard 20-foot driveway depths for two off-street parking spaces in front of the garage at a minimum on all single-family lots. Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

Policy 123.00: The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.

COMMENT:

All of the proposed street improvements are within the urban grown boundary and rights-of-way will be dedicated to the City after improvements to City standards are installed in compliance with this policy.

Policy 125.00: The City of McMinnville shall adopt measures to control access onto U.S. Highway 99W from heavy traffic-generating developments. Planned development overlays on new large

commercially or industrially designated areas adjacent to the highway would give the City needed access controls.

COMMENT:

No access to Hwy 99W is proposed as this site is not the vicinity of the highway. Therefore, this Policy is not applicable.

Parking Policies

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

COMMENT:

The proposed developments will achieve sufficient off street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum.

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

COMMENT:

The proposed developments will encourage off-street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum. The commercial parcel will also be provided with off-street parking. No parking will be allowed on Baker Creek Road, an arterial street.

Policy 128.00: The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.

COMMENT:

The site is not downtown. This Policy is not applicable to this application.

Bike Path Policies

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

COMMENT:

These development applications will result in the phased improvement of the north side of Baker Creek

Road with a bicycle lane in the shoulder. The improvements also include an extension of the power line trail into the site with a connection to on-site walkways. As such, the improvements will connect people with elements called for in this policy.

Policy 130.05: In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.

COMMENT:

The applicant is proposing to install a bike lane on the north side of Baker Creek Road as phases of the planned development are constructed, meeting this policy.

Policy 131.00: The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

COMMENT:

The residential planned development will dedicate several tracts to the City for public park land in phases as part of the amenities offered with the planned development application. The applicant is also providing several private common area tracts which will be retained by the development's homeowners association. The open spaces will include paths and scenic areas for both active and passive enjoyment. In addition, the applicant is offering to donate an adjacent parcel to the City for use as a special use park with high natural recreational value to help the City meet its Park Master Plan goals.

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

COMMENT:

The proposed bike lane on Baker Creek Road will connect the surrounding neighborhoods. The connection of proposed sidewalks and open space tracts to the power line trail at Meadows drive will provide a route to other parks and other activity areas to the south of the site. Therefore, this policy is met by the proposed development.

Complete Streets Policies

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).

COMMENT:

The site is relatively flat, and the streets, walkways, and ramps are planned to comply with ADA standards.

2. Incorporate features that create a pedestrian friendly environment, such as:
 - a. Narrower traffic lanes;
 - b. Median refuges and raised medians;
 - c. Curb extensions (“bulb-outs”);
 - d. Count-down and audible pedestrian signals;
 - e. Wider sidewalks;
 - f. Bicycle lanes; and
 - g. Street furniture, street trees, and landscaping

COMMENT:

The internal local streets will have traffic lanes that conform to City local street standards. Wider sidewalks are proposed along the north side of Baker Creek Road, on the west side of Meadows Drive to the roadway’s first intersection, and for internal mid-block paths. The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

3. Improve pedestrian accommodation and safety at signalized intersections by:

- a. Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.
- b. Timing signals to minimize pedestrian delay and conflicts.
- c. Balancing competing needs of vehicular level of service and pedestrian safety.

COMMENT:

There are no signalized intersections near or internal to the site. This section is not applicable.

Connectivity and Circulation Policies

Policy 132.26.00: The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.

COMMENT:

The proposed improvements to transportation infrastructure support this policy.

Policy 132.26.05: New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.

COMMENT:

The proposed new street connections have the elements to create the connectivity envisioned by this policy.

Livability Policies

Policy 132.35.00: Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public

transit, bikeways, sidewalks, and walkways.

COMMENT:

The street layout and the mid-block paths proposed are designed to encourage residents to walk and bike, and with density oriented closer to the future transit corridor, the transportation improvements will facilitate use of public transit in the future as stops will be close and walking distances reasonable. Homes are oriented away from arterial streets and landscaped open space tracts will buffer noise. Therefore, the proposed development supports this policy.

Health and Welfare Policies

Policy 132.36.00: Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

COMMENT:

The development has been designed to encourage walking to local amenities which will support this policy.

Aesthetics and Streetscaping Policies

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville’s transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

COMMENT:

The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

Circulation Policies

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

- 1. Pedestrian circulation;**
- 2. Enhancement of emergency vehicle access;**

3. Reduction of emergency vehicle response times;
4. Reduction of speeds in neighborhoods, and
5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.

COMMENT:

All proposed street improvements include sidewalks to provide adequate circulation. Emergency vehicle access is ensured through the provision of streets built to City standards and the avoidance of cul-de-sacs through the planned looping of the internal street network. Temporary fire turn-arounds and fire lanes can be provided as necessary with the phasing of the project.

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

COMMENT:

No cul-de-sac streets are proposed, providing conformance with this policy.

Policy 132.41.10: Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network. (Ord. 4922, February 23, 2010)

COMMENT:

No physical barriers are proposed. This policy is met.

Policy 132.41.15: Establish Truck Routes – To support the efficient and safe movement of goods and freight, the City should establish and identify truck routes to the city’s major destinations. Such routes should be located along arterial roadways and should avoid potential impacts on neighborhood streets.

COMMENT:

This policy is not applicable to these applications.

Policy 132.41.20: Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.

COMMENT:

The roadway improvements proposed do not impair pedestrian nor bicycle movement. They enhance it through better connectivity and more facilities.

Policy 132.41.25: Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.

COMMENT:

Access is consolidated for single family residential properties to new street legs at existing intersections to conform to this policy.

Policy 132.41.30: Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

COMMENT:

The street connections proposed between adjacent property and rights of way conform to this policy.

Street Width – Human Scale Policies

Policy 132.42.00: Generally, a major arterial street should not be widened beyond two through lanes in each direction with auxiliary turn lanes as appropriate. Minor arterials and collector streets should not be widened beyond one through lane in each direction with auxiliary left-turn lanes as appropriate. Major arterial streets with more than five lanes and minor arterial and collector streets with more than three lanes are perceived as beyond the scale that is appropriate for McMinnville.

COMMENT:

Baker Creek Road along the site frontage is a minor arterial and is not proposed to be widened beyond one through lane in each direction. The project conforms to this policy.

Neighborhood Traffic Management Policies

Policy 132.43.00: Implementation – The City should adopt and implement its Neighborhood Traffic Calming Program (see Appendix I). (Ord. 4922, February 23, 2010)

COMMENT:

This is a recommendation to the City not applicants. This policy is not applicable to this application.

Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

1. Traffic circles;
2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);
3. Landscaping barriers between roadway and non-motorized uses;
4. Landscaping that promotes a residential atmosphere;
5. Sidewalks and trails; and
6. Dedicated bicycle lanes.

COMMENT:

There is an existing traffic circle at Hill Road and Baker Creek Road at the SW corner of this project, whose north leg will be connected with a phase of the residential planned development. Crosswalks at Meadows Drive and Shadden Drive across Baker Creek Road are proposed to be striped. Street trees are proposed in planter strips along all streets promoting a residential character. There are sidewalks and trails throughout the project, and dedicated bike lanes will be striped along the site frontage. Therefore, this plan conforms to this policy.

Policy 132.43.10: Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

COMMENT:

There is no risk of use of these streets as shortcuts for through traffic as there are no street connections, from the north residential neighborhoods, to other parts of the City or County. These local streets will only be used for local access. The plan conforms to this policy.

Access Management Policies

Policy 132.44.00: The City should continue to coordinate with ODOT in the administration of jointly adopted plans to manage access and highway improvements as noted in Chapter 2 of the Transportation System Plan.

COMMENT:

This policy is not applicable. There is not ODOT highway frontage for this project.

Environmental Preservation Policies

Policy 132.46.00: Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods. (Ord. 4922, February 23, 2010)

COMMENT:

Streets are designed and will be constructed to City standards to meet this policy. Maintenance will be completed by the City. Street trees are proposed to improve air quality, noise buffering, and support water quality, as trees absorb rainfall. The right turn lane added to Meadows Drive and Shadden Drive will also decrease delay at the intersections. This will minimize negative impacts in terms of pollution and noise from cars during idling while queuing. This policy is supported by the project.

Policy 132.46.05: Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.

COMMENT:

Streets are designed and will be constructed to City standards to meet this policy. In some cases, large blocks are proposed with mid-block paths to facilitate pedestrian and bicycle connections. This approach supports this policy as the proposed streets with mid-block paths achieve the transportation objective.

Policies 132.46.10: Clean Burning Fuels – The City should support the use of clean burning and/or renewable fuels through regional organizations (see U.S. Environmental Protection Agency guides).

COMMENT:

This is a recommendation for the City about fuels and not applicable to this application.

Aesthetics Policies

Policy 132.47.00: The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.

COMMENT:

This is a recommendation for the City about fuels and not applicable to this application. This is not approval criterion. These applications support a street aesthetic discussed in this policy through the proposed street trees and landscaped open space tracts along streets shown on the landscape plans.

Systems Development Policies

Policy 132.51.05: Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.

COMMENT:

The proposed project will provide sidewalks in support of this policy in phases. It will result in sidewalk travel being continuous along the north side of Baker Creek Road, where it currently ends abruptly in the SE corner of the site in front of a church.

Policy 132.51.10: Complete Connections with Crosswalks – All signalized intersections must have marked crosswalks. School crosswalks will be marked where crossing guards are provided. Subject to available funding, and where appropriate, marked crosswalks, along with safety enhancements (medians and curb extensions), shall be provided at unsignalized intersections and uncontrolled traffic locations in order to provide greater mobility in areas frequently traveled by persons with limited mobility. Marked crosswalks may also be installed at other high volume pedestrian locations without

medians or curb extensions if a traffic study shows there would be a benefit to those pedestrians.

COMMENT:

The project will construct the north corners of the intersections of Baker Creek Road with Meadows Drive and Shadden Drive, such that all corners are improved, and provide crosswalks across Baker Creek Road in support of this policy.

Policy 132.51.15: Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way.

COMMENT:

The shared use path under the BPA power lines will be extended north into the project as illustrated on the attached landscape plans in support of this policy.

Americans with Disabilities Act Compliance Policies

Policy 132.52.00: Compliance with ADA Standards – The City shall comply with the requirements set forth in the Americans with Disabilities Act regarding the location and design of sidewalks and pedestrian facilities within the City’s right-of-way.

COMMENT:

This is a directive to the City. Through construction plan review by the City of sidewalks and pedestrian facilities, the Applicant will meet this policy objective.

Pedestrian Programs Policies

Policy 132.54.00: Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

COMMENT:

With the network of proposed sidewalks and paths, this project will promote this policy. Walking to future transit will be more feasible due to the clustering of housing density on the south side of the site

closer to Baker Creek Road. The proposed neighborhood commercial area of no less than 2 acres is within reasonable walking distance of most of the proposed residential units, as well as other existing higher density housing to the south of Baker Creek Road. Thus, walking to shops, restaurants, and other services will be feasible. Walking for recreation will also be promoted with the connection/extension of the BPA powerline trail. In addition, a nature trail on the adjacent property proposed to be donated to the City as a Special Use Park will also connect to the BPA trail.

Policy 132.55.00: Safe Routes to School – The City shall work, where possible, with the McMinnville School District and neighborhood associations to maintain and improve its programs to evaluate the existing pedestrian access to local schools, estimate the current and potential use of walking as a travel mode, evaluate safety needs, and propose changes to increase the percentage of children and young adults safely using this mode.

COMMENT:

This is a directive to the City. With the network of pedestrian facilities proposed, this project helps the City meet this policy.

Bicycle System Plan Policies

Policy 132.56.00: Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

COMMENT:

Baker Creek Road is a minor arterial and will have a bike lane striped on its north side as proposed in this application in support of this policy.

Policy 132.56.05: Mitigation of On-street Parking Loss From Bicycle Projects – New bicycle facilities require the removal of on-street parking spaces on existing streets, parking facilities should be provided that mitigate this loss, to the extent practicable. (Ord. 4922, February 23, 2010)

COMMENT:

No on-street parking will be lost from the proposed bike facilities as no on-street parking exists on the north side of Baker Creek Road along the project frontage. This policy is not applicable.

Policy 132.56.10: Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel.

COMMENT:

This is a directive to the City. With the proposed bike land striping on the north side of Baker Creek Road, this project helps the City meet this policy by removing a barrier to bicycling on Baker Creek Road.

Policy 132.56.15: Bicycle Routes and Signage – As resources are available, the City will periodically consult with local bicyclists to review existing and proposed bicycle lanes, and identify improvements needed to make these routes function better for bicyclists. These routes shall be identified by signage on the routes and shown on updates of the bicycle route map.

COMMENT:

This is a directive to the City. This is not applicable to this application.

Policy 132.56.20: Complete the Major Bicycle System – A completed system of major bicycle facilities is one of the most important factors in encouraging bicycle travel. The City will work toward annually completing a minimum five percent addition to the bicycle system, as designated on the Bicycle System Plan Map, with priority given to projects that fill critical missing links in the bicycle system or address an identified safety hazard. (Ord. 4922, February 23, 2010)

COMMENT:

This is a directive to the City. Approval of this project, and the associated bicycle system improvements planned in phases with this project, will help the City meet this policy to complete a minimum of 5% addition to the bicycle system annually.

Policy 132.56.25: Establish Minimum Standards for Bicycle Facility Maintenance – The City shall develop minimum standards that will keep bicycle facilities clean of debris, properly striped, and clearly marked and signed. (Ord. 4922, February 23, 2010)

COMMENT:

This is a directive to the City. This is not applicable to this application.

Policy 132.56.30: Zoning Ordinance Requirements for Bicycle Parking – The McMinnville Zoning Ordinance (Section 17.60.140) contains bicycle parking supply requirements and standards that require new developments to provide a minimum amount of bicycle parking, based on the needs of the specific zone or land use type.

COMMENT:

The applicant recognizes this policy and responds to the MZO elsewhere in this application.

Policy 132.56.35: Bicycle Parking at Transit Facilities – The City will work with the Yamhill County Transit Authority (YCTA) to encourage the installation of public bicycle parking facilities at transit stations and other inter-modal facilities, and encourage the provision of bicycle racks on all public transit vehicles.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Policy 132.56.40: Target and Eliminate Key Behaviors that Lead to Bicycle Accidents – The City will encourage schools, safety organizations, and law enforcement agencies to provide information and instruction on bicycle safety issues that focus on the most important accident problems.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Policy 132.56.45: Safe Routes to School – The City will work with the McMinnville School District to: evaluate existing bicycle access to local schools and supporting infrastructure (bicycle racks, lockers, etc.); estimate the current and potential use of

bicycling as a travel mode; evaluate safety needs; and propose changes to increase the percentage of children and young adults safely using this mode.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Transit System Plan Policies

Policy 132.57.00: Transit-supportive Street System Design – The City will include the consideration of transit operations in the design and operation of street infrastructure.

COMMENT:

This is a directive to the City. This policy is not applicable to this application. The proposed street improvements meet 4City standards.

Policy 132.57.05: Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety.

COMMENT:

The proposed residential planned development is a subdivision with site design that directly supports this policy. The clustering of density with smaller lots on the south side of the project with multiple pathways to support access to Baker Creek Road, a planned transit route, supports convenient and safe connections to transit. The proposed planned development amendment to allow no less than 2-acres of commercial and no more than 120 multi-family dwelling units on the commercial designated property will likewise promote and support transit service and use in the area by creating a node of activity and density of use needed to support transit use volumes.

Policy 132.57.10: Transit Facilities – The City will continue to work with YCTA to identify and help develop supportive capital facilities for utilization by transit services, including pedestrian and bicycle access to bus stop and bus shelter facilities where need is determined and right-of-way is available.

COMMENT:

This is a directive to the City. This policy is not applicable to this application. The Applicant is dedicating

the required right-of-way along Baker Creek Road to meet the City's standard design for a minor arterial, so the City will have the area and improved facilities at full build out to meet this policy.

Policy 132.57.15: Pedestrian Facilities – The City will ensure that arterial and collector streets' sidewalk standards are able to accommodate transit amenities as necessary along arterial and collector street bus routes. The City will coordinate with YCTA on appropriate locations.

COMMENT:

This is a directive to the City. This policy is not applicable to this application.

Policy 132.57.20: Intermodal Connectivity – The City of McMinnville will encourage connectivity between different travel modes. Transit transfer facilities should be pedestrian and cyclist accessible.

COMMENT:

This is a suggestion to the City. This policy is not applicable to this application.

CHAPTER VII: COMMUNITY FACILITIES

Goal VII 1: To provide necessary public and private facilities and utilities at levels commensurate with urban development, extended in a phased manner, and planned and provided in advance of or concurrent with development, in order to promote the orderly conversion of urbanizable and future urbanizable lands to urban lands within the McMinnville urban growth boundary.

COMMENT:

This goal is met for this project. Public and private utilities have been and will be planned and provided for in advance of or concurrent with development. This includes parks, streets and ways, water service, storm and sanitary sewer service, power, and other franchise utilities.

Sanitary Sewer Policies

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

COMMENT:

This is a directive to the City. This policy will be met when construction plans are reviewed, field work is inspected, and work accepted.

Policy 137.00: The City of McMinnville shall undertake necessary long-range planning efforts for the sewage system to implement the McMinnville Comprehensive Plan.

COMMENT:

This is a directive to the City. This policy has been met as sanitary sewer capacity exists to serve the proposed development, as ensured through coordination and assurances with the City staff and the applicant prior to application completion.

Policy 138.00: The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.

COMMENT:

This is a directive to the City. The applicant will improve on-site sanitary sewer to meet City standards

and connect that to the existing facilities already built with capacity for the proposed development.

Policy 139.00: The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.
2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.
4. Extensions will implement applicable goals and policies of the comprehensive plan.

COMMENT:

This is a directive to the City. The City can allow extension of sanitary sewage because the proposed project meets the framework outlined in this policy.

Policy 140.00: The City of McMinnville shall continue to limit sewer service extensions to the areas within the urban growth boundary, except where service is granted to comply with state or federal laws. Areas outside the city limits, but within the urban growth boundary, shall be granted sewer service hook-ups only under policies adopted by the City.

COMMENT:

The site is within the urban grown boundary and within city limits, so extension to this site shall not be limited under this policy.

Policy 141.00: The City of McMinnville shall continue to separate storm and sanitary sewers where they are connected to reduce the inflow of storm sewer waters to the sewage treatment plant. Ongoing maintenance and improvements of the existing system shall also be undertaken to reduce infiltration of rain water into the system.

COMMENT:

The proposed sanitary sewer and storm sewer systems are separate, conforming to this policy.

Storm Drainage Policies

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

COMMENT:

This is a directive to the City. The City will ensure it is met during review of construction plans for conformance with City standards. The preliminary utility plans show compliance is feasible.

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

COMMENT:

The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

Water System Policies

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

COMMENT:

This is a directive to the City and McMinnville Water and Light. The applicant has been assured by these agencies that water service at urban densities is available to the site for development.

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

1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.
2. Extensions promote the development

patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.
4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

COMMENT:

This is a directive to the City. The water services will be extended on-site with development to serve the new lots.

Policy 146.00: The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to provide water system facilities and services commensurate with the projected population in the Comprehensive Plan.

COMMENT:

This is a directive to the City and not applicable to this application.

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

COMMENT:

This is a directive to the City and not applicable to this application.

Policy 148.00: The City of McMinnville shall encourage McMinnville Water and Light to continue management practices in the municipal watershed which insure highest quality water.

COMMENT:

This is a directive to the City and not applicable to this application

Policy 149.00: The City of McMinnville shall carefully consider the environmental impact of the location and design of water system facilities to minimize adverse effects on residential, farm, and natural areas.

COMMENT:

This is a directive to the City. No water system extension on-site will impact natural areas. It will all be completed within proposed dedicated street rights-of-way outside of natural areas.

Policy 150.00: The City of McMinnville and McMinnville Water and Light shall cooperate with Yamhill County, the Bureau of Land Management, and private parties owning or regulating lands around the municipal water supply impoundments to restrict land uses around these sites to those which would be compatible with and protect water quality and quantity.

COMMENT:

This is a directive to the City and not applicable to this application.

Water and Sewer – Land Development Criteria

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

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

COMMENT:

The applicant recognizes these applications will be reviewed in coordination to McMinnville Water and Light for the City to obtain concurrence that sufficient water supply is available to meet demands of the development. This review will ensure that the proposed uses are commensurate with the planned comprehensive plan map designation for the area.

2. Sufficient municipal sewage system facilities, as determined by the City Public

Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.

COMMENT:

The applicant has coordinate with the City Public Works Department and received assurance that sufficient sewer capacity exists with the proposed on-site improvements and connections to the existing system.

- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.**

COMMENT:

This is a directive to the City and McMinnville Water and Light.

- 4. Federal, state, and local water and waste water quality standards can be adhered to.**

COMMENT:

This is a directive to the City to review construction plans and field practices to ensure standards are adhered to.

- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.**

COMMENT:

This is a directive to the City to ensure policies are adhered to through the plan review and construction process.

Parks and Recreation

Goal VII 3: To provide parks and recreation facilities, open spaces, and scenic areas for the use and enjoyment of all citizens of the community.

COMMENT:

This goal is not an approval criterion. The proposed donation of land for the Special Use Park site is called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999. The donation will help the City meet this goal of providing open spaces and scenic areas for the use and

enjoyment of all citizens of the community. The applicant is also proposing to dedicate to the City with the recording of the plat (in phases) several tracts of land with open spaces and recreational facilities for the enjoyment of all citizens and to facilitate better access and enjoyment of the Special Use Park. Acceptance by the City of the proposed donation of land for the Special Use Park and acceptance of the dedication of the tracts will help the City meet the above goal. If the City does not accept the dedication of the tracts, then they will remain in private ownership of the development's homeowners association.

Policies:

Policy 163.05: The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands.

COMMENT:

The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states that Map 1 shows underserved neighborhoods. This Planning Areas map shows the subject site is located in Underserved Area 3. Underserved means not within a half mile of a neighborhood/community park or separated from it by a major street. To serve this area, the plan identifies actions in the Table 10 Recreation Facility Action Plan – Northwest on (page 43). The City is currently constructing a neighborhood park along Yohn Ranch Drive, located within a half mile of the subject site.

The proposed donation of land, dedication of tracts within the planned development, and other improvements proposed will help the City serve this area as intended by this policy and as envisioned by the parks plan through bringing to fruition many of the items in the action plan, including:

- City acquisition of a special use park adjacent to the BPA Easement (proposed land donation)
- City acquisition of a greenway to help connect Tice Park with the BPA Easement (dedication of proposed Tracts)
- Develop a trail in the greenway acquired

The proposed donation of the special use park is land that is partially within the 100-year floodplain. The portion outside the 100-year floodplain includes an old farm access haul road well suited for use as a greenway trail. The proposed off-site improvement of this trail with a bark chip surface will ensure minimum impact on environmentally sensitive lands while achieving the intent of this policy.

The tracts in the planned development are proposed to be improved with trails and dedicated to the City after the improvements are constructed. All of the proposed trails are located outside of the 100-year floodplain and do not contain environmentally sensitive lands.

Policy 164.00: The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the

zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

COMMENT:

There are no floodplain lands within the boundary of the planned development proposed for land division, so this policy does not apply to the planned development. The proposed donation of land for a special use park, which does include floodplain lands, is not part of the planned development. The park land is simply being offered to the City, and acceptance of the donation is sought concurrent with the development review. This will allow for efficient processing of the offer by City staff and permit the City to evaluate how the donation fits into the City's park system. The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states, "The Director of Parks and Recreation oversees park acquisition..." It is hoped the proposed donation will be accepted by the Director and the City as it meets these policies.

Policy 166.00: The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

COMMENT:

The proposed Planned Development meets these policies with the open spaces and natural areas proposed to be preserved in tracts, in addition to the mini-parks proposed to be developed in tracts.

Policy 168.00: Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

COMMENT:

Where possible within the planned development boundary, which is an urban development, distinctive natural features are retained in tract areas. Tract N includes a grove of protected trees. The landscape plans indicate that many significant trees are preserved in the rear yards of lots, particularly on the north and east boundaries of the site. Large trees along Baker Creek Road could not be preserved as they were within the area of required frontage improvements.

Policy 169.00: Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

COMMENT:

Drainage ways north of the site are not proposed to be developed.

Policy 170.05: For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used.

COMMENT:

The applicant has reviewed the adopted City of McMinnville Parks, Recreation, and Open Space Master Plan prepared for the City by MIG, Inc. on June 1999. The applicant owns a parcel with an area of 14.9 acres adjacent to and north of the proposed Baker Creek North Planned Development. Concurrent with this application, the applicant requests acceptance of the donation of this land to the City.

The donated parcel would become a Special Use Park, and allow for Trails and a Linear Park, as defined on page 10 of the City's Master Plan (see also Appendix A Facility Inventory's Map 2, the Master Plan map, where a Special Use Park symbol is located in the area). Acceptance of this donation by the City would allow it to fulfill the recommendations listed in Chapter 6 of the Master Plan related to benefiting the residents of McMinnville. Acquisition of this property is listed in the Master Plan in Table 10 - Recreation Facility Action Plan – Northwest (page 43) under "Special Use Parks" as a top priority. City ownership of this land would also allow the City to achieve another action item in this table, which is acquiring a "Greenway" to connect Tice Park to the BPA easement, as this property has an old farm haul road along the bluff from the BPA easement east to the adjacent property boundary that is well suited for development of a trail. This land donation will also allow the City to make a connection to the adjacent Baker Creek Greenway segment being proposed by an adjacent development (PDA 3-18/PDA 4-18/S 3-18), which is also an action item in Table 10 ("Develop a trail in the Baker Creek Greenway").

The purpose of the park land donation is to facilitate public open space enjoyment, protection of the floodplain from development encroachment, and conservation of riparian habitat along the waterway.

The proposed land donation is adjacent to the proposed planned development. The Proposed Planned development will create Tracts "F", "I", "J", "K", "L", "N" & "S", which the applicant recommends the City accept ownership of following installation of recreational amenities as proposed in their respective phases. These tracts include paths and trail improvements to support linear parks and greenspaces. These tracts and their improvements will facilitate public access to and enjoyment of the donated land.

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B. MCMINNVILLE MUNICIPAL CODE

TITLE 17: MCMINNVILLE ZONING ORDINANCE

Chapter 17.09: Zone Classification, Boundaries and Maps

Section 17.09.020: Zone boundaries—Map adopted by reference.

The boundaries for the zones listed in this title are indicated on the McMinnville Zoning Map of 1980, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

COMMENT:

A review of the McMinnville Zoning Map indicates that 9.41 acres of the proposed planned development is currently zoned R-1. The remaining acres of the subject site currently have no urban zoning. The boundaries are proposed to be modified per the applicant's exhibit so there are 6.62 acres of land zoned C-3 and 48.70 acres of land zoned R-4. All of the currently R-1 zoned land becomes R-4. Under the planned development code sections addressed below, a planned development overlay is proposed over all of the R-4 zoned land to facilitate the planned development.

Chapter 17.21: R-4 Multiple-Family Residential Zone

COMMENT:

This narrative and the comments to this code are made under the assumption that the City will approve the requested zone boundary amendment designating 48.70 acres within the R-4 zone.

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

A. Single-family dwelling;

COMMENT:

The proposed planned development will have single-family dwellings and their accessory uses, which are uses allowed in the R-4 zone.

G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:

- 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.**
- 2. The dwelling shall have a common wall at the "zero" lot line.**

3. Each lot shall comprise not less than twenty-five hundred square feet in area.
4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

COMMENT:

Through the planned development process, the applicant is requesting approval to develop lots (designated on the plans as SFD-30a and SFD-26a) at a scale that would normally be single-family units having a common wall with one more single-family dwellings, thereby meeting the standards of subsection G. above. Through the planned development process, the applicant is requesting flexibility to allow the dwellings to not be connected with a common wall. Instead, a unique approach is applied where the required side yards are split between the units so each side of the dwelling will have a side yard. The lots will meet the standards of the eight subsections listed above, or will be modified through the planned development as follows:

1. The dwelling units will be situated on an individually, legally subdivided lots meeting this code.
2. The dwelling units will not have a common wall, rather they will be modified through the planned development approval process to have two 3-foot wide side yards, one on each side of the dwelling, resulting in six (6) feet between structures.
3. All SFD-30a and SFD-26a lots in the proposed development combined will average more than twenty-five hundred (2500) square feet in area, and no lot will be less than twenty-three hundred (2300) square feet in area.

4. Lot area minimum and building setback requirements from property lines as modified by this application will apply to the dwelling units individually (except the average per #3 above).
5. Each dwelling unit will have independent services.
6. There will be no common wall as described in #2 above. The wall will meet the Uniform Building Code as adopted by the State for dwellings with 3-foot side yard setbacks to the property line.
7. There will be no common wall as described in #2 above, therefore there is no need for a sound barrier.
8. The dwelling units will not include existing duplexes, so this item is not applicable.

O. Public park and recreation area;

P. Sewage pump station;

COMMENT:

The proposed residential development will include other uses permitted in the R-4 zone, such as open space tracts proposed to be dedicated to the City as public parks and a tract with a sewage pump station.

Section 17.21.030: Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family.

COMMENT:

The policies of the Comprehensive Plan and this code encourage planned developments with unique approaches to development that meet the purposes of those policies and this code. The proposed planned development achieves these goals as outlined in this narrative. One method to meet these goals is to create new lots of varying sizes. The applicant has proposed seven (7) different lot types. To meet these goals, some lots are larger than five thousand square feet and some are smaller.

The average size of the single-family detached (SFD) lots, designated on the proposed plans as SFD-70, SFD-60, SFD-50, SFD-40, & SFD-45, is 5,745 square feet. So, on average these planned development lots exceed the standard lot area minimum in this code. Likewise, the planned development's alley loaded lots SFD-30a & SFD-26a, that would have common walls in a standard subdivision, but are proposed in this planned development with a unique design to be detached with two 3-foot side yards (see comments under Section 17.21.010G. above), have an average size of 2,760 square feet. These lots exceed the lot area minimum of 2,500 in this code for this type of lot. Overall the average lot size is 4,925 square feet, only 75 square feet less than the minimum. For a planned development of this size, with the myriad of common open spaces proposed, the lot sizes meet the intent and purpose of these standards and policies.

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

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

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

COMMENT:

The applicant's Typical Lots plan illustrates proposed planned development yard setbacks for each typical single-family detached lot. The plan indicates the standards of this section will be met or modified by the proposed planned development in the following ways:

- A. This section will be met, as lots are proposed with a front yard setback of not less than fifteen feet.
- B. This section will be met in terms of exterior side yards, as lots are proposed with an exterior side yard setback of not less than fifteen feet.

The proposed planned development [internal] side yard setbacks vary for the seven (7) proposed lot types as shown on the Typical Lots plan summarized here:

- SFD-30a and SFD-26a: Instead of common wall or zero lot line construction on one side of the unit and the required six feet side yard on the other, these planned development lots will split this yard area to have three (3) feet of yard area on each side of the dwelling. Thus, there will still be six feet total of side yard per dwelling, just like with common wall construction of a two-unit town house structure.
 - SFD-45: These planned development lots will have four (4) feet internal side yards. These lots are similar in scale (26' wide building envelope) as the recently approved planned development lots in a nearby project (AP 1-17) that have only 3-foot side setbacks. So, this planned development will have one foot more internal side yard per lot of this type, than the other did, with 15-foot street side yard standard.
 - SFD-40, SFD-50, SFD-60, and SFD-70: These planned development lots will all have five (5) feet side yards. The flexibility requested in this planned development is to allow these lots to have just one foot less than the six feet standard. In exchange this planned development will provide more variety of housing and common open space areas.
- C. This section will be met, as all lots are proposed with a rear setback of not less than twenty (20) feet, except lots that have garages served from the alley. For lots loading the

garage from the alley, the 20-foot setback applies to the garage door. The planned development proposes a rear building setback from the alley of fifteen (15) feet. This will allow for, if desired, a bump out for an entry, second story overhang or other structural feature to add texture to the rear of the dwelling along the alley.

- D. This section will be met. All garage setbacks are shown as 20-feet, which meets this code.
- E. This section will be met for dwellings higher than thirty-five feet.

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

COMMENT:

The applicant intends to develop single-family detached dwellings in the R-4 zone that conform to Section 17.21.040 E. above. Thus, proposed structures will not in any way exceed this 60-ft. height standard.

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

COMMENT:

The provisions of Section 17.21.020(M) do not apply to this application.

This code section is met by the proposed development. The code would require a minimum of 2,200 square feet for a four-bedroom dwelling unit. The smallest lot in the proposed planned development is over 2,200 square feet. Thus, all lots in the development can have up to four bedrooms, and any lot over 2,700 square feet can have five bedrooms, etc.

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Chapter 17.33: C-3 General Commercial Zone

COMMENT:

This narrative and the comments to this code are made under the assumption that the City will approve the requested amendments to the planned development established by Ordinance 4633, the proposed comprehensive plan map amendment reducing the Commercial designated portion of the site, and the requested zoning map amendment to designate 6.62 acres within the C-3 zone.

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

1. **All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020;**

COMMENT:

Although no development proposal has been submitted for the C-3 zoned portion of the site, the applicant intends to develop neighborhood commercial uses on a portion of this parcel in the future. As required, only uses which are permitted will be developed on the parcel.

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

COMMENT:

Again, no development proposal has been submitted for the C-3 zoned portion of the site. The submitted Lot Type Plan illustrates that only the R-4 zoned portion of the site is included within the boundary of the Baker Creek North Planned Development (see Exhibit 3). The applicant intends in the future to develop some apartment units on a portion of the C-3 zoned area of the site, however this will occur with the submittal of a future land use application. Approval of the request to amend the planned development established by Ordinance No. 4633 will facilitate this future uses which are consistent with the requirements of this code.

Section 17.33.030: Yard requirements. Except as provided in Section 17.54.050, and "A" and "B" below, there shall be no required yards in a C-3 zone:

- A. **Side yard shall not be less than twenty feet when adjacent to a residential zone;**
- B. **Rear yard shall not be less than twenty feet when adjacent to a residential zone.**

COMMENT:

Although no specific development plans are currently submitted for the parcel proposed to be zoned C-3, the parcel is appropriately sized to meet the yard requirements of this zone.

Section 17.33.040: Building height. In a C-3 zone, buildings shall not exceed a height of eighty feet.

COMMENT:

No development plans have been submitted for the parcel to be zoned C-3. Future land development applications will be subject to the above standards.

Section 17.33.050: Use limitations. In a C-3 zone, outside storage abutting or facing a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed ten feet in height.

COMMENT:

As discussed above, no specific development plans have been submitted for the C-3 zoned parcel. Future land development applications will be subject to the the above standards.

Chapter 17.48: F-P Flood Area Zone

- Section 17.48.005** **Purpose.** The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places.
- Section 17.48.010** **Established—Area included.** In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter.
- Section 17.48.025** **Definitions.** For the purpose of this section refer to Section 17.06.030 for Flood Area related definitions.
- Section 17.48.030** **Permitted uses.** In an F-P zone, the following uses and their accessory uses are permitted (subject to the provisions of Section 17.48.060):
- A. Farming;**
 - B. Public park and recreation facility, not requiring the use of any structure;**
 - C. Sewage pump station.**

COMMENT:

No portion of the proposed planned development is located in the F-P Flood Area Zone.

Portions of the parcel proposed to be donated to the City for its special use park are within an area designated on the City zoning map as F-P. Acceptance of ownership of this parcel by the City will facilitate meeting the purpose of this code by, among other things, providing open spaces, natural habitats, and recreational places in the City available to the public. Within the F-P zone there are no proposed uses of the donated land that are not permitted uses.

Chapter 17.51: Planned Development Overlay

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

COMMENT:

The proposed planned development meets the Purpose of this Section. The design uses the flexibility allowed to offer a development pattern that provides a variety of lot sizes and uses of the land. The applicant uses a creative approach to site design including:

- Providing extra lot depth to respond to existing trees and topography.
- Alternating lot sizes on various block faces to create a diverse mix of housing types and appealing streetscape throughout the development.
- Preservation of open space under the power line easement and in a tree grove.
- Orienting the fronts of some lots to common open space.
- Aligning pathways with destination open spaces, both private and public.
- Clustering density near future transit corridors.
- Preserving view corridors and access to adjacent parks and natural features both north and south of the site.

This planned development is not a guise to circumvent the intent of the zoning ordinance. The density of the development in both the average lot sizes and scale of the housing is comparable those uses allowed outright in the code. Therefore, the proposed planned development meets the intent of the code while providing a residential community that is better than would be allowed by a strict enforcement of the code.

[Purpose continued]

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

COMMENT:

The proposed planned development also meets the purpose of Section 17.03.029 for appropriate and orderly physical development of the City as evidenced by this narrative and the supporting exhibits. The applicant recognizes that approval of the request will create a planned development overlay over the R-4 zoned portion of the site and it will be developed according to the zone requirements except those approved modification as requested here. The method for implementing this planned development will be addressed under code subsection A. below:

[Purpose continued]

- A. The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)**

COMMENT:

This narrative discusses how the planned development substantially meets the same general Comprehensive Plan and Zoning Ordinance objectives for the R-4 zone.

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

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;**

COMMENT:

The planned development is being proposed concurrent with a Comprehensive Plan Map amendment and a Zoning Map amendment to designate all of the planned development area within the R-4 zone, so the principal use of land in the planned development, single-family residential, will reflect the type of use indicated on those maps.

- B. Density for residential planned development shall be determined by the underlying zone designations.**

COMMENT:

The underlying proposed zone designation is R-4. As required, residential density is addressed in applicant's response to Section 17.21.060. The proposed development conforms to the underlying zone requirements.

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

- A. An applicant shall submit twenty-one (21) copies of a preliminary development plan to the Commission for study at least thirty days prior to the Commission meeting at which it is to be considered. The preliminary plan shall include the following information:**
 - 1. Proposed land uses, building locations and housing unit densities.**

COMMENT:

This application's drawings EXH-2 Proposed Zoning Plan & EXH-3 Lot Type Plan illustrate the proposed residential land uses. Drawings SP-1 through SP-5, and EXH-5 Typical Lots, show proposed building locations. Housing unit densities are summarized on the submitted EXH-4 Density Plan.

- 2. Proposed circulation pattern indicating the status of street ownership.**

COMMENT:

This application's drawings EXH-3 Lot Type Plan and SP-1 through SP-5 Preliminary Site Plan illustrate the proposed vehicle and pedestrian circulation pattern. The plans identify the location of proposed public streets and public alleys, public sidewalks and mid-block pedestrian accessways within the development.

- 3. Proposed open space uses.**

COMMENT:

The application's drawings PL-1 through PL-5 Preliminary Plat identify 19 common open space tracts within the proposed planned development. Proposed improvements to these tracts are illustrated in the Landscape Plan drawings L1.0-L10.0 and Irrigation Plans IR1.0-IR2.0.

- 4. Proposed grading and drainage pattern.**

COMMENT:

The application's drawings GR-1 through GR-5 Grading Plan and UT-1 through UT-5 Utility Plan illustrate the grading and drainage pattern of the proposed planned development.

- 5. Proposed method of water supply and sewage disposal.**

COMMENT:

The application's drawings UT-1 through UT-5 Utility Plan show water and sanitary sewer pipe layouts for the proposed planned development.

- 6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.**

COMMENT:

The application's drawings, EXH-1 Existing Conditions Plan and L1.0 Street Tree Plan, identify the size, location, and type of all trees within the planned development in accordance with the above standards.

- 7. Relation of the proposed development to the surrounding area and the comprehensive plan;**

COMMENT:

The application's drawings EXH-1 Existing Conditions Plan shows the relationship of the proposed development site to the surrounding area, and the EXH-8 shows its relationship to the comprehensive plan map as do the responses in this narrative.

- B. Prior to discussion of the plan at a Commission meeting, copies shall be submitted by the Planning Director to City departments for study and comment;**

COMMENT:

As required, City staff will review the submitted applications and prepare a report prior to scheduling a public hearing before the Planning Commission.

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:**
 - 1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;**

COMMENT:

As mentioned previously, the applicant is requesting to modify several Conditions of Approval associated with Ordinance 4633, which is an existing Planned Development Overlay that applies to 12.34 acres of the subject site. The proposed planned development amendment requests the removal of Condition 1, which is carried over from Ordinance 4605, Section 2(a-g) when Ordinance 4633 was

enacted. When Ordinance 4633 was adopted, the City had envisioned a UGB expansion in the NW quadrant. Since the boundary amendment wasn't realized, a large regional commercial area was no longer needed on this area of town. However, certain assumptions were made about the scale and intensity of a future commercial use on the site when Condition 1 was approved in 1996. It was also unanticipated at the time that similar development review provisions and design standards would later be incorporated into the McMinnville Zoning Ordinance (MZO). The following section of the Applicant's Statement address why the provisions of Condition 1 are no longer necessary, duplicative with current C-3 standards, and inconsistent with intended neighborhood uses on the site:

Condition 1 of Ordinance 4633, Referencing Ordinance 4506 – Section 2(a-g)

- Section 2(a) - Under 17.58.100 of the MZO, the existing development code already requires landscape plans to be reviewed by the Landscape Review Committee for commercial, industrial, parking lots, and multi-family developments. Also, with the proposed street plan, the entire lot would be surrounded by public streets and a power substation, so the hedge screening is not applicable. As such, this section is not needed.
- Section 2(b) - Under Section 17.72.090, detailed elevations, layouts, landscaping, parking, lighting plans are required to be submitted to the Planning Director for review. Therefore, this portion of the condition is inconsistent with current City code standards.
- Section 2(c) - The applicant is considering neighborhood commercial uses for the C-3 zoned portion of the site. Since a convenience market could be established with the commercial development, prohibiting retail commercial activity from 12:30 a.m. to 6 a.m. would create an issue for neighborhood residents.
- Section 2(d) - The C-3 zone permits the development of structures up to 80-ft. high, while the condition only allows 35 feet high buildings. The applicant envisions the development of buildings up to 50-ft. high, with neighborhood commercial uses on the ground floor and multi-family units on the upper floors. Therefore, this section is inconsistent with current code standards and will prevent the parcel from being efficiently developed.
- Section 2(e) - Per Section 17.56.050, exterior lighting plans are currently required for commercial uses and must be directed away from property lines. Therefore, this element of the condition is not required.
- Section 2(f) - The City adopted its current sign regulations in 2008, with subsequent revisions during the past 10 years. The current sign code fully addresses this portion of Condition 1; therefore, it is no longer needed.
- Section 2(g) - Under Section 17.33.040 outside storage must be enclosed by a sight-obscuring fence. Any additional outdoor use restrictions could be determined and applied as conditions of approval when a future design review application is submitted for the neighborhood commercial development.

In addition to Condition 1, the applicant is also requesting to eliminate Condition 2 from the Planned Development Overlay that was enacted by Ordinance 4633. Condition 2 prohibits residential uses within the area of the site that is currently designated as Commercial on the Comprehensive Plan Map. As discussed above, there is currently a 700 acre shortage of residential zoned land when addressing housing needs in McMinnville during the 2021-2041 planning period. With the proposed Comprehensive Plan Map and Zoning Map Amendments, 6.62 acres of 12.34 acres currently regulated by Ordinance 4633 will be zoned C-3, while the remaining 5.72 acres will be zoned R-4. The applicant is intending to submit a future land use application for the C-3 zoned parcel to permit the development of a mixed-use development with neighborhood commercial and multi-family units. The apartments will

help address the need for 1,537 additional multi-family units in the community and will provide economic support for the planned neighborhood commercial use.

Regarding the Baker Creek North Planned Development, the applicant intends to develop a residential community that provides home attainability, balance, and choice. The applicant seeks to address the following physical conditions and achieve a number of special objectives as part of the overall development concept, warranting a departure from standard regulation requirements:

- (1) Preserve trees in rear yards and tracts.
- (2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.
- (3) Developing around the BPA Easement that traverses the site.
- (4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City's Comprehensive Plan and this code to serve today's market needs of home consumers in McMinnville.
- (5) Focus on the detached Single-Family Residential housing type.
- (6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park.
- (7) Provide access to City park facilities.
- (8) Create a sense of place.
- (9) Ensure adequate off-street parking.
- (10) Avoid "cookie cutter" approach to housing on any block face.
- (11) Promote future transit service.

The proposed development addresses each of these special physical conditions and objectives through its design and the requested flexibility offered by a planned development as shown on the plans and discussed in detail in this narrative and below.

- (1) Preserve trees in rear yards and tracts

Along the north and northeast boundary of the site there are stands of oak trees as well as rows of oak trees. These oak trees are preserved in the rear yards of proposed lots along the perimeter of the project with extra deep rear yards to accommodate space for these trees outside of the building envelop. Tree protection for these trees during site construction is shown on the landscaping plan drawing L1.0. A grove of these trees is preserved in proposed Tract "N" in Phase 2A of the project. Proposed Lots 129-133 in Phase 2A and Lots 269-280 will have a thirty-foot rear building setback where a large oak tree exists to protect this feature and provide a natural buffer between the site and adjacent land. Preservation of this area is in part meant to off-set the planned development request to decrease side yard setbacks by one foot from six feet to five feet setbacks for most lots, and to four feet for other lots, as well as to allow for a mix of lot sizes throughout the planned development.

- (2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.

The site is adjacent to a bluff, at the bottom of which is a parcel that is planned for a City special use park. Lots along the bluff have been designed with extra depth to allow for horizontal separation between the dwellings, which will sit on top of the bluff, and the adjacent natural area at the rear property line. Use of this portion of the site to create larger deeper lots is in part meant to off-set the planned development request to allow for a mix of lot sizes throughout the planned development, some of which are smaller.

- (3) Developing around the BPA Easement that traverses the site.

The site is encumbered by a 60-foot wide BPA Easement and transmission lines. The area under the transmission lines is preserved as community open space and proposed to be improved with picnic tables and a grassy area near the street, and a gravel walking trail (and utility access way) with excellent views of the future City special use park. This area is proposed to be dedicated to the City as a park. Improvement of this active open space is in part intended to support the planned development request to allow for a mix of lot sizes throughout the planned development, some of which have less lot area.

- (4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City's Comprehensive Plan and this code and to serve today's market needs of home consumers in McMinnville

The Comprehensive Plan Policy 72.00 states, "Planned developments shall be encouraged as a favored form of residential development." Policy 73.00 states, "Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged." This code states under Section 17.51.010, "...the purpose of a planned development is to encourage a variety in the development pattern of the community..." The proposed planned development provides the variety called for by the City in the above referenced documents with its seven different lot sizes described in this narrative and in the exhibits to the application: SFD-70, SFD-60, SFD-50, SFD-40, SFD-30a, & SFD-26a. This approach will better meet the various needs of home buyers than development built to the standard, as it would only create two lot types: common wall single family dwellings on lots of 2500 square feet in area and detached single-family dwellings on lots of 5000 square feet in area.

- (5) Focus on the detached Single-Family Residential housing type

A 2014 residential preference study done by DHM Research for Metro¹ shows that about 80% of people view detached single-family dwellings as their preferred housing choice. In recognition of this finding, the Applicant has specifically designed the planned development with detached single-family housing in mind. This in part addresses the applicants request through the planned development process to develop the alley loaded lots referred to as SFD-30a and SFD-26a as detached dwellings instead of using common wall construction as allowed outright in the code for lots in this size range.

This unique approach to site design creates a housing product type commonly referred to as the missing middle, or single-family detached homes at the scale of an attached dwelling without the attachment. This is a product type that meets consumer needs for lower cost attainable housing that would normally only be found with a townhouse/row house structure, only these proposed lot types are without the burden of a common wall. So, by meeting this objective the development is also helping meet objective (4) discussed above.

- (6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park

There is a neighborhood park under construction within a ½ mile of the site which is anticipated to be complete prior to development of this site, however it is located across a minor arterial. Therefore, private mini-parks are proposed on tracts with active recreational amenities for residents of the Baker

¹ (<http://www.oregonmetro.gov/residential-preference-study>)

Creek North development. For details, see the landscaping plan drawings L1.0-L10.0. Sidewalks and mid-block pathways provide convenient access to the proposed facilities. The site design also includes pathways and marked crosswalks to connect residents of the site to City park facilities to the south beginning at Baker Creek Road and Meadows Drive. On-site open space areas and proposed recreation amenities in part off-set the request for varied lots sizes as part of the planned development.

(7) Provide access to City park facilities

In addition to pathways and sidewalks leading south to the City park facilities as described in objective (6) above, the proposed planned development provides multiple tracts that can provide public access to the adjacent special use park land to the north of the site. The applicant is proposing to dedicate ownership of several open space tracts to the City, upon recording of the respective phases of development, for use to access the future special use park land being donated.

(8) Create a sense of place

The site is adjacent to minor arterial called Baker Creek Road and Baker Creek lies to the north of the site. The plan includes a landscaped open space tract with a white rail fence the entire length of the site's frontage with Baker Creek Road accented with two entrance monuments located in the tract at Meadows Drive and Shadden Drive. Opposite this strip at Shadden Drive is a landscaped storm pond tract. Opposite this strip at Meadows Drive is a tract with a pathway to extend the BPA trail into the site and terminate it at the proposed intersection of Kent Street and Meadows Drive. This location will include a proposed mini-park that will include picnic space at the trailhead and a natural path overlooking the City's future special use park. These features along with the other common open spaces and curvilinear tree lined streets will create a unique new community in the City of McMinnville with a vibrant housing mix and excellent access to recreation and other services.

(9) Ensure adequate off-street parking

Parking can present challenges in developments that propose compact urban form. Having witnessed mistakes by developers who did not provide sufficient parking in small lot projects, the applicant is committed to providing sufficient off-street parking so that on-street parking is available. Therefore, each single-family unit will have a minimum of four off-street parking spaces as shown on the exhibit drawing EXH-5 Typical Lots. This will typically include two garage spaces and two spaces on a standard driveway pad in front of the garage. As such, this design will exceed McMinnville city off-street parking standards by 100%. Driveways will be paired where feasible in order to maximize on street parking as well. The off-street and on-street parked vehicles are graphically represented in the exhibit drawings SP-1 through SP-5 Site Plans.

(10) Avoid "cookie cutter" approach to housing on any block face

A primary goal of this planned development is to avoid the appearance from the public street of monotonous tract housing (aka: "cookie cutter") pattern of development. This objective has been achieved in part through site design where lot sizes alternate along a block face and where lots types differ from one side of the street to the other. To further support this objective, the applicant is proposing a condition that no building elevation shall repeat itself on an adjacent lot nor the lot directly across the street.

(11) Promote future transit service

The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the site is located within a ¼ mile on the north side of a planned transit corridor along Baker Creek Road. The applicant has designed the site to cluster density along the south end of the site, which is close to this future transit corridor, in order to make the transit service conveniently within walking distance for the majority of the future residents. Since convenience and walking distance are major factors in a person's choice to use transit, the proposed site design will encourage transit use. The density of the housing and convenience of use will also encourage future transit service to be developed as planned.

- 2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;**

COMMENT:

The applicant is requesting concurrent approval of the proposed amendments to Ordinance No. 4633, an amendment to the Comprehensive Plan Map to change a portion of the Commercial designated land to Residential, and a zone change to designate portions of the area regulated by the ordinance as C-3 and R-4. The applicant is also requesting approval of a zone change to designate the remainder of the Baker Creek North Planned Development area R-4. As discussed in the above narrative, the proposed land use actions and resulting development are consistent with applicable Comprehensive Plan goals, policies, and objectives of the area.

- 3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;**

COMMENT:

The attached exhibits include street and utility plans for the proposed Baker Creek North Planned Development. The plans also illustrate how adjoining parcels, including the C-3 zoned parcel regulated by Ordinance 4633, will be provided adequate access and provision of services. The proposed improvements with Baker Creek North include a connection to the existing Blake Street stub, a stubbed street connection of Shadden Drive north that aligns with the proposed adjacent development's street stub, and a stubbed street connection of proposed William Drive south to the adjacent parcel. Access is provided via tracts to the north. The adjacent property to the south, referred to as the substation property, has adequate access from Baker Creek Road and recorded easements. No access is provided to the west as that land is outside of the urban growth boundary.

- 4. The plan can be completed within a reasonable period of time;**

COMMENT:

The applicant has submitted a Phasing Plan to illustrate how the site will be developed in the proposed 10 phases. If land use approval is granted in 2019, Phase 1A-1D will be completed in one or more phases between about 2019 and 2021, Phase 2A-2C will be completed following Phase 1D, likely from about 2021 to 2024, and Phase 3A-3C will be completed following Phase 1B between about 2020 and 2024. A phased development of 10 phases can take a long time to complete, however, some phases can be constructed concurrently depending on market conditions. For example, Phase 3A could begin

construction at the same time, or even before, Phase 2A, as Phase 3A is contingent only on completion of Phase 1B, not Phase 2A. This means development can even occur faster than predicted if conditions are right. Phased development could also extend beyond 2024 as suggested here, but would be completed within a reasonable time as allowed by this code.

- 5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;**

COMMENT:

The new streets providing internal circulation are proposed with sections to meet local residential street standards, so they will support the anticipated local traffic. The street connections at Shadden Drive and Meadows Drive connecting to NW Baker Creek Road will be improved with extra pavement width to accommodate a 3-lane section on the side streets for a right-turn-out lane, center left-turn/through lane, and an in-bound lane. This will ensure extra capacity for turning movements at the intersection for outbound traffic. Baker Creek Road will be improved with a half-street improvement along the site's frontage to City standards, which will add a center left-turn lane to support circulation at the intersections, including north and south left-in turning movements that will not block through traffic on Baker Creek Road. The streets outside the planned area have already been developed to accommodate the anticipated development in the area.

- 6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;**

COMMENT:

The exhibits submitted with this application, including UT-1 through UT-5 Utility Plans, indicate that public utility and drainage facilities are adequate for the proposed population density and type of development.

- 7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;**

COMMENT:

The noise, air and water pollutants generated by the proposed development will not have adverse effects upon surrounding uses. Noise and air pollution of the proposed residential development will be similar to and compatible to the existing noise and air pollution created by the existing adjacent residential uses. Water pollutants will be similar to and compatible with adjacent uses and will be managed by the development of sanitary and storm sewer infrastructure by the developer as proposed with the street construction described in the Exhibits attached to this narrative. Therefore, this Criterion is met.

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Chapter 17.53: Land Division Standards

Section 17.53.010-030: [omitted for brevity]

Section 17.53.040: **Planned Development.** The subdivision of land in accordance with the planned development section of the City of McMinnville Zoning Ordinance (No. 3380, as revised) may result in the terms and requirements of this chapter being waived, altered, or otherwise changed as determined by action of the Planning Commission and approved by the City Council.

COMMENT:

The applicant is requesting approval of a Planned Development application to waive alter, or otherwise change the requirements of this chapter as described below. Where flexibility is not requested this application will meet these standards.

Subdivision

Section 17.53.070: **Submission of Tentative Subdivision Plan.** An application to subdivide land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure: A subdivider shall prepare a tentative plan together with improvement plans and other supplementary material required to indicate his general program and objectives, and shall submit 25 (twenty-five) copies of the tentative plan and supplementary data to the Planning Director's office. The tentative plan need not be a finished drawing, but shall show pertinent information to scale in order that the review body may properly review the proposed development. Additionally, condominiums shall be processed under the provisions of ORS 100. All subdivision developments shall comply with the requirements of the Oregon Fire Code.

COMMENT:

The Sections 17.72.020 through 17.72.070 have been met as described under those sections below. This application includes a tentative plan with improvement plans and supplementary material as required by this code that indicates the development's program and objectives. The applicant has provided the necessary copies to the City staff for review. The development complies with the requirements of the Oregon Fire Code. There are no proposed condominiums. This section's requirements are met.

- A. Scale.** The tentative plan shall be drawn on a sheet 18 (eighteen) by 24 (twenty-four) inches in size at a scale of one inch equals 50 (fifty) feet, or a reasonable engineer's scale for the sheet size. A smaller sheet size may be used

provided that all required information is legible and is approved for use by the Planning Department.

COMMENT:

The plans submitted with this application meet these specifications.

B. General Information. The following general information shall be shown on the tentative plan:

- 1. Proposed name of subdivision. No plan of a subdivision shall be approved which bears a name which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the contiguous subdivision plat of the same name last filed; Date, north arrow, and scale of drawing;**
- 2. Appropriate identification clearly stating the plan is a tentative plan;**
- 3. Location of the subdivision sufficient to define the location and boundaries of the proposed tract;**
- 4. Names and addresses of the owner(s), subdivider, engineer, and surveyor;**
- 5. In the event the subdivider plans to utilize the provisions of ORS 92.060 as pertains to "Delayed Monumentation," he shall notify the County Surveyor and Planning Commission and report said fact on the tentative plan;**

COMMENT:

The submitted plans provide all of the required information listed above.

- 6. A subdivision guarantee report issued by a title insurance company in the name of the owner(s) of the land, showing all parties whose consent is necessary and their interest in the premises and all encumbrances, covenants, and other restrictions**

pertaining to the subject property.

COMMENT:

As required, the applicant has attached a Subdivision Guarantee Report with this application (see Exhibit 2).

C. Existing Conditions. The following existing conditions shall be shown on the tentative plan:

- 1. The location, widths, and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, city boundary lines, and monuments;**
- 2. The direction of slope by means of arrows or other suitable symbol;**
- 3. The location of at least one temporary bench mark, on established City datum, within 200 feet of the plat boundaries;**
- 4. The location and direction of water courses, and the location of areas subject to flooding on a probability frequency one (1) percent or greater;**
- 5. Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees. Areas noted in the Comprehensive Plan, Volume I Background Element, Chapter VII, The Parks and Recreation and Open Space Master Plan (1999), as potential open space lands should be identified;**
- 6. Existing uses of the property, including location of existing structures to remain on the property after platting.**

COMMENT:

The attached Existing Conditions Plan provides all of the required information listed above (see Exhibit 3).

D. Proposed Plan of Subdivision. The following information shall be included on the tentative plan:

- 1. The location, width, names, approximate grades, and radii of curves of streets. The relationship of**

streets to any existing streets and to any projected streets as shown on the McMinnville Comprehensive Plan Map 1980, as amended, or as identified in the McMinnville Comprehensive Plan text and Transportation System Plan, or as may be suggested by the Planning Commission in order to assure adequate traffic circulation;

2. The location, width, and purpose of easements;
3. The location and approximate dimensions of lots and the proposed lot and block numbers;
4. Sites, if any, allocated for purposes other than single-family dwellings, such as multiple-family dwellings, parkland, open space common areas, etc.
5. Access. As required by the Oregon Fire Code, a minimum of two access points is required when more than 30 (thirty) one-family or two-family dwellings or one-hundred multi-family units are being served.

COMMENT:

The attached Preliminary Plat, Preliminary Grading Plan, Preliminary Site Plan, and Street Profiles and Details provide all of the required information identified in this section.

- E. **Partial Development.** If the tentative subdivision plan pertains to only part of the tract owned or controlled by the subdivider, the requirements of Section 17.53.090 (future development plan) shall apply.

COMMENT:

The tentative subdivision plan pertains to all of the tracts owned by the subdivider, so Section 17.53.090 does not apply.

- F. **Explanatory Information with Tentative Subdivision Plan.** The following information shall be required by the Planning Commission or staff and if it cannot be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:
 1. A vicinity plan, showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets and utilities may be extended to connect to existing streets and utilities;

2. **Proposed deed restrictions, if any, in outline form;**

COMMENT:

The attached plans show the information described in Item 1. and 2. above as applicable.

3. **The location of existing sewers, water mains, culverts, drain pipes, and electric lines and elevations of sewers at points of probable connections within the subdivision and in the adjoining streets and property;**

COMMENT:

The attached plans provide the information described above.

4. **Special studies of areas which appear to be hazardous due to local conditions such as inundation or slippage;**

COMMENT:

The applicant's Geotechnical Report has analyzed soil conditions on the subject site. The report provides specific construction recommendations.

5. **Contour lines related to an established bench mark on city datum and having minimum intervals as follows:**
 - a. **For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed;**
 - b. **For slopes of five (5) percent to 15 (fifteen) percent: two (2) feet;**
 - c. **For slopes of 15 (fifteen) percent to 20 (twenty) percent: five (5) feet;**
 - d. **For slopes of over 20 (twenty) percent: 20 (twenty) feet.**

COMMENT:

The attached Existing Conditions Plan and proposed Grading Plans include 1-ft. contour lines in accordance with this section.

G. Supplemental Plans with Tentative Subdivision Plans. Any of the following plans may be required by the Planning Commission or staff to supplement the plan of subdivision:

- 1. Approximate center line and right-of-way profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of the streets and the nature and extent of street construction. Where any cut or fill will exceed three (3) feet in depth, a cross section of the road shall also be submitted.**

COMMENT:

The plans attached with this application include the above information for streets.

- 2. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.**

COMMENT:

The Utility Plans show the proposed storm sewer improvements.

- 3. If lot areas are to be graded, a plan showing the nature of cuts and fills exceeding five (5) feet, and information on the character of the soil.**

COMMENT:

The attached Preliminary Grading Plan illustrates all cuts and fills associated with the proposed development. The applicant has also attached a Geotechnical Report which analyzes existing soil conditions and provides recommendations to ensure soil stability.

Future Development Plan

Section 17.53.080: Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

COMMENT:

The applicant has submitted Preliminary Development Plans for the Baker Creek Planned Development project. The plans indicate that the planned development will be fully developed with 280 single-family detached lots, common open space areas, and public right-of-way improvements. Therefore, submittal

of a future development plan is not required for this application.

Approval of Streets and Ways

Section 17.53.100: Creation of Streets.

- A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:**

COMMENT:

The streets will be created in conformance with the requirements for a subdivision. City Council has not initiated the establishment of a street on the subject site, therefore these conditions do not apply and have been omitted for brevity.

- B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.**

COMMENT:

The applicant will establish the proposed streets through the recording of a final plat. Therefore, these standards do not apply.

- C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:**
 - 1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that**

may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;

2. **The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.**
3. **Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.**

COMMENT:

No partitioning is proposed, rather a subdivision is proposed as part of a planned development. The planned development proposes that the access easement preferred in subsection C.3. above over the creation of flag poles, be applied to the private drives proposed in subsection D. below.

- D. **A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:**
 1. **If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.**

COMMENT:

The northwest corner of the planned development extends along a narrow bluff. Due to the existing parcels unusual topography, the most logical way to develop the parcel is to extend a private drive north from proposed Mercia Street. Therefore, access to Lots 204-208 in Phase 2C is proposed through a shared private drive in a common easement over Lots 206-208 as depicted on drawing PL-3 Preliminary Plat. Also, due to lot sizes and shapes that are deeper to protect trees in rear yards of nearby lots, the street is particularly far from Lot 269 in the corner of the site in Phase 3C. Therefore, the most feasible way to develop the parcel is to provide a shared private drive in common easement over Lot 270, as depicted on drawing PL-5 Preliminary Plat, to serve both Lots 269 and 270. This approach to lot access is proposed as part of the planned development as opposed to flag poles for each lot as it is the preferred

method of access as described in subsection C.3. above. With approval of by the Planning Commission, access to these lots will meet the requirements of this code.

- 2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.**
- 3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.**

COMMENT:

The attached Preliminary Plat drawings indicate that the private drive serving Lots 204-208 is located within an access easement on Lot 206-208, and the private drive serving Lots 269 and 270 is located within an access easement on Lot 270. The private drive improvements will be designed in accordance with the standards of Section 17.53.101(P). Necessary public utility easements are shown within the access easements on the lots adjacent to and served by the easements. The private drives will be identified as a common improvement in the CC&Rs and maintenance provisions will be included so new purchasers are aware of the maintenance costs. These documents will be recorded with final plats for each phase of the development.

- 4. Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.**
- 5. Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions**

COMMENT:

The shared private drives proposed with this development are located in easements, and are not private

streets, so it is the applicant's understanding a private street sign will not be required. No gates are proposed within or across public streets or private driveways.

Section 17.53.101: Streets.

- A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:**
- 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or**
 - 2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or**
 - 3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.**

COMMENT:

The attached plans illustrating the location, width, and grade of the proposed streets have been considered in relation to existing and planned streets, topography, public safety, and the proposed uses. As required by subsection 1. above, the arrangement of streets in the proposed subdivision provides for the extension of existing principal streets in surrounding areas. Namely, NW Blake Street is extended into the site from the east. Shadden Drive and Meadows Drive are extended north into the site opposite existing intersections of those streets with Baker Creek Road. A street north of Hill Road's new traffic circle which is also planned to extend north into the site will be named Hill Lane. Shadden Drive is also proposed to continue north in Phase 3B and align with a planned street in the adjacent development to the north of the site.

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this**

chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

COMMENT:

The applicant is proposing dedication of street rights-of-way and design of road improvements to conform to City standards.

- C. **Reserve strips.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

COMMENT:

Reserve strips or street plugs are not proposed with this application.

- D. **Alignment.** As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

COMMENT:

Proposed streets which align with the continuation of existing street center lines are Hill Road, Meadows Drive, Shadden Drive, and Blake Street. Blake Street and proposed Augustine Place intersections are spaced approximately 200 feet apart, as are the intersections of Kent Street and Emma Streets.

- E. **Future extension of streets.** Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit

2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

COMMENT:

Shadden Drive in Phase 3B, and Williams Drive in Phase 3C, are proposed to be extended to the north and south boundaries of the site to provide access to adjoining land. No reserve strips or street plugs are proposed.

- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.**

COMMENT:

The proposed intersection angles of this development meet the above standards as shown on the plans.

- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.**

COMMENT:

NW Baker Creek Road is the only existing street adjacent to the tract of land proposed for development. The applicant is proposing to dedicate 18-feet of right-of-way and install a ½ street improvement and striping along the north side of the road to conform to the design standard for a minor arterial. Lane widths will be sufficient along the site's frontage. The south side of the right-of-way was already improved with earlier development and sufficient pavement exists on that half of the right-of-way to achieve the required road section.

- H. **Half streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

COMMENT:

The site is the “adjoining property” in this case and the proposed Baker Creek Road improvements are completing the other half of a street developed with an earlier project.

- I. **Cul-de-sacs.** A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

COMMENT:

There are no cul-de-sacs proposed with this planned development, therefore these standards do not apply.

- J. **Eyebrows.** Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication.

COMMENT:

The applicant is not proposing to install eyebrows with the proposed development, therefore these standards do not apply.

- K. **Street names.** Except for extensions of existing streets, no street name shall be used which will duplicate or be

confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.

COMMENT:

As required, all extended streets maintain the same street names with the proposed development. Streets names for new streets have been proposed with the Preliminary Plat for review and approval of the Planned Director. The proposed streets reflect an English history theme.

- L. **Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:**

- 1. **A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.**
- 2. **Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).**

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

COMMENT:

Preliminary grading plans and street profiles have been submitted and the applicant intends to construct these requirements. Street design will comply with City requirements during the permitting of public

improvement construction plans.

- M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.**

COMMENT:

The subject site is not located within the vicinity of a railroad right-of-way. Therefore, these standards do not apply.

- N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.**

COMMENT:

The site design includes a 10-foot wide landscaped common open space tract between the proposed residential lots and NW Baker Creek Road right-of-way, so no lots directly abut an arterial street. This section is not applicable.

- O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.**

COMMENT:

The proposed planned development is not located in a commercial or industrial district. The site's design includes proposed public alleys with 22-foot right-of-ways. See the Site Plan Exhibit SP-5 for the alley section. A standard alley may only be 20-foot wide, but the Applicant is proposing the extra two feet of width to allow a six-inch gap on both sides from edge of right-of-way to back of the six-inch flush curb creating the unobstructed area for placement of the property pins and to provide a full twenty feet wide paved surface. This alley configuration will allow for extra maneuvering space for vehicles entering and exiting driveway on lots served by the alleys. This in combination with the proposed full 20-foot setback from the right-of-way to the face of a garage will make for a safe and functional public alley. The applicant seeks the City's approval of these alleys as part of this planned development.

- P. Private way/drive.** This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

COMMENT:

The applicant has addressed how the proposed private drive meets the standards of Section 17.53.100(D) in this narrative. The private drive has an adequate width for the proposed use and will be constructed to the same structural standards as a public street as required by this code. The submitted Preliminary Utility Plan indicates that storm drainage facilities have also been provided within the private drive to manage storm drainage.

- Q. Bikeways.** Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development.

COMMENT:

The applicant is proposing to widen NW Baker Creek Road along the planned development's site frontage as required by this code and will stripe bike lanes and restripe travel lanes accordingly. The proposed planned development improvements are shown on exhibits SP-1 and SP-2 Site Plans.

- R. Residential Collector Spacing.** Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area.

COMMENT:

The applicant is not proposing to develop a new residential collector nor arterial street within the Baker Creek North Planned Development. Therefore, these standards do not apply.

- S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.**

COMMENT:

The proposed planned development has frontage on Baker Creek Road, a minor collector in a residential area. Therefore, this section does not apply. The applicant is proposing to install a meandering 10-foot wide sidewalk along the planned development's frontage on NW Baker Creek Road as shown on the exhibit SP-1 Site Plan. The applicant is also proposing to install a 12-foot wide sidewalk along the west side of Meadows Drive, south of Kent Street to its intersection with Baker Creek Road, with half the sidewalk in the ROW and half in the adjacent open space tract. This sidewalk will effectively extend the BPA trail to the common area amenities at Kent Street, where the applicant is proposing to dedicate open space tracts to the City with the proposed improvements. The applicant seeks approval of these wider sidewalks in these locations as designed.

- T. Park strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.**

COMMENT:

Park strips are provided between the curb and sidewalk of all streets in accordance with the above standards. Street trees proposed in park strips are shown on drawing L1.0 Street Tree Plan. The applicant is requesting landscape plan review concurrent with this planned development application. Chapter 17.58 is addressed below.

- U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public**

events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager.

COMMENT:

The applicant is not proposing to install gates within or across public rights-of-way. Therefore, these standards have been met.

Section 17.53.103: Blocks.

- A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.**
- B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.**

COMMENT:

The proposed block layout has been proposed taking into account adequate lot sizes, street width and the site's topography, as well as adjacent street network.

Land outside of the urban growth boundary is located to the west of the subject site, and sloping topography and the 100-year floodplain and urban growth boundary are to the north. The adjacent constrained lands make it infeasible to extend public streets in those directions to create smaller block perimeters. Where a street can be extended in the northeast boundary of the site for future development, it is proposed. The adjoining street network represented by Blake Street justifies an exception to this standard along the east side of the project.

The block bound by proposed Emma Street, Meadows Drive and Shadden Drive is adjacent to an arterial street, Baker Creek Road. Its perimeter is controlled by the existing spacing between Meadows Drive and Shadden Drive. This spacing meets the above standards. The spacing between along Hill Lane at the north leg of the existing traffic circle also meets this code.

The site's block pattern is also constricted by the BPA easement, adjacent substation property, the large C-3 zoned parcel, Baker Creek Road's arterial intersection spacing standards, and existing development to the east. Where large blocks are proposed, mid-block paths and open space tracts are proposed to facilitate pedestrian connectivity and access to the greatest extent practicable (as shown on Exhibit 3's sheet EXH-4).

The applicant seeks approval of the proposed planned development block pattern.

C. Easements.

1. **Utility lines.** Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

COMMENT:

The attached Preliminary Plat indicates that the applicant is proposing to dedicate 10-ft. wide public utility easements along all street right-of-ways within the proposed planned development. Other easements through proposed lots or tracts are also shown, as necessary, at the required widths.

2. **Water courses.** If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

COMMENT:

The subdivision is not traversed by a water course. This section is not applicable.

3. **Pedestrian ways.** When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways.

COMMENT:

Pedestrian ways that are in tracts greater than ten (10) feet in width are proposed at several locations in the form of mid-block paths throughout the development.

Section 17.53.105: Lots.

- A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.**
- 1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.**

COMMENT:

The applicant has submitted a Planned Development application to create 280 single-family detached lots within the R-4 zoned portion of the site. Through the planned development process, the applicant is proposing to modify lot sizes so that all lots will be buildable and conform to the planned development's zoning overlay. The planned development includes appropriately sized and orientated lots for each unique site condition. Smaller lots are located closer to Baker Creek Road and will facilitate future planned transit along the roadway. Larger deeper lots are arranged adjacent to natural features. Medium lots are located in the middle area as a transition to density. Narrow lots are oriented to the street or common open space tracts with garage loading from an alley in the rear, while medium and large lots have access oriented to adjacent streets. Lots adjacent to the BPA easement are predominately oriented with the rear yard toward the easement, and this easement has been placed in an open space tract.

The width and depth of the proposed lots are also appropriate for the location of the lot. There are seven different lot types, organized by typical lot width, as shown on Exhibit 3's Lot Type Plan sheet EXH-3. Where a lot depth exceeds two times the average width, as requested with approval of this Planned Development, the dimensions are prudent as described below:

- SFD-70 lots would normally have a lot depth of no more than 140-feet. Of the 21 lots of this type, the proposed depths are typically less than 150-feet, with only a few approaching 160-feet. Therefore, this variance from the standards is a marginal amount. These lots are all on the perimeter of the project with the rear of the lots adjacent to sloping land that is proposed to be donated as a future special use park. The proposed depths as shown on Exhibit 3's Preliminary Plat sheets PL-1 through PL-5, allow for these lots to act as a buffer between the future open space and the developed portion of the site, so this added depth to the lots is appropriate for the location.
- SFD-60 lots would normally not have a lot depth of no more than 120-feet. Of the 36 lots of this type, the proposed depths are all less than 120-feet meeting this code standard, except for lots 206 & 207 which have a 25-foot wide driveway easement encumbering the front of the lots. Therefore, the functional depth of these lots is less than 120-feet, meeting the intent of this code section.

- SFD-50 lots would normally not have a lot depth of no more than 100-feet. Of the 48 lots of this type, many conform to this code. Where they do not, they are adjacent to the exterior of the project like the SFD-70 lots. The added depth also helps preserve trees on Lots 269-280, provide a buffer from the adjacent use on Lots 122-129 or 126-203, and rear yards of Lots 137 and 212 which are adjacent to the side yard of another lot to provide added lot depth and buffer the adjacent use. As such, the intent of this code section is met by the added depth of these planned development lots.
- SFD-40 and SFD-45 lots would normally not have a lot depth of no more than 80-feet or 90-feet respectively, if conforming to this code subsection exactly. Of the respective lots of these types, all of lot depths are greater than that which the code would prescribe. An 80-foot deep lot could have a 20-foot garage setback in the front and a 20-foot rear yard setback, leaving 40-feet of depth for the dwelling unit. However, that would mean the ground floor depth of the livable part of the dwelling would be only 20-feet deep after providing 20-feet for the typical depth of a garage. The planned development request for flexibility of this standard to allow for lot depths ranging from 90-feet to just over 100-feet means these dwellings will be 10-feet to 20-feet deeper than if conforming to the code. The proposed lots will have more functional internal ground floor space within the dwelling, as well as an increased area on the second floor. Lot depths of 100-feet, plus or minus, are ordinary depths for single-family dwelling lots so this request is within reason. These dimensions are also appropriate for the higher density portions of this site these lots occupy, providing conformance with the intent of this code.
- SFD-30a and SFD-26a lots would normally not have a lot depth of no more than 60-feet or 52 feet respectively. Of the respective 24 and 54 lots of these types, all of lot depths are greater than that which the code would prescribe. This code section also states that “all lots in a subdivision shall be buildable,” The lots are proposed to be 90-feet deep, which is a necessary depth to make them buildable. With the exception of Lots 17-20 and 81-84, all of which have front yards facing Shadden Drive or Meadows Drive, respectively, and are therefore deeper.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

COMMENT:

All proposed lots about upon a street for a width of 25-feet as required by this section, except those listed here. Through this planned development process, the applicant seeks approval for the alternative proposed access:

- Lots 21-32 in Phase 1A, Lots 44-49 in Phase 1B, and Lots 69-77 in Phase 1C have over 25-feet of frontage on the proposed public alley at the rear of the lot, and 25-feet of frontage on the proposed common area tract with a pedestrian way at the front of the lot.

- Lot 269 is served by a shared drive in an easement over the flag pole portion of adjacent Lot 270. Per drawing PL-5 Preliminary Plat, the flag portion of Lot 270 has 20.08' of public street frontage.
- Lots 204-208 on drawing PL-3 Preliminary Plat are served by a shared drive in an easement over the front of lots 205-208 that is 25-foot wide, providing more than the required frontage on a public street.
- Lot 129 is shown on drawing PL-3 Preliminary Plat to have 20.34-ft. of frontage for the flag pole portion of the lot.

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

COMMENT:

No through lots are proposed within the planned development. They have been avoided, so this section has been met.

D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

COMMENT:

As far as practicable, each lot's side property line runs at or near right angles to the adjacent streets.

E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

COMMENT:

Flag lots were avoided with the design of the planned development as much as possible. Flag lots are proposed only in three locations: 1) Lot 129 in Phase 2A, 2) Lots 269 and 270 in Phase 3C, and 3) Lots 204-208 in Phase 2C. In both the 2nd and 3rd instance, a private access drive in an easement is proposed to serve multiple lots, as is the preferred manner to provide access as described in Section 17.53.100 C.3. above. After consideration of topography, adjacent lots, and utilities, it was determined that street layouts to increase individual lot frontage for each of the lots listed above is not feasible, an inefficient use of land, and/or contrary to the policies of the Comprehensive Plan and this code. Flag lots and

associated easements were determined to be the only way to reasonably access the rear portions of the lots to be subdivided.

Section 17.53.110: Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
- C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.
- D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.
- E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

COMMENT:

The exhibit drawings GR-1 through GR-5 Grading Plans demonstrate that the proposed cuts and fills conform to these standards. The proposed storm drainage system is shown on drawings UT-1 through UT-5 Utility Plans.

Section 17.53.120: Building Lines. If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

COMMENT:

A special rear yard setback of 30-ft. is proposed for those lots where large oak trees are proposed to be preserved. The additional setback area will be identified on deed restrictions for the respective lots.

Section 17.53.130: Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and

opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

COMMENT:

The drawings show that full development of the planned development area is proposed with this application. Therefore, the above standards do not apply.

Section 17.53.140: Left-over Land. Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

COMMENT:

All land not developed as single-family lots or public right-of-ways has been identified as Tracts A-S on the applicant's Preliminary Plat drawings. Tracts A-F and H-S will be developed as common open space areas. Tract G will be developed as a sanitary sewer pump station. Therefore, there are no left-over strips of land within the proposed planned development.

Improvements

Section 17.53.150: Improvement Procedures.

COMMENT:

Improvements Procedures will be followed at the time of site construction and permitting.

Section 17.53.151: Specifications for Improvements.

COMMENT:

When detailed construction plans are prepared for the proposed planned development, design of the facilities will conform to the specification of this code section.

Section 17.53.153: Improvement Requirements.

COMMENT:

The applicant/developer will install water, electrical, sewer, drainage facilities, streets, pedestrian ways, private drives, alleys, and street trees with the proposed planned development project as required with each phase of development.

Exceptions, Variances, and Enforcement

Section 17.53.160: Exceptions in Case of Large Scale Development. The Planning Commission may modify the standards and requirements of this ordinance if the subdivision plat comprises a planned development unit, a large scale shopping center, or a planned industrial area. The Planning Commission shall determine that

such modifications are not detrimental to the public health, safety, and welfare, and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

COMMENT:

As mentioned in this narrative, the applicant is proposing and seeking the City's approval of modifications to this ordinance through the planned development process. As required, the applicant has addressed how the modifications meet the criteria for planned developments under Chapter 17.51. Adequate provisions have been made for traffic circulation with the proposed streets and ways, open space with the proposed tracts and amenities, and other features such as easements.

Chapter 17.57: Landscaping

Section 17.57.030 **Zones where required. Landscaping shall be required in the following zones except as otherwise noted:**

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single Family or Two-Family Residential unit);**
- D. C-3 (General Commercial zone);**

COMMENT:

The planned development is within the R-4 zone, however it is proposed with single-family residential units, so no landscaping is required per this section. No specific development or use is proposed within the proposed C-3 zone, so no landscaping is required for that area.

Section 17.57.040: **Specific uses requiring landscaping.**

- D. Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development.**

COMMENT:

The applicant is not proposing multi-family uses with this residential planned development. Therefore, these standards do not apply.

Chapter 17.58: Trees

Section 17.58.020: Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.**
- B. All trees with trunks located completely or partially within any public area or right-of-way;**
- C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;**
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;**

COMMENT:

The applicant is requesting development review of its application for a planned development and subdivision to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas as illustrated on the plans. Therefore, per subsection D. above, the provisions of Chapter 17.58 apply to trees on the planned development site.

Section 17.58.040: Tree Removal/Replacement

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning**

Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

COMMENT:

The exhibit landscaping plan drawing L1.0 Street Tree Plan indicates that the applicant is proposing to remove trees to facilitate site development of the planned development. The applicant requests concurrent review and approval of this request with the proposed planned development and subdivision applications.

- Section 17.58.050:** **Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:**
- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.**
 - B. The tree is in conflict with public improvements.**
 - C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.**
 - D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.**

COMMENT:

With concurrent review and approval of this tree removal request with the proposed planned development and subdivision applications, the trees proposed for removal are part of an approved development project which meets criteria C. above.

- Section 17.58.080:** **Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or**

planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

COMMENT:

The proposal is for a new subdivision so street tree planting is required in the curb-side planting strip.

Section 17.58.090: Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.**

COMMENT:

Proposed street tree species were chosen from the McMinnville Street Tree List. The trees are identified on the attached landscape drawing L1.0 Street Tree Plan, which was prepared by a landscape architect.

- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.**

COMMENT:

Following site construction, the street trees will be planted according to the specifications of this code section, as noted on the attached landscaping plans included with this application.

- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting**

replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.

COMMENT:

The proposed stature of the street trees, small, medium, and large, as well as the mature height and proposed spacing are referenced on the landscaping drawing L1.0 Street Tree Plan. This planned development is a residential neighborhood where street trees are evenly spaced where possible. The applicant is requesting concurrent approval by the City to permit variations to the spacing as shown on the plans. The proposed modifications are due to specific site limitations inherent in a planned development with a mix of housing types, a variety of lot widths, and range of driveway types, coupled with pedestrian curb ramps, alley access ramps, lamp posts, and other utility conflicts.

- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.**

COMMENT:

The landscape strips of the proposed development are primarily located adjacent to local residential streets, with one strip also located along a minor arterial street. The proposed street trees and landscape strips meet the above standards (see Exhibit 3).

- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.**

COMMENT:

The landscape plan drawing L1.0 Street Tree Plan illustrates that the proposed street trees are properly spaced from utilities, street intersections, driveways, alleys, as required by this Section, except in some cases driveway wings and water meter boxes encroach into the 5-foot and 10-foot spacing requirements. However, the proposed root barrier detail provides a means to deal with this encroachment in a way that will allow a tree to still be planted. Utilities shown on this drawing account for some of the proposed gaps in standard street tree spacing. The applicant seeks concurrent approval

of this Street Tree Plan with the proposed planned development and subdivision.

- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

COMMENT:

There are no street trees on or adjacent to the subject site. Therefore, these standards do not apply.

- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

COMMENT:

The applicant is not proposing to locate street trees within sidewalk cuts, therefore these standards do not apply.

Section 17.58.100: Street Tree Plans

A. Submittal.

- 1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.

COMMENT:

The applicant is requesting approval of a Planned Development application to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas. The applicant is also proposing to plant street trees with the planned development project in phases. The applicant is requesting concurrent approval of the street tree plan (L1.0) with this application.

Section 17.58.110: Street Tree Planting

A. Residential subdivisions and partitions.

- 1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.**

COMMENT:

As required, the developer will provide a surety bond at the developer's expense to the City to assure the planting of the required street trees shown on the approved Street Tree Plan.

Chapter 17.60: Off-Street Parking and Loading

Section 17.60.050: Spaces—Location. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.

COMMENT:

Each single-family lot is provided with off-street parking spaces on the same lot as the dwelling as shown on the drawings SP-1 through SP-5 Site Plans.

Section 17.60.060: Spaces—Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

5. Single-family and two-family dwelling.

Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

COMMENT:

Although detailed building plans have not been completed, most of the proposed single-family lots will have homes with 3-4 bedrooms, therefore 2 parking spaces are required. The attached Site Plans indicates that each dwelling is provided with 2 off-street parking spaces in garages and another 2 spaces in proposed driveways. City staff will verify that the minimum required number of required off-street parking spaces are provided for each lot during building permit review when each dwelling's total number of bedrooms is apparent.

Section 17.60.080: Design requirements.

B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed by this ordinance, and such

parking space shall not be less than twenty feet in depth from the property line.

COMMENT:

The proposed off-street parking spaces and driveway depths are a minimum of 20-feet from the property line.

Section 17.60.140: Bicycle parking.

A. Bicycle parking facilities shall be required as follows:

- 2. The uses exempted from bicycle parking requirements include: residential uses, drive-in theaters, mortuaries, motels, hotels, and automobile service stations.**

COMMENT:

Per the above standards, bicycle parking requirements are exempt for residential uses.

Chapter 17.61: Solid Waste and Recycling Enclosure Plan

Section 17.61.020: Applicability and Exemptions.

- A. The requirements of this chapter shall apply to all new commercial, industrial and multi-family developments of three (3) or more dwelling units.**

COMMENT:

The applicant is proposing single-family detached dwellings with the planned development, therefore the requirements of this chapter do not apply.

Chapter 17.62 Signs

Section 17.62.070 Permanent Sign Regulations. Permanent signs may be erected and maintained only in compliance with the following specific provisions:

- A. Residential (R-1, R-2, R-3, and R-4) zones.**
 - 1. Each subdivision or multi-family complex is permitted one permanent monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be nonilluminated.**

COMMENT:

The applicant requests approval of the proposed monument sign shown on the exhibit drawing L9.0 Landscape Plan at the two locations shown on L2.0 Landscape Plan. The proposed sign locations are in the common open space along Baker Creek Road.

Section 17.62.080 Sign Permits.

- A. General Provisions.**
 - 1. No sign which is not specifically listed as exempt from the provisions of this ordinance shall be erected, constructed, attached, relocated, or structurally altered without obtaining City approval.**
 - 2. Such approvals are not required for temporary signs, mounted signs that protrude less than twelve (12) inches, signs listed as exempt, or for routine sign maintenance.**
- B. Sign Permit.**
 - 1. Permit Requirements. An applicant for a sign permit shall supply the following information on forms provided by City:**
 - a. Size, height, location, description, and material of the sign;**

- b. Name of the manufacturer, contractor, owner, and business advertised;
 - c. Scaled drawing(s) and description of copy, structure, and lighting;
 - d. Photo(s) or drawing(s) of the proposed sign location(s); and
 - e. Signature of property owner or designee.
 - f. Other information required to demonstrate compliance with this Chapter.
2. Sign Permit Fee.
- a. The fee for a sign permit shall be as set forth in a resolution adopted by the City Council.
 - b. The fee for a sign permit shall be waived if the permit application is to bring a nonconforming sign into compliance within the first eight (8) years following the adoption of this ordinance.

COMMENT:

No monument sign will be erected without City approval. Upon filing of an application on forms provided by the City. Specifications for the sign are provided in the attached L9.0 Landscaped Drawings exhibit. The required fee has been provided with this application, therefore this section is met.

Chapter 17.72: Applications and Review Process

Section 17.72.020: Application Submittal Requirements. Applications shall be filed on forms provided by the Planning Department and shall be accompanied by the following;

- A. A scalable site plan of the property for which action is requested. The site plan shall show existing and proposed features, such as access, lot and street lines with dimensions in feet, distances from property lines, existing and proposed buildings and significant features (slope, vegetation, adjacent development, drainage etc.)

COMMENT:

The applicant has filed these applications on forms provided by the Planning Department and has submitted scalable site plans which show the elements required by this section.

- B. An explanation of intent, nature and proposed use of the development, and any pertinent background information.

COMMENT:

As required, this Applicant's Statement discusses in narrative form the project background, the intent, nature and proposed use of the proposed development in detail. All applicable approval criteria have been met.

- C. Property description and assessor map parcel numbers(s).
- D. A legal description of the property when necessary.
- E. Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.

COMMENT:

The attached Preliminary Development Plans and this narrative provide a property description and assessor map parcel numbers. Legal descriptions for the subject parcels have been submitted with this application (see Exhibit 2). In addition, the applicant has submitted land use application forms which indicate that the applicant is also the sole property owner of the subject site (see Exhibit 2).

- F. Materials required by other sections of the McMinnville Zoning Ordinance specific to the land use application.

- G. **Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.**

COMMENT:

In addition to the materials listed above, the applicant has submitted a Geotechnical Report and Neighborhood Meeting Documentation for the proposed development.

Section 17.72.030: Filing Fees. The City shall charge and collect a filing fee for each such application as established by resolution of the City Council.

- A. **The applicant(s) shall submit the required filing fee at the time of application submittal;**
- B. **Whether the request is approved or denied, the petitioner shall not be entitled to a refund of the initial fee paid.**

COMMENT:

As required, the applicant has submitted the required filing fee with the submitted applications.

Section 17.72.070: Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

COMMENT:

Several land use applications have been submitted for concurrent Planning Commission and City Council review. The applicant and property owner are requesting that the applications be processed simultaneously per this section.

There is no application process in this code for acceptance of the proposed land donation as well as the suggested acceptance of the dedication of open space tracts as public parks. The June 1999 Parks Master Plan (page 22) states that park acquisition is to be coordinated by the Director of Parks and Recreation. So, the applicant requests that the proposed land donation and dedication be coordinated simultaneously as well, so the applicant can plan for the future ownership and maintenance of those parcels.

Application Review and Decision Process

Section 17.72.080: Legislative or Quasi-Judicial Hearings. The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning

Commission or City Council.

- B. An application that is site specific (such as a zone change or annexation request) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens' Advisory Committee or by application of the property owner.**

COMMENT:

The applicant has submitted several land use applications that will be reviewed through a quasi-judicial hearing process. A public hearing will be held before the Planning Commission and City Council for the submitted Planned Development Amendment, Comprehensive Plan Map Amendment, Zoning Map Amendment, new residential Planned Development, Subdivision, Tree Removal, Street Tree Plan and Landscape Plan Review applications. In addition, the City Council will consider the offer for donated public park land to the City of McMinnville.

Section 17.72.090: Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter.

COMMENT:

This Applicant's Statement and the attached exhibits demonstrate that the applicant has addressed appropriate criteria for the submitted land use applications. City staff will ensure that required procedures are followed for public noticing and at the required quasi-judicial hearings.

Section 17.72.095: Neighborhood Meetings.

- A. A neighborhood meeting shall be required for:**
 - 1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:**

COMMENT:

The submitted Comprehensive Plan Map Amendment, Zoning Map Amendment, Subdivision (more than 10 lots), and Planned Development applications require public hearings, therefore a neighborhood meeting is also required. The applicant held a neighborhood meeting to discuss the land use applications with area residents on November 1, 2018.

B. Schedule of Meeting.

- 1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.**
- 2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.**

COMMENT:

The applicant held a neighborhood meeting to discuss the land use applications with area residents on November 1, 2018. As required, the applicant submitted the attached land use applications by April 30, 2019, less than 180 days from the neighborhood meeting.

C. Meeting Location and Time.

- 1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.**
- 2. The meeting shall be held at a location that is open to the public and must be ADA accessible.**
- 3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.**
- 4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 pm and 8 pm or Saturdays between the hours of 10 am and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.**

COMMENT:

The applicant scheduled the neighborhood meeting at the Baker Creek Community Church at 325 NW Baker Creek Road within the City limits of the City of McMinnville. The meeting was held in a community room that is ADA accessible between 6:00 pm and 7:30 pm on Thursday, November 1, 2018. A copy of the 8 1/2" x 11" sign that was posted at the building entrance has been submitted with this application (see Exhibit 6).

D. Mailed Notice.

- 1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110 and Section 17.72.120.**
- 2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.**
- 3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.**

COMMENT:

As required, the applicant mailed a neighborhood meeting notice to all property owners within 300-feet of the subject site. The notice was mailed out on October 5, 2018 meeting the requirements of this code. A copy of the mailing list, invitation letter, and other materials mailed to the neighbors has been submitted with this application (see Exhibit 6).

- 4. The mailed notice shall:**
 - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.**
 - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request).**
 - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the**

proposed development.

- d. Include a conceptual site plan.**

COMMENT:

The attached Neighborhood Meeting Documentation indicates that the applicant included all of the above information when inviting neighbors to the meeting.

- 5. The City of McMinnville Planning Department shall be included as a recipient of the mailed notice of the neighborhood meeting.**
- 6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.**

COMMENT:

As required, the applicant mailed a copy of the neighborhood meeting notice to the City Planning Department.

E. Posted Notice.

- 1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.**
- 2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.**
- 3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.**
- 4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.**

COMMENT:

As required, the applicant posted a sign at the subject site to advertise the neighbor meeting in accordance with the above standards. A copy of the site sign has been included with the attached Neighborhood Meeting Documentation.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
 - a. An opportunity for attendees to view the conceptual site plan;
 - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
 - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

COMMENT:

A neighborhood meeting agenda that includes the above elements was distributed to meeting attendees. A copy of the agenda has been submitted with the attached Neighborhood Meeting Documentation.

- G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:
 1. A copy of the meeting notice mailed to surrounding property owners;
 2. A copy of the mailing list used to send the meeting notices;
 3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
 4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and

5. **Notes of the meeting, which shall include:**
 - a. **Meeting date;**
 - b. **Meeting time and location;**
 - c. **The names and addresses of those attending;**
 - d. **A summary of oral and written comments received; and**
 - e. **A summary of any revisions made to the proposal based on comments received at the meeting.**

COMMENT:

As required, the applicant took minutes at the neighborhood meeting and a meeting summary has been submitted with this application. Copies of all materials listed above have been attached with the submitted Neighborhood Meeting Documentation. Based on positive comments received at the neighborhood meeting, the applicant did not make any subsequent major revisions to the proposal.

Section 17.72.120: Applications – Public Hearings. The Planning Commission shall hold at least one public hearing on the following land use applications.

- **Comprehensive Plan Map Amendment**
- **Planned Development**
- **Tentative Subdivision (more than 10 lots)**
- **Zone Change**

COMMENT:

As required, the submitted Comprehensive Plan Map Amendment, Zoning Map Amendment, Tentative Subdivision (more than 10 lots) and Planned Development applications will be reviewed concurrently at a public hearing before the Planning Commission.

Chapter 17.74: Review Criteria

Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

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

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;**

COMMENT:

This Applicant's Statement has demonstrated how the proposed Comprehensive Plan Map and Zoning Map Amendment applications are consistent with applicable goals and policies of the Comprehensive Plan in the responses above under III. Findings A. of the McMinnville Comprehensive Plan.

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;**

COMMENT:

Several changes have occurred in the neighborhood or community to warrant the proposed amendments. First of all, the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I designated Baker Creek Road adjacent to the site as a planned transit corridor. This makes it an appropriate action for the R-1 zoned parcel to be rezoned to R-4, as well as applying the R-4 zone to the remainder of the planned development site's area that does not have urban zoning. This type of residential zone will promote the type of density proposed with the planned development overlay and the type of density needed to support future transit service along this corridor. All of the lots are within ¼ mile of this planned transit corridor, providing consistency with Comprehensive Plan policies for this zoning classification.

It is the applicant's understanding, that a portion of the subject site was designated commercial at a time when a northwest expansion of the City's urban growth boundary was being pursued and a future commercial center was desired for this area of McMinnville. However, this expansion to the northwest did not materialize. This has left the site with an excess of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, who is a developer who has owned the site for almost four years after purchasing it from a bankruptcy trustee, attests to the lack of demand for so much commercial land through the lack of interest from others in the property for such uses. The commercially designated area is too large given the current pattern of development in McMinnville. A large commercial development is not appropriate and would drain economic activity from the downtown core and established commercial centers in McMinnville. The proposed planned development amendment and the amendment to the Comprehensive Plan Map will decrease the area designated commercial and will allow the property to more freely meet the

market needs permitted under the C-3 zone. As discussed previously, development of the remaining commercial land will likely be a mix of neighborhood commercial and multi-family housing.

An additional change in the community is the successful development of the surrounding area with medium and high-density single-family housing. For example, the Baker Creek East and West development to the south, which was a modification of the original Shadden Claim planned development, improved the area with a gross housing density of 5.83 dwelling units per acre. The proposed Baker Creek North development is proposed to be 5.75 dwelling units per acre, so the proposed amendments allow the proposed development which is of a similar gross density to the adjacent developments.

The proposed amendments are also timely as the demand for housing increases. As the last large tracts of buildable land in the City are consumed, the proposed amendments will ensure that the subject site is efficiently developed with high density housing and provides housing diversity in an area that contains medium and low density neighborhoods (i.e. Oak Ridge, Michelbook Meadows, Adjacent new development to the northeast).

Approval of the amendments will allow for an orderly development of the area. The earlier phases of the planned development are along the south side of the site, where utilities exist and small and medium sized lots meet the current market needs. Later phases will allow for more housing diversity with small, medium, and large lots to serve the broad housing needs of the community. The new lots in the planned development, and the development of multi-family units on the commercial lot, will provide economic support for neighborhood commercial uses on the C-3 zoned parcel.

The City of McMinnville completed its last Economic Opportunity Analysis (EOA) in 2013. The report indicates that there is a 35.8 acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designate some of the 235.9 acres of surplus Industrial land for commercial use. Since this surplus of Industrial land can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial designated land from 11.3 acres to 6.62 acres will not diminish the City's ability to meet its commercial land needs.

In 2001, the City of McMinnville completed a Residential Land Needs Analysis for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R-4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

Over the last two decades, the City's deficient residential land supply has continued to be a lingering problem and housing costs have risen to a point where they are now unattainable for many residents. To address these issues, the City is currently updating its Housing Needs Analysis. This study indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will allow the development of 891 dwelling units which can't be accommodated by the current R-4 land supply.

The applicant's proposal to zone 48.7 acres of the site R-4 will increase the density of existing Residential designated land to permit the develop additional housing in the community. As demonstrated by the attached Typical Lots Plan and Site Plan, the proposed Comprehensive Plan Map and Zoning Map

Amendments will facilitate the development of 280 small, medium, and large sized single-family lots within the proposed planned development area. The proposed map amendments will also allow the future development of apartment units in addition to neighborhood commercial within the C-3 zoned portion of the site, further working to meet the housing needs of the community.

- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.**

COMMENT:

This narrative and the attached plans show that utilities and services can be efficiently provided to serve the proposed and potential uses in the proposed residential and commercial zoning districts.

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

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

COMMENT:

The applicant has addressed the McMinnville Comprehensive Plan policies, and nothing in this narrative is intended to exclude needed housing or unnecessarily decrease density. The applicant requests approval of the concurrently reviewed applications with conditions that do not add unreasonable cost or delay in the development of this needed housing in McMinnville.

17.74.070

Planned Development Amendment - Review Criteria.

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

- **An increase in the amount of land within the subject site;**
- **An increase in density including the number of housing units;**
- **A reduction in the amount of open space; or**
- **Changes to the vehicular system which results in a**

significant change to the location of streets, shared driveways, parking areas and access.

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

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

COMMENT:

This application's proposed amendments to the existing planned development in Ordinance 4633 are major changes because there would be an increase in density. Section 17.72.120 is addressed above. The current ordinance allows no housing and the amendment would allow no more than 120 multi-family dwelling units. The applicant requests this amendment be authorized because it satisfies all relevant requirements of this ordinance. The above items are addressed below.

- A. This application does not propose to depart from standard regulation requirements of commercial and residential development within the commercial lot, thus this application demonstrates this item is addressed.
- B. The Comprehensive Plan Map is proposed to be amended concurrently and consistent with the planned development area proposed in this Planned Development Amendment application. This narrative addresses how the Comprehensive Plan Map and Zoning Map amendments and the commercial and residential uses within the proposed planned development amendment area are consistent with the Comprehensive Plan objectives by providing neighborhood commercial and needed residential housing.
- C. The area of the planned development amendment is surrounded by existing and proposed streets. Thus, access and services will be available to adjoining parcels from and through those

streets. Upon future development of the planned development amendment site with the commercial C3-PD overlay, public right-of-way along Baker Creek Road will be improved and dedicated to the City and a public utility easement along street frontages will be granted. Documents to affect the dedication and granting of right-of-way and easements will be recorded in the local County records.

- D. The plan to amend the planned development can be completed in a reasonable amount of time. The amendment will be done as soon as the City passes ordinances to affect the change.
- E. The site of the planned development amendment is adjacent to a minor arterial with capacity planned in the City's Transportation Plan adequate to serve the area with over ten acres of commercial use. The applicant's traffic analysis shows this. The proposed use is 6.62 acres with no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units. The intensity of the proposed uses in the application are less than the intensity of the commercial use planned for in the City's plans under the current planned development scenario. Therefore, development of the site as the amendment proposes will not overload the streets, rather the impact will be lighter than planned for by the City.
- F. The area amended by the planned development has street frontage, sanitary sewer service and other utilities available as shown on the plans that are adequate for development of the site. No development of the site is proposed at this time.
- G. No development of the site is proposed at this time. However, neighborhood commercial and multi-family impacts are those anticipated for typical urban development. Noise, air, and water pollutants from the site will no impact surrounding properties. Surrounding properties are buffered from the site by public streets.

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IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the McMinnville Comprehensive Plan and McMinnville Municipal Code. Therefore, the applicant requests that the submitted applications be concurrently approved.

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