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March 30, 2020

Baker Creek Development, LLC
Attn: Morgan Will
8840 SW Holly Lane
Wilsonville, OR 97070

Re: Baker Creek North Land Use Application Approvals

Dear Mr. Will,

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, March 24, 2020, your applications for a Comprehensive Plan Map Amendment (CPA 1-19), Zone Change (ZC 1-19), Planned Development Amendment (PDA 2-19), Planned Development (PD 1-19), Tentative Subdivision (S 1-19), and Landscape Plan Review (L 12-19) were presented and considered.

The subject property is located at 1755 NW Baker Creek Road and is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit C in Instrument No. 201904870, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.

Based on the material submitted, the testimony received, and the review criteria in Chapter 17.53 and Sections 17.51.030(C), 17.57.070(B), 17.58.090, 17.74.020, and 17.74.070 of the McMinnville Municipal Code, the City Council voted to take the following actions on your land use applications:

- 1) **APPROVE** the Comprehensive Plan Map Amendment (CPA 1-19);
- 2) **APPROVE** the Zone Change (ZC 1-19), subject to conditions;
- 3) **APPROVE** the Planned Development Amendment (PDA 2-19), subject to conditions;
- 4) **APPROVE** the Planned Development (PD 1-19), subject to conditions;
- 5) **APPROVE** the Tentative Subdivision (S 1-19), subject to conditions; and
- 6) **APPROVE** the Landscape Plan Review (L 12-19), subject to conditions.

Enclosed for your records are copies of Ordinance No. 5084 (CPA 1-19), Ordinance No. 5085 (ZC 1-19), Ordinance No. 5086 (PDA 2-19), Ordinance No. 5087 (PD 1-19), Ordinance No. 5088 (S 1-19), and Ordinance No. 5089 (L 12-19) which were adopted by the City Council on March

24, 2020, and include your land use decisions with the Findings of Fact, Conclusionary Findings, and conditions of approval.

As stated above, all approvals, except for the Comprehensive Plan Map Amendment (CPA 1-19), included conditions of approval, which are included in Ordinances 5084 – 5089 and your land use decision documents. We have also outlined those conditions of approval below.

Zone Change (ZC 1-19) Conditions of Approval

1. That the decision for approval of Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council.

Planned Development Amendment (PDA 2-19) Conditions of Approval

1. Ordinance 4633 is repealed in its entirety.
2. That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. “Integrated” means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.
3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “Restaurant” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.
4. That stand-alone drive-through facilities shall be prohibited within the Planned Development Overlay District.
5. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.
 - a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located

- away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
- b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.
 - c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of two stories without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.
 - d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
 - e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
 - f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.
 - g. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.
 - h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.
 - i. That signs located within the planned development site be subject to the following limitations:

1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.
 - A. Awning Sign
 - i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
 - ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
 - iii. Lettering and signboard may be integrated along the valance or awning fascia.
 - B. Projecting and Blade Sign
 - i. Maximum sign area shall be 4 square feet (per side).
 - ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
 - iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.

- iv. Distance from building wall to signboard shall be a maximum of 6 inches.
- v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
- vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

- i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.
 - ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign. The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.
 - iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.
- j. Outside lighting must be directed away from residential areas and public streets.
6. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.
7. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
- a. Off-street parking and loading;
 - b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
 - c. Seating for food and beverage establishments; and
 - d. Food carts.
8. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road. The traffic impact analysis shall include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Highway 99W, but shall not be limited to only those intersections.
9. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

Planned Development (PD 1-19) Conditions of Approval

1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.
3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
 - a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
 - b. SFD-45: Minimum 4 foot side yard setback
 - c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
 - d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback
4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric Code (NEC) clearances.
5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.
6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a Homeowner's Association (HOA) for the benefit of the public until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park land to the City of McMinnville.

7. That the tracts and parcel dedicated as public park and open space are improved to City standards prior to dedication to the City of McMinnville. Specifically, the following improvements are required in the following tracts and parcel:
 - a. Tract I – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - b. Tract J - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - c. Tract K – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Track I,

Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.

- f. Tract G – This tract is identified for a sanitary sewer pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. The proposed sanitary sewer pump station site also appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department’s service vehicles so that the pump station can be adequately maintained.
8. That the private open space and recreational tracts be improved or preserved as shown in the Planned Development plans. Specifically, the following improvements are required in the following tracts:
- a. Tract A – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
 - b. Tract B – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment, open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
 - d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.
 - e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22’x30’ covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on

- Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
- g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist’s report.
 - i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
 - m. Tract S – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.
9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. A development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted to the City for review and approval of the design and engineering prior to construction.
10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.

11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.
12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.
14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.

That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision, as identified in Drawing L 1.0, Drawing L4.0, Drawing L 5.0, Drawing L6.0, and the tree protection detail in Drawing L6.0 and approved as part of L 12-19 as part of this development project.

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication

Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

15. That lots with less than 40 feet of street frontage shall be accessed from an alley / alley loaded.
16. That all alleys will be private. Any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.
17. That Lots 206 – 210 shall be allowed to share one private access drive. The access drive shall be provided within an access easement and be maintained by the properties utilizing the access drive for access.
18. That driveways on each private lot shall be the maximum width requested by the applicant depending on the type of lot. The maximum driveway width on the private lot for each lot type shall be:
 - a. SFD-70 and SFD-60 Lots: 30 feet wide driveways
 - b. SFD-50 and SFD-40 Lots: 20 feet wide driveways
 - c. SFD-45 Lots: 18 feet wide driveways
 - d. SFD-30a & SFD-26a Lots: Driveways the same width of the dwelling, and only providing access from an alley

Except for SFD-40 lots, the driveway width shall be tapered down at the property line and not exceed the maximum 40 percent driveway width required by Section 12.20.030(B) between the property line and the street. SFD-40 lots may have maximum driveway widths of 20 feet between the property line and the street.

Variances to driveway width and location due to unique lot configurations may be requested through the process in Section 12.20.080 (Variances-issuance conditions-City Engineer authority) of the McMinnville Municipal Code. Variances will be required for lots that have reduced frontage dimensions on curved corners of streets (Mercia Street, Charles Street, and Edgar Street) and for some corner lots.

19. That the maximum block length within the Baker Creek North Planned Development shall be 645 feet and the maximum block perimeter shall be 2,325 feet.
20. All front facades and public facing building elevations must meet the following design standards.

Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

- a. Style and Massing
 - i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
 1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
- b. Type of Exterior Materials
 - i. Elevations shall include horizontal elements the width of the façade. The horizontal elements shall mark the break between floors or be located along rooflines, and may include fascia, band course, band molding, bellyband, or belt course.
 - ii. A minimum of two types of building materials shall be used on the front elevations.
 - iii. Elevations shall have trim with a minimum size of 3 inches on all windows, and shall incorporate a color palette with three colors.
 - iv. In addition, elevations will include at least four of the following.
 1. Windows
 2. Gables
 3. Dormers
 4. Architectural bays
 5. Awnings made of fabric, metal or wood-framed
 6. Change in wall planes
 7. Ground floor wall lights/sconces
 8. Transom windows
 9. Balconies or decks
 10. Columns or pilasters – not decorative
- c. Front Porches / Entry Areas
 - i. Front porches shall be at least 36 square feet in area, with a minimum depth of 4 feet as measured from the front door.
 - ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
 - iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch. If columns are included, the columns shall be a minimum size of 6 inches by 6 inches.
- d. Roof Design and Materials
 - i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
 - ii. Elevations shall contain more than one single, continuous ridgeline or eave. An elevation may have one single, continuous ridgeline or eave over the main portion of the roof structure, but must also have another

- roof ridgeline or eave, such as a gable or hip roof that extends perpendicularly or at a lower elevation from the larger roof ridgeline.
- e. Exterior Doors and Windows
 - i. Windows shall be provided on all elevations and blank walls will be avoided.
 - f. Garage Door Types
 - i. Pair garages where possible to maximize planting strip and potential for street trees.
 - ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
 - iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
 - 1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
 - 2. The building includes one of the following:
 - a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall;
 - b. A covered balcony above the garage that is:
 - i. At least the same length as the street-facing garage wall;
 - ii. At least 6 feet deep; and
 - iii. Accessible from the interior living area of the dwelling unit.
 - c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
 - i. Change in elevation of roof ridges
 - ii. Change in direction of roof ridges
 - iii. Eave overhangs of over 12 inches
 - iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
 - v. Porch of at least 48 square feet in area
 - vi. Dormer or bay windows
 - vii. Shutters on all windows
 - viii. Accent siding
 - ix. Decorative gable vents
 - x. Garage doors with windows and decorative paneling
 - xi. Decorative front door (minimum 25 percent glazing)
 - xii. Front door with transom and/or sidelight windows
 - iv. Garages shall be recessed from entrances or covered front porches.
 - g. Exterior Lighting
 - h. Sample Exterior Colors
 - i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

21. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.
22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

Tentative Subdivision (S 1-19) Conditions of Approval

1. That the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.
2. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Planning Director as required as part of L 12-19 as part of this development project for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Planning Director, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
 - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
 - B. Each year the applicant shall install street trees, from October 1 to April 1, adjacent to those properties on which a structure has been constructed and received final

- occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.
- C. It shall be the applicant's responsibility to relocate street trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.
3. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval.
 4. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public park (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.
 5. That plat phasing is approved as depicted in Drawing EXH-6 in the applicant's submittal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
 6. That the Tentative Subdivision Plan, Phase 1A shall expire two (2) years from the date this decision is final without appeal and the decision of PD 1-19 is final without appeal. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
 7. That each subsequent phase of the subdivision, following Phase 1A, shall expire five (5) years from the date of this approval, which extends past 2024 as proposed in the application materials. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

8. That the applicant shall provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale for a period of six months for each subdivision phase. The applicant shall provide information detailing the number of lots that will be made available for individual sale for review and approval by the Planning Director prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.
9. That the public and private open space tracts shall be constructed per the specifications outlined the conditions of approval for the Planned Development Overlay District (PD 1-19).
10. That the required greenway trail system and access ways within and connecting to the dedicated public park parcel (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be constructed prior to the issuance of building permits for Phase 2A or Phase 3A per Section 17.53.075(D) of the McMinnville Municipal Code.
11. All front facades and public facing building elevations must meet the following design standards.

Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

- a. Style and Massing
 - i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
 1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
- b. Type of Exterior Materials
 - i. Elevations shall include horizontal elements the width of the façade. The horizontal elements shall mark the break between floors or be located along rooflines, and may include fascia, band course, band molding, bellyband, or belt course.
 - ii. A minimum of two types of building materials shall be used on the front elevations.
 - iii. Elevations shall have trim with a minimum size of 3 inches on all windows, and shall incorporate a color palette with three colors.
 - iv. In addition, elevations will include at least four of the following.
 1. Windows
 2. Gables

3. Dormers
 4. Architectural bays
 5. Awnings made of fabric, metal or wood-framed
 6. Change in wall planes
 7. Ground floor wall lights/sconces
 8. Transom windows
 9. Balconies or decks
 10. Columns or pilasters – not decorative
- c. Front Porches / Entry Areas
- i. Front porches shall be at least 36 square feet in area, with a minimum depth of 4 feet as measured from the front door.
 - ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
 - iii. Porch must include one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch. If columns are included, the columns shall be a minimum size of 6 inches by 6 inches.
- d. Roof Design and Materials
- i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
 - ii. Elevations shall contain more than one single, continuous ridgeline or eave. An elevation may have one single, continuous ridgeline or eave over the main portion of the roof structure, but must also have another roof ridgeline or eave, such as a gable or hip roof that extends perpendicularly or at a lower elevation from the larger roof ridgeline.
- e. Exterior Doors and Windows
- i. Windows shall be provided on all elevations and blank walls will be avoided.
- f. Garage Door Types
- i. Pair garages where possible to maximize planting strip and potential for street trees.
 - ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
 - iii. The garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
 1. The garage door opening is not wider than the maximum width of the driveway allowed for the private lot; and
 2. The building includes one of the following:
 - a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall;
 - b. A covered balcony above the garage that is:
 - i. At least the same length as the street-facing garage wall;
 - ii. At least 6 feet deep; and
 - iii. Accessible from the interior living area of the dwelling unit.

- c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
 - i. Change in elevation of roof ridges
 - ii. Change in direction of roof ridges
 - iii. Eave overhangs of over 12 inches
 - iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
 - v. Porch of at least 48 square feet in area
 - vi. Dormer or bay windows
 - vii. Shutters on all windows
 - viii. Accent siding
 - ix. Decorative gable vents
 - x. Garage doors with windows and decorative paneling
 - xi. Decorative front door (minimum 25 percent glazing)
 - xii. Front door with transom and/or sidelight windows
 - iv. Garages shall be recessed from entrances or covered front porches.
 - g. Exterior Lighting
 - h. Sample Exterior Colors
 - i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.
12. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.
13. That the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90° as practical. The current “Y” configuration is not consistent with MMC Section 17.53.101(F).
14. That all alleys will be private alleys and that any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner’s Association and/or the properties that utilize the alleys for access.
15. That the street improvement between the curbs on Meadows Drive and Shadden Drive shall have the City’s typical “Teepee” section instead of the offset crown to allow for the curb elevations to match on each side of the street. This street improvement section is proposed to accommodate the additional right turn lane within the street at the intersections of Meadows Drive and Shadden Drive with Baker Creek Road.
16. That at the time of submittal of final plats for review, different street names shall be proposed to replace “Harold Drive” and “Emma Street” to avoid the creation of

duplicative street names within the city.

17. That the public improvements shall be completed to address the following requirements of McMinnville Water and Light:
 - a. With 15 foot front yard setbacks, electrical transformers shall be located toward the front of public utility easements to ensure that a minimum of 8 feet of clearance is provided between the transformer and combustible surfaces, and doors and windows that open.
 - b. The wider multi-use path in lieu of a sidewalk on the west side of Meadows Drive from Baker Creek Road to Kent Street is located partially within the public utility easement. Electric and other utility requirements within the public easement shall be coordinated with the construction of the wider multi-use path. If the sidewalk is placed prior to utilities, conduit shall be pre-placed to facilitate the provision of future utilities.
 - c. Street lighting plan will need to be designed by a licensed engineer. Street lighting shall include lighting at
 - d. The terminus of Shadden Drive and William Drive shall be improved to provide sufficient conduit and vaults to facilitate the extension of McMinnville Water and Light's systems beyond the extent of the subdivision.
18. The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.
19. The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.
20. The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.
21. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
22. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
23. At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
24. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb

painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.

25. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
26. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat.
27. A detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
28. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
29. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
30. The proposed detention facility tracts shall be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
31. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.
32. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
33. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

34. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
35. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
36. The applicant shall submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
37. The required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
38. The applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
39. That an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

Landscape Plan Review (L 12-19) Conditions of Approval

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.
2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.
3. That all costs and liability associated with tree removal shall be borne by the applicant.

4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.
5. That only the 17 existing trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.
6. That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.
7. That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.
8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.
11. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
12. That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.
13. That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
14. That the approved street tree species for the Baker Creek North subdivision are:
 - a. Small Trees
 - i. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
 - b. Medium Trees
 - i. *Acer rubrum* 'October Glory' (October Glory Red Maple)
 - ii. *Cercidiphyllum japonicum* (Katsura Tree)
 - iii. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
 - iv. *Ostrya virginiana* (American Hophornbeam)

v. *Prunus sargentii* (Sargent Cherry)

15. That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:
 - a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
 - b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
 - c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
 - d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
 - e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
 - f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
 - g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
 - h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
 - i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
 - j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
 - k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.
16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.
17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.
18. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.

19. Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.
20. Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.
21. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
22. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
23. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
24. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and are entitled to notice as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. If no appeal is filed on or before April 20, 2020, the decision of the City Council will be final. Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Documents with the Findings of Fact, Conclusionary Findings and Conditions of Approval are separate documents and are attached to this letter for the applicant and are also on file with the Planning Department.

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

Sincerely,



Chuck Darnell
Senior Planner

CD:sjs

c: Patty O’Leary, 2325 SW Homer Ross Loop, McMinnville, OR 97128
Doug Johnson, 1834 NW 8th Street, McMinnville, OR 97128
Geoff Bourgeois, 29351 SW Baker Road, Sherwood, OR 97140
Duane Wilson, 8840 SW Holly Lane, Wilsonville, OR 97070
Jeff Betenelli, 15685 SW 116th Avenue – Suite 290, Tigard, OR 97224
Philip and Kathy Loving, 724 NW 21st Street, McMinnville, OR 97128
Lana Brown, 2014 NW Cottonwood Drive, McMinnville, OR 97128
Markus Pfahler, 2515 West Wind Drive, McMinnville, OR 97128
Jeff and Lori Zumwalt, Premier Home Builders, Inc., 1312 NE Highway 99W
Steve Dow, Black Hawk Homes, LLC, PO Box 1621, Scappoose, OR 97056
Vince Vincer, Symbiotik Development, LLC, 7199 SW Ascot Ct, Portland OR 97225
Mike and Sandy Colvin, 2718 NW Pinot Noir Drive, McMinnville, OR 97128
Linda Lindsay, 2593 NW Pinot Noir Drive, McMinnville, OR 97128
Larry Yoder, 1875 NW Meadows Drive, McMinnville, OR 97128
Jim Cena, 15080 NW Blacktail Court, McMinnville, OR 97128
Larry and Hersheil Steward, 14200 NW Orchard View Road, McMinnville, OR 97128
Caroline Moore, 205 NE 6th Street, McMinnville, OR 97128
Nancy and Surinder Singh, 2200 SW West Wind Drive, McMinnville, OR 97128
David Cutter, 15000 NW Blacktail Lane, McMinnville, OR 97128
Lane Roemmick, Sent via email
Jim and Jean Semph, 2175 SW Homer Ross Loop, McMinnville, OR 97128
Vincent Taft and Allison Best, 2025 SW Fox Swale Lane, McMinnville, OR 97128
Patrick Stinson, 2065 NW Willamette Drive, McMinnville, OR 97128
Gary and Suzanne Farmer, Sent via email
Rick Weidner, 2075 SW Sailing Court, McMinnville, OR 97128
Kari Rex, Sent via email
Melba Smith, 2780 NW Pinot Noir Drive, McMinnville, OR 97128
Scott Larsen, 19451 SW Powerhouse Hill Road, McMinnville, OR 97128
Cathy Goekler, 2684 NW Pinot Noir Drive, McMinnville, OR 97128

Enclosures:

Ordinance No. 5084

Decision, Findings of Fact and Conclusionary Findings for the Approval of a Comprehensive Plan Map Amendment from a Commercial Designation to a Mix of Residential and Commercial Designations at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road (Docket CPA 1-19)

Ordinance No. 5085

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Zone Change from a Mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to C-3 (General Commercial) and R-4 (Multiple Family Residential) at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road (Docket ZC 1-19)

Ordinance No. 5086

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Planned Development Amendment to Amend the Conditions of Approval and Reduce the Size of an Existing Planned Development Overlay District at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road (Docket PDA 2-19)

Ordinance No. 5087

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Planned Development Overlay District to Allow for the Development of a 280 Lot Residential Subdivision with Modifications from the Underlying Zoning Requirements at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road (Docket PD 1-19)

Ordinance No. 5088

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Tentative Subdivision for a 280 Lot, Phased Single-Family Detached Residential Development at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road (Docket S 1-19)

Ordinance No. 5089

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan and Street Tree Plan for the Baker Creek North Subdivision (Docket L 12-19)