

CITY OF McMinnville
MINUTES OF CITY COUNCIL REGULAR SESSION
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, January 14, 2020 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	
	Adam Garvin	
	Zack Geary	
	Kellie Menke, Council President	
	Sal Peralta	
	Wendy Stassens	

Also present were City Attorney Walt Gowell, City Manager Jeff Towery, Fire Chief Rich Leipfert, Human Resources Manager Kylie Bayer-Fertterer, Community Development Director Mike Bisset, Interim Finance Director Elizabeth Comfort, Planning Director Heather Richards, Senior Planner Chuck Darnell, Associate Planner Jamie Fleckenstein, and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE

Council President Menke led the Pledge of Allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT

Ethan Downs, McMinnville resident, asked about the status of the resolution that had been given to Council regarding climate change. Many people were eager to help and take action.

Ukaia Helensteiner, McMinnville resident, said students at the high school had requested in October that the Council pass the climate change emergency resolution. People had been asking the City to take action, which it had not done since 2007. While some steps had been taken, not enough had been done. They had a petition with 500 signatures from high school students who supported the resolution.

Liz Marlia-Stein, McMinnville resident, wanted to know why the students were not getting a response. She showed a picture of her children and grandchildren and how they had started Fire Drill Fridays. She invited the Council to come and show the City that they cared.

Nic Payton, McMinnville resident, was part of the Climate Ambassadors for the high school. They had been doing a lot to combat climate change at the school. They were looking forward to working with the City. Climate change had been a threat for several decades and he urged the City to move the process forward.

4. ADVICE/ INFORMATION ITEMS

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

Councilor Garvin said they had a lively Airport Commission meeting where funding for the \$2.1 million dollar project was discussed. The YCOM meeting was canceled. They were successful in interviewing for the Enrichment Services Advisory Committee. There would be a recommendation coming to the Council for appointments to that Committee.

Councilor Drabkin reported on the Affordable Housing Task Force who were revising their action plan and would be coming to Council with a request to change the Task Force to a permanent Committee. She addressed some of the feedback on the Homelessness Subcommittee being disbanded. They were pulling that subcommittee back up into the Affordable Housing Task Force. They were not having regular attendance by members and the action plans were not moving at the pace that they wanted them to be. They would still be focusing on homelessness solutions. She had met with the Gospel Rescue Mission and members from the faith based community to address some of the feedback that the Mission had been receiving and to discuss the role of all of the partners.

Council President Menke attended the City Center Housing Strategy meeting where the Action Plan was reviewed. She also participated in the MURAC interviews. The McMinnville Economic Vitality Leadership Council would meet tomorrow. Visit McMinnville's Board of Directors meeting would be held on Thursday and there would be Budget Committee interviews on Thursday and Friday.

Councilor Peralta reported on the Mid-Willamette Valley Council of Governments meeting. They would be starting the search for a new Executive Director. There would be an implementation meeting on the 27th-28th regarding HB 2003.

Councilor Geary said there would be a joint work session with the School District and KOB. He asked for a staff update regarding the climate change resolution.

Mayor Hill said on Friday the County Housing Solutions Committee would be meeting. He reported on the Parkway Committee meeting. The Parkway Committee would be meeting with the Oregon Transportation Committee again in February. The Mid-Willamette Valley Transportation Committee did not have a meeting in January and would meet in February. On February 3rd there would be a State of the City and Mayor's Award event at Mac Market.

4.b. Department Head Reports

City Manager Towery said staff was reviewing the sustainability initiative that was adopted several years ago. A number of strategies had been implemented. Staff would come back to the Council with a status on those initiatives as well as a review of the climate change resolution at the March Work Session.

5. CONSENT AGENDA

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

Council President Menke MOVED to adopt the consent agenda as presented; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

6. RESOLUTIONS

- 6.a. Consider **Resolution 2020-01**: A Resolution Approving Certificate of Special Election Results Regarding Measure 36-202.

Councilor Peralta MOVED to adopt Resolution 2020-01; SECONDED by Council President Menke. Motion PASSED unanimously.

- 6.b. Consider **Resolution 2020-02**: A Resolution authorizing the approval of a cooperative fund exchange agreement between the City of McMinnville and Oregon Department of Transportation.

Community Development Director Bisset stated this was the fourth year of the fund exchange process which exchanged federal funds for state funds that were applied to the City's loan payment for the City's share of the first phase of the Bypass project.

Councilor Geary MOVED to adopt Resolution 2020-02; SECONDED by Councilor Peralta. Motion PASSED unanimously.

- 6.c. Consider **Resolution 2020-03**: A Resolution granting a 20' wide easement to McMinnville Water & Light on City owned airport property (Tax Lot R4424 01304).

Community Development Director Bisset said the resolution would grant an easement on Airport property to allow McMinnville Water & Light to construct a 24 inch water line across the property. This property was at the end of a runway and outside of the Urban Growth Boundary. It was currently farmed under a farm lease and staff had reviewed the project with the farmer and he was in favor of the proposal. The easement would allow McMinnville Water & Light to stay out of state highway right-of-way and help minimize construction impacts of the project.

City Attorney Gowell had reviewed the easement and found it to be in order.

Councilor Geary MOVED to adopt Resolution 2020-03; SECONDED by Councilor Peralta. Motion PASSED unanimously.

- 6.d. Consider **Resolution 2020-04**: A Resolution Approving Old Sheridan Rd IGA with McMinnville Water & Light.

Community Development Director Bisset stated this was the last corridor project in the 2014 Transportation Bond Measure package. There would be improvements to Old Sheridan Road between 99W and Cypress. As part of the transportation upgrades, McMinnville Water & Light would put in water line and electrical upgrades. All of these upgrades would be included in the bid and done by the same contractor. The Intergovernmental Agreement documented how that would happen. After the improvements were constructed, McMinnville Water & Light would reimburse for the cost of their improvements. There was also a Task Order with the design engineer. The scope of work had increased by \$35,000 and McMinnville Water & Light had agreed to that and would reimburse the City for those costs.

Councilor Stassens MOVED to adopt Resolution 2020-04; SECONDED by Councilor Peralta. Motion PASSED unanimously.

- 6.e. Consider **Resolution 2020-05**: A Resolution accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30, 2019, per Oregon Revised Statute 457.460.

Planning Director Richards said per Oregon regulations they needed to provide an annual financial report for the Urban Renewal Agency. After the Council accepted it, they would publish notice that it was available for the next two months. It was a report on where they were at with the Agency in terms of tax increment that was being collected and how it was being spent and the indebtedness they were incurring as they were moving the plan forward.

Mayor Hill said the Urban Renewal Agency had reviewed the Annual Financial Report at 6 p.m. before this meeting.

Council President Menke MOVED to adopt Resolution 2020-05; SECONDED by Councilor Peralta. Motion PASSED unanimously.

- 6.f. Consider **Resolution 2020-06**: A Resolution Appointing Members to the McMinnville Planning Commission.

Planning Director Richards said this was a request to appoint two Planning Commissioners to fill terms that had expired in December. They recommended Beth Rankin be appointed to the Ward 1 position and Robert Banagay be appointed to the At Large position.

Mayor Hill said the nominating committee was made up of Planning Director Richards, Planning Commission Chair Hall, and himself. They held thorough, good interviews.

Councilor Geary MOVED to adopt Resolution 2020-06; SECONDED by Council President Menke. Motion PASSED unanimously.

7. ORDINANCES

There was consensus to consider Ordinances 5090 and 5091 first.

7.g. Consider first reading with possible second reading of **Ordinance No. 5090**: An Ordinance approving a Zone Change from R-1 (Single-Family Residential) to R-4 (Multiple Family Residential) for a 0.82 acre parcel on NW 2nd Street.

7.h. Consider first reading with possible second reading of **Ordinance No. 5091**: An Ordinance approving a Conditional Use Permit for a dental clinic at 1945 NW 2nd Street.

Associate Planner Fleckenstein presented the PowerPoint for both ordinances. This was a request for a Zone Change and Conditional Use for 1945 NW 2nd Street. The subject property was 0.82 acres between NE Meadows Drive and NE Hillside Parkway. The zone change would rezone the property from R-1 (single family residential) to R-4 (multiple-family residential). The Conditional Use would allow for the development of a dental clinic on the property. He showed an aerial photo of the property describing the site location and displayed the preliminary site plan concept. Ordinance 5090 would approve the Zone Change from R-1 to R-4. He explained the existing and proposed zoning maps of the property. He then discussed the review criteria per MMC 17.74.020. Criterion B, the proposed amendment is orderly and timely, was not applicable to this Zone Change as the Zone Change concerned “needed housing” so they would only be looking at Criterion A, Consistency with the Comprehensive Plan, and Criterion C, utilities and services can be efficiently provided. The application was consistent with Comprehensive Plan Chapter V, Housing and Residential Development regarding locational considerations for R-4 zoning; Chapter VI, Transportation; Chapter VII, Community Facilities; and Chapter IX, Urbanization including the Great Neighborhood Principles. Regarding utilities, there would be an increased sewer flow and increased traffic from the proposed R-4 development. Comprehensive Plan Policy 71.13 described the factors that should serve as criteria in determining areas appropriate for high-density residential development. The proposal met the following criteria: areas not committed to low or medium density development, areas that can be buffered from low density residential areas, areas which have direct access from a major collector or arterial street, areas not subject to development limitations, and areas where the existing facilities have the capacity for additional development. Minor arterials such as 2nd Street were designed for 20,000 average daily trips and medium/high density adjacent uses. The applicant submitted a trip generation evaluation examining how the increased density would differ from the existing density on the property. Some findings based on the new trips showed that the traffic increase would not have a significant impact on 2nd Street or surrounding traffic network. McMinnville had no standard for requiring a Traffic Impact Analysis which would analyze specific levels of services of nearby streets and intersections. There was a condition of approval that would require a traffic analysis if the proposed development increased trips by more than 200 average daily trips or 20 pm peak hour trips. Other factors in the Comprehensive Plan Policy for location of high density were: areas within

a one-half mile wide corridor centered on existing or planned public transit routes and areas within one-quarter mile from neighborhood and general commercial shopping centers. There was a transit route on 2nd Street with stops immediately adjacent to the site and the site was in a quarter mile of commercial shopping areas. The final policy was areas adjacent to either private or public permanent open space. The site was nearby, but not adjacent to, open space. There was a condition of approval that 7% of the multiple-family development be reserved for usable open space. The proposal checked the boxes of six Great Neighborhood Principles: 1. Natural Feature Preservation; 3. Parks and Open Spaces, 4. Pedestrian Friendly, 5. Bike Friendly, 11. Housing for Diverse Incomes and Generations, and 12. Housing Variety. There were adequate facilities/services. Regarding streets, the site was accessed from 2nd Street which was a minor arterial. Minor arterials were designed to accommodate 20,000 average daily trips and medium to high density adjacent uses. The trip generation study concluded the proposed development would not significantly affect 2nd Street. There was a condition of approval that required a Transportation Impact Analysis if net new trips from the proposed development exceeded the thresholds. Regarding utilities, they could adequately serve R-1 development, however there were issues with sewer capacity to serve R-4 development. There was a condition of approval that the development would be limited to 48 Equivalent Dwelling Unit Fixture Units until the downstream sanitary sewer capacity issues were addressed. There was also a condition that stormwater detention was required. He showed a chart of key criteria and issues. There was no public testimony received by the Planning Department prior to the public hearing. There was one testimony at the public hearing that expressed concern about increasing traffic levels on 2nd Street but was not opposed. The Planning Commission found the applicable criteria were satisfied or satisfied with conditions and voted 7-0 to recommend approval with conditions.

Associate Planner Fleckenstein then reviewed the Conditional Use request. This would allow the development of a new dental clinic on an R-4 zoned site. He referred to the preliminary site plan concept. The clinic would be 3,200 square feet on the southwest corner of the site with an off street parking lot adjacent to the McMinnville Water & Light substation. He discussed the Conditional Use review criteria in MMC 17.74.030. It required consistency with the Comprehensive Plan and compatibility with and minimal impact on the surrounding neighborhood. There was no significant impact on the surrounding area when compared to the impact of the permitted development. The site and structure had an attractive design, they would be preserving the environmental assets of mature trees on the site, and there was a bona fide intent and capability to develop and use the land. The property owner was a local dentist looking to expand her business within McMinnville and had been a long-time resident. The Planning Commission recommended four conditions: limiting the hours of operation of the dental clinic, limiting the height of the clinic structure to no more than 35 feet, limiting the location and intensity of outdoor lighting, and requiring a fence along the western property line. He discussed the chart with key criteria and issues and how the conditions helped meet the criteria. No public testimony was received by the Planning Department prior to the public hearing. There was one testimony at the public hearing expressing concern about increasing traffic levels on 2nd Street. The Planning Commission found the applicable criteria were satisfied or satisfied with conditions and recommended 7-0 and to approve the application with conditions. This approval was conditional on the approval of

Ordinance 5090. The Council's options were to complete the first and second readings of the ordinances as recommended by the Planning Commission or call for a public hearing on the applications. The 120 day timeline expired on February 8, 2020. A Special Meeting on February 4, 2020 would allow notice of the public hearing.

Councilor Peralta asked what the applicant's response was to the Planning Commission's conditions. Associate Planner Fleckenstein said the applicant was in support of the conditions.

Councilor Peralta was in favor of moving forward with the first reading of these ordinances. This was the kind of development that made sense for the City in terms of increasing the density of residential and tying residential to commercial activities. He thought the applicant was capable of seeing the project to completion.

The rest of Council concurred.

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

City Attorney Gowell read by title only Ordinance No. 5090, approving a Zone Change from R-1 (Single-Family Residential) to R-4 (Multiple Family Residential) for a 0.82 acre parcel on NW 2nd Street.

City Attorney Gowell read by title only Ordinance No. 5091, approving a Conditional Use Permit for a dental clinic at 1945 NW 2nd Street.

Councilor Geary MOVED to pass Ordinances 5090 and 5091 to a second reading; SECONDED by Councilor Garvin. Motion PASSED unanimously.

City Attorney Gowell read by title only for a second time Ordinances 5090 and 5091.

Council President Menke MOVED to approve Ordinance No. 5090, approving a Zone Change from R-1 (Single-Family Residential) to R-4 (Multiple Family Residential) for a 0.82 acre parcel on NW 2nd Street; SECONDED by Councilor Garvin. Ordinance No. 5090 PASSED unanimously by roll-call vote.

Councilor Peralta MOVED to approve Ordinance No. 5091, approving a Conditional Use Permit for a dental clinic at 1945 NW 2nd Street; SECONDED by Council President Menke. Ordinance No. 5091 PASSED unanimously by roll-call vote.

5 MINUTE RECESS

Mayor Hill reconvened the meeting at 8:12 p.m.

7.a.

Consideration of the First Reading of the **Ordinance No. 5084**: An Ordinance Amending the Comprehensive Plan Map Designation of the Property at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road from a Commercial Designation to a Mix of Residential and Commercial Designations.

- 7.b. Consideration of the First Reading of the **Ordinance No. 5085**: An Ordinance Approving a Zone Change of the Property at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road from a Mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to C-3 (General Commercial) and R-4 (Multiple Family Residential).
- 7.c. Consideration of the First Reading of the **Ordinance No. 5086**: An Ordinance Approving a Planned Development Amendment to Amend the Conditions of Approval and Reduce the Size of an Existing Planned Development Overlay District at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road.
- 7.d. Consideration of the First Reading of the **Ordinance No. 5087**: An Ordinance Approving a Planned Development Overlay District to Allow for the Development of a 280 Lot Residential Subdivision with Modifications from the Underlying Zoning Requirements at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road.
- 7.e. Consideration of the First Reading of the **Ordinance No. 5088**: An Ordinance Approving a Tentative Subdivision for a 280 Lot, Phased Single-Family Detached Residential Development at the Northeast Quadrant of the Intersection of NW Hill Road and NW Baker Creek Road.
- 7.f. Consideration of the First Reading of the **Ordinance No. 5089**: An Ordinance Approving a Landscape Plan and Street Tree Plan for the Baker Creek North Subdivision.

Senior Planner Darnell said this was the consideration of six ordinances for the Baker Creek North project. The site was in the northwest of the City north of Baker Creek Road and east of Hill Road. One request was for a Comprehensive Plan map amendment on the southwestern portion of the site to reduce the size of an existing area designated as Commercial on the Comprehensive Plan map. The proposed amendment would result in the commercial designation being reduced from 11.3 acres to 6.62 acres, and the remaining 4.68 acres of existing commercially designated land being designated as Residential. Another request was for a zone change from a mix of R-1 and EF-80 to a mix of 6.62 acres of C-3 and 48.7 acres of R-4. Another request was for a Planned Development amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site. There was a request for a Planned Development to allow for the development of 280 single family detached dwelling units, public right-of-way improvements, and open spaces on the proposed 48.7 acres of R-4 land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities. There was also a request for a tentative subdivision to allow for a 10 phase subdivision including a total of 280 single family detached dwelling units, public right-of-way improvements, and open spaces consistent with the proposed Planned Development plan. The Landscape Plan review request was for the landscaping of

proposed open space tracts within the subdivision phases and a street tree plan for the planting of street trees in the planter strips within the right-of-way adjacent to the single family dwelling unit lots. All applications were submitted for concurrent review per MMC Section 17.72.070. He showed site location and areas on the parcel for the public park, commercial, and residential. He also presented the current and proposed zoning on the site as well as the proposed development plan.

Senior Planner Darnell discussed the Comprehensive Plan Amendment, CPA 1-19, review criteria found in Section 17.74.020. The proposed amendment was consistent with the goals and policies of the Comprehensive Plan. There was a deficit of commercial and residential lands. The 2001-2003 Buildable Lands Inventory and McMinnville Residential Land Needs Analysis and Growth Management Plan said there was a need for 537 acres of residential land. The 2013 Economic Opportunities Analysis showed a deficit of 35 acres of commercial land. Section 17.74.020 also stated that when considering a Comprehensive Plan map amendment, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to 1. Exclude needed housing; 2. Unnecessarily decrease densities; or 3. Allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. The reduction of the commercial land would add 4.68 acres of residential land while still providing some commercial land need (6.62 acres). The proposed amendment needed to be orderly and timely, considering the pattern of development in the area, surround land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment. The applicant cited housing need as a change in the community to warrant the amendment to reduce commercial land and increase residential land. The surrounding area was guided for residential. The smaller commercial designation would allow for more appropriately scaled commercial development and neighborhood commercial was intended for commercial land.

Senior Planner Darnell then discussed the criteria for the Zone Change application, ZC 1-19. The proposed amendment needed to be consistent with the goals and policies of the Comprehensive Plan. He referred to Chapter IV, Economy of McMinnville, which stated the application needed 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. The proposed C-3 zoning was consistent with the area of the site designed as commercial on the Comprehensive Plan map. The C-3 zone allowed for diverse and more efficient use of the site. However, the existing Planned Development would regulate the use and development to ensure locational requirements and scale of commercial development were consistent with Comp Plan policies and supported the intended neighborhood commercial uses. The applicant was proposing a Planned Development amendment, and the Planning Commission recommended ZC 1-19 not be approved unless PDA 2-19 was approved. Comprehensive Plan Chapter V, Housing and Residential Development, stated the application should promote development of affordable, quality housing for all City residents and should promote a residential development pattern that was land-intensive and energy-efficient, that provided for an urban level of public and private services, and that allowed unique and innovative development techniques to be employed in residential designs. Comprehensive Plan Policy 71.13 included criteria to determine if areas were appropriate for high-density residential development. The site met most of the locational

requirements for higher density housing. It was located on an arterial street and future transit corridor (Baker Creek Road). It was located adjacent to commercial services (the proposed C-3 zoned portion of the site). It was not subject to development limitations, located south of Baker Creek and floodplain lands. The site did not meet the following locational requirements without more detail for development of the site: adjacency to public or private open space, ability to buffer from low density residential, and capacity of existing services to serve the development. The Traffic Impact Analysis did not analyze the maximum development of the R-4 zone. These issues were addressed in the proposed Planned Development applications with a specific development plan. The Planning Commission recommended ZC 1-19 not be approved unless PD 1-19 and PDA 2-19 were approved.

Regarding the Planned Development amendment, PDA 2-19, the request was to amend an existing Planned Development Overlay District governed by Ordinance 4633. It would reduce the size of the Planned Development to be consistent with the reduced Comprehensive Plan designation of commercial land and to amend the existing conditions of approval to allow up to 120 multiple family units and require a minimum of 2 acres of neighborhood commercial uses. No specific development plan had been submitted for this portion of the site. The existing Planned Development conditions did not allow multiple family residential, required a minimum of 14% landscaping which was higher than the standard C-3 zone, required development plan review by the Planning Commission, required the building height to be limited to 35 feet, and limited commercial hours of operation, lighting, signage, and outside storage. There are conditions of approval that limit the use of commercial development. The Planned Development amendment review criteria included: special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements and the objectives of the proposed amendment will introduce a mix of uses by allowing multiple family dwelling units and provide neighborhood commercial uses within the site to serve surrounding residential development. The City must find that these special objectives, either as proposed or as revised with conditions of approval, warrant a departure from the standard regulation requirements. The Planning Commission found that the special objectives could warrant a departure from the existing regulations in Ordinance 4633 if the development of the site was designed appropriately given: the location surrounded by residential uses and public parks and the intent to provide neighborhood serving commercial uses. The mixed uses were integrated on the site and the development of the site was consistent with applicable Comprehensive Plan policies. The changes in the conditions within the City since the original Planned Development adopted in 1996 were: housing inventory and affordability issues and the Residential Buildable Lands Inventory which identified the need for additional residential land and dwelling units. Regarding the preservation of the commercial uses in the northwest area of the City, the current 11.3 acres was larger than necessary for neighborhood serving commercial uses. However, the City had planned for at least five acres of commercial development in the northwest area since 1991 (Ordinance 4506). In order to maintain space for commercial development, a minimum size of five acres was recommended by the Planning Commission with allowance for integration of multiple family units. The amendment had to be consistent with the Comp Plan objectives. These included Goal IV, Policy 22, 27, 68, and 69. The suggested conditions of approval were that up to 120 multiple family dwelling units be allowed but

only if the units were integrated with the neighborhood commercial uses. This integration shall either be within a mixed use building or in a development plan that integrated the uses between buildings in a manner found acceptable to the Planning Commission. 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 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. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses were defined as those that were permitted in the C-1 zone. In addition, restaurant shall be permitted as a neighborhood commercial use in this district. No retail uses should exceed 10,000 square feet in size except for grocery stores. The applicant could request another use to be considered permitted within the district at the time of the submittal of the detailed development plans for the site to be considered by the Planning Commission. He explained the permitted uses in the C-1 zone such as a bakery, barbershop or beauty shop, confectionery or candy store, drugstore or pharmacy, florist, garden shop, nursery, food store, laundry or dry cleaning, medical or dental office, shoe repair shop, sewage pump station, and wireless communications facilities.

Councilor Drabkin asked if a restaurant would not be permitted. Senior Planner Darnell said that it was not currently permitted but would be added as a permitted use for this district.

Councilor Drabkin asked if a drive thru or fast food would be allowed. Senior Planner Darnell explained it did not prohibit a drive thru or fast food chain, but it would need to be approved by the Planning Commission. Planning Director Richards stated the transportation infrastructure would not support a high intensive use such as fast food. The Planning Commission would have the opportunity to look at the site design to see what could be accommodated.

Council President Menke asked if a 7-11 would be allowed. Planning Director Richards stated they would encourage food availability in a neighborhood that was currently a food desert where people could go pick up sundries. Whether that would be a 7-11 or something else, the market conditions would determine that.

Councilor Stassens asked about incorporating residential and commercial. What did that look like? Senior Planner Darnell said they described it as a mixed use building or a plan that integrated the uses between buildings.

Senior Planner Darnell said there were a number of Comp Plan policies related to access and transportation. These were in Policy 24, 25, 26, 29, and 31 and Proposal 6. A suggested condition of approval was: 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. He then listed the site design components that the detailed development plans should include. These were: shared access points and internal circulation, parking location behind building, parking maximums (110% of minimum), building orientation toward rights-of-way, human scale building façade features, building height maximum of 45 feet, pedestrian

connections and amenities, landscaping (minimum of 14% of the site), community gathering space, open space for multiple family units (minimum of 10% of the site), signs (appropriate for mixed use and neighborhood commercial buildings), and lighting.

Councilor Drabkin asked if this would allow for mixed residential/commercial. Senior Planner Darnell concurred that was the intent of increasing the height to 45 feet. Planning Director Richards said the condition was set up to encourage mixed used residential and commercial to meet the requirement that 5 acres have ground floor commercial.

Senior Planner Darnell said another condition was that 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.

Senior Planner Darnell then reviewed Planned Development, PD 1-19, which would be a new Planned Development Overlay District to allow 280 single family residential lots, 18 open space tracts, and dedication of a parcel for a public park. It included requests for modifications from: minimum lot sizes (use of lot size averaging), reduced side yard setbacks, lot dimensions (exceeding a 2:1 depth-to-width ratio), driveway and alley widths, block length and block perimeter lengths, and street tree spacing standards. The Development Plan included a variety of different lot types, from 70 foot wide single family dwelling to 26 foot wide single family dwelling. The 26 and 30 foot wide lots would be alley loaded with an alley in the rear for vehicular access. The reduced setbacks were requested as follows:

- SFD-70, SFD-60, SFD-50, and SFD-40: minimum 5 foot side yard setback
- SFD-45: minimum 4 foot side yard setback
- SFD-30a and SFD-26a: minimum 3 foot side yard setback
- Lots 131-135 and Lots 269-280: minimum 30 foot rear yard setback for tree preservation
- All front, exterior side, and rear setbacks (other than increased above) to follow R-4 requirements

He demonstrated the typical small lots diagram of the building footprints. He also provided the lot types by subdivision phase. He then discussed the Planned Development review criteria as found in Section 17.51.030(C). There must be special physical conditions or objectives of a development which the proposal would satisfy to warrant a departure from the standard regulation requirements. The applicant's stated special objectives were:

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 traversed 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.

Regarding the trees proposed to be preserved in the open space tracts and rear yards, conditions were recommended to require larger rear yard setbacks on lots 131-135 and lots 269-280 and to require tree inventory and arborist reports prior to any removal of trees greater than 9 inches in diameter (other than those shown to be removed in L 12-19). He discussed the proposed natural area preservation. The larger lots located along the bluff and sloped area were on the north end of the site. The applicant would dedicate Parcel D and the floodplain for a public park. There would be conditions that required a geotechnical analysis prior to development and geo-tech recommendations during construction. A mix of housing types was demonstrated and there was a transition from higher to lower density (south to north). The denser lot types were near the arterial street and future transit route on Baker Creek Road. The less dense lot types were along the bluff and sloped portions of the site to transition between the development and natural areas. There were conditions that required the plan to be binding on the site and allow lot size averaging as proposed. The smaller lots were proposed to be alley-loaded. This would reduce vehicle conflicts with sidewalk space, lessen garage door prominence on the front façade, and some would front onto the common open space tracts. Some conditions required lots less than 40 feet wide to be alley loaded and that the alleys would be private and maintained by the HOA. There were 18 open space tracts proposed. The City would accept Tracts G, I, J, K, and L to allow for the extension of the BPA trail. Tracts A-F, H, and N-S would be private and maintained by the HOA. The conditions stated which tracts were accepted by the City and which required improvements as shown in the plans. The applicant was proposing a City park dedication which was supported by the Parks Master Plan which included acquiring a special use park adjacent to the BPA easement. The Plan also called for acquiring a greenway along Baker Creek connecting Tice Park and the BPA easement, developing the Westside Trail, and developing a trail in the Baker Creek greenway. Conditions would require dedication of the BPA Trail tracts and would require trail improvements to some standard as exists south of Baker Creek Road. They also required an additional connection for pedestrian access from the northwest area of the site, an enhanced crossing at Kent Street, dedication of the park parcel and easement to connect to Oak Ridge Meadows, and improvement of the BPA trail, trailhead terminus, and greenway trail around the floodplain. There would be private recreational amenities as well. The applicant requested driveways wider than allowed by the code. The Planning Commission added a condition to allow the driveway widths proposed by the applicant on the private lots, but to require the driveway width not to exceed the maximum width between the property line and street (no more than 40% of lot frontage). This would reduce vehicle conflicts in the sidewalk space and provide more space for trees and utilities. There was an exception for the SFD-40 lots to allow them to have a 20 foot

wide driveway. The lot sizes and dimensions proposed would result in denser detached single family housing. To avoid “cookie cutter” housing as described by the applicant, the Planning Commission recommended that specific design standards apply at the time of the building permit review. These included style and massing, quality and type of exterior materials, front porches/entry areas, roof design and materials, exterior doors and windows, garage door types, exterior lighting, and exterior colors. There was also a condition that would not allow any same house design in adjacency to another, including both sides of the street. There were conditions for the applicant to put in a meandering, wider sidewalk along Baker Creek Road and longer block lengths and block perimeter lengths with mid-block pedestrian connections. The streets were adequate to support the anticipated traffic, and the development would not overload the streets outside the planned area. The proposed utility and drainage facilities were adequate for the population densities and type of development proposed.

Senior Planner Darnell reviewed the subdivision application, S 1-19. The subdivision was consistent with the Baker Creek North Planned Development plans (PD 1-19). It would allow for the 280 lot detached single family subdivision to be done in 10 phases. The criteria for this application were Chapter 17.53, Land Division Standards, and the requirements of PD 1-19.

Councilor Peralta asked why the traffic at 99W and Baker Creek was not being considered in the traffic plan. Senior Planner Darnell stated that intersection was not identified as one to be included. The furthest intersection that was included was Michelbook Lane and Baker Creek Road.

Councilor Peralta said at Michelbook there was an identified need to add a traffic light at the intersection. He asked what the impact might be on 99W and Baker Creek. He had heard a lot of complaints from citizens about increased traffic on 99W and Baker Creek.

Community Development Director Bisset said there had been many discussions regarding the capacity of intersections as the City continued to grow. When the Transportation System Plan was adopted in 2010, it evaluated how the system would be served at full build out. They agreed as a community that congestion would continue to increase at major intersections. They did not have the ability to build their way out of traffic. They would look to improve the bicycle/pedestrian network to provide alternate modes of transportation, look to the partnership with the County to have more robust transit service, and look to add capacity within the existing network. ODOT was working on a roadway safety project to add capacity to most major signalized intersections along 99W. There would also be left turn phasing added to the side streets on these intersections. It would improve traffic flow but would cause congestion on side streets. The traffic study that was done for this application showed that the nearby intersections would meet the City’s standards with the exception of Michelbook which would need to be signalized in the future.

Planning Director Richards said regarding which intersections were selected for the study, they looked at the impact of the new development on immediate intersections.

The Transportation System Plan had already identified that a particular street could carry a certain number of cars and how it would operate when it hit other streets. That was a system impact that they already planned for, but they wanted to understand the immediate public improvements that would be needed adjacent to the development that had not already been built out.

Councilor Garvin asked why no Hill Road intersections were included. Planning Director Richards explained a roundabout had already been designed to accommodate the build out of this area. The expectation was that there would be disbursement of the traffic on both Baker Creek and Hill.

Councilor Geary said the estimations were made on the assumed build out of the big pieces, but this proposal was asking to build at a higher density than what was assumed. Were they assuming that it was still at the same rate or would the rates change? Senior Planner Darnell said the overall density being proposed was not substantially higher than what was assumed under the R-1 zone. The transportation analysis that was provided did analyze the 280 dwelling units and the surrounding intersections and a maximum worst case scenario build out on the commercial piece of 100,000 square feet of retail space which was much more than what was likely to be developed. There was also a requirement that the transportation analysis be updated once the commercial development plans were solidified.

Senior Planner Darnell continued to discuss the tentative subdivision request. The street network would align with the surrounding existing streets including Hill Road, Meadows Drive, and Shadden Drive. There were connections to surrounding subdivisions including Shadden Drive and Blake Street. The lots were consistent with PD 1-19. The size and shape of the lots were appropriate for the proposed use and responded to the topographic conditions of the site. Street access was provided to each proposed lot per City standards, and there would be alley access on the smaller lots per PD 1-19. Regarding the plat phasing, the applicant was proposing 10 phases. Conditions of approval required Phase 1A to expire in two years from the date of approval and each subsequent phase to expire five years from the date of approval. That would allow for the applicant's proposed tentative timeframe. Some phases might be constructed concurrently. There was also a condition of approval that the applicant shall provide 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 would 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 would be made available for sale to the general public for a minimum of 180 days prior to building permit issuance for said lots. Another condition required a redesign of the intersection geometry at Gregory and Augustine Streets and another condition required the alleys to be private either in tract or easement. The general conditions of approval included: CC&Rs and Homeowner's Association to assume maintenance of the open space tracts and public park until 2032, right-of-way dedication along Baker Creek Road, standards for right-of-way improvements, process for improvements and review of final plats, and requirement for the applicant to obtain permits if necessary

from the Department of Environmental Quality, Department of State Lands, and US Army Corps of Engineers.

Councilor Stassens asked if they were requiring alleys to be private did that mean the HOA would also be responsible for the alleys. Senior Planner Darnell said yes, that was correct.

Senior Planner Darnell discussed the Landscape Plan review, L 12-19. The application included a request for removal of 17 deciduous trees, Street Tree Plan for the new and improved public rights-of-way, and landscaping in the open space tracts. The conditions of approval included verifying approved tree species, allowing variations in spacing of street trees, identification of additional locations for street trees, requiring tree species were appropriate for planting near overhead electrical transmission lines, setbacks from utilities, planting standards, requiring submittal of a revised Landscape Plan that achieved all the required conditions of approval, and requiring submittal of a landscape and development plan for the public sewer pump station in Tract G.

Senior Planner Darnell explained the meeting processes. A neighborhood meeting was held on November 1, 2018 and there were 10 attendees. The Planning Commission held a public hearing on December 5, 2019 and two written public testimonies were received and three people testified in opposition. The opposition was related to the reduction of commercial land, traffic on Baker Creek Road, design and architectural standards, housing mix, and mass and scale of the project. The applicant's testimony included concern with some architectural standards and driveway limitations. He provided a site history beginning with Ordinance 4506 where five acres was designated for commercial land south of Baker Creek Road. Ordinance 4626 reduced the commercial land south of Baker Creek Road and allowed multiple family. There was a condition of approval that land north of Baker Creek Road be changed to commercial with no multiple family. Ordinance 4633 separated the land use application that designated 12.34 acres of commercial land north of Baker Creek Road and a condition of approval that prohibited multifamily. Ordinance 5021 approved the Planned Development Amendment on land south of Baker Creek Road, approved Baker Creek West and Baker Creek East, and repealed Ordinance 4626. Ordinance 5076 reduced the size of the existing Planned Development Overlay District regulated by 4633 to allow the McMinnville Water & Light substation expansion. He discussed how this area had been planned for higher density residential and commercial use to be a neighborhood activity center.

Planning Director Richards noted the Transportation System Plan was built based off the premise in the McMinnville Growth and Management Plan for the high density residential in this area even though the Plan was never adopted. The high density residential was plugged into the model for the overall system.

Councilor Garvin asked what prevented the Plan from being adopted. Planning Director Richards explained it did not move forward because the Urban Growth Boundary amendment did not move forward.

Senior Planner Darnell said the Planning Commission recommendations were to approve these applications with conditions. The Council options were to complete the first and second readings of the ordinances as recommended by the Planning Commission or call for a public hearing on the applications. The hearing would be held on January 28, 2020. Per direction during the Department Head comments at the December 10, 2019 Council meeting, public hearing notices had to be mailed in order to meet the required notification timeframe.

Councilor Peralta said there were concerns regarding the floodplain not being accurate today and the map needing to be updated. Because the floodplain was determined at the time the property was purchased, they were not able to update the floodplain in a way that affected future development. When they did these types of zone changes, was that the time they could update the floodplain map as a condition of changing the zone.

Senior Planner Darnell said the floodplain area was identified in the City's zone consistently with the FEMA firm panels. The area shown as the floodplain was currently what was regulated by FEMA as the 100 year floodplain. They were working under the standards which called for using that as the floodplain area and the standards that then applied in that floodplain.

Planning Director Richards said they could not change the floodplain area as the flood plain zone was specific to the adopted maps in the Development Code Comprehensive Plan and were date specific. If they wanted to change that, they would have to change the policy language to be able to apply it differently.

Councilor Garvin asked about the commercial acres and when they voted in 2017 on Baker Creek East and West they were allowed less commercial property because some of that land was allocated to this area and now they wanted to reduce that commercial land.

Senior Planner Darnell said the commercial designation that existed today was created in 1996 by Ordinance 4633 which was the result of a condition of approval in Ordinance 4626. What came in for development under Ordinance 5021 for Baker Creek East and West was working under all of the previous approvals. Nothing was changed in that more recent development proposal. The application tonight was requesting that it be reduced to 6.62 acres. It was referenced in the findings that there was other commercial designated land to the north that would provide the locational requirement for higher density residential.

Councilor Garvin asked how many acres it was referencing at that point. Senior Planner Darnell said it was referencing what was there today, the 11.3 acres, which was being requested to be reduced to 6.62.

Planning Director Richards said in 2017 when there was a lot of discussion about the commercially zoned property, a significant amount of the discussion was on the design and development standards for the multi-family units that would be built there. Most of the conditions were relative to that so they could mitigate the impact to the

single family residential neighborhoods around it. The locational analysis was to make sure multi-family was located near transit, parks, and commercial services. The finding for the multi-family product south of Baker Creek was that it would be near commercial services, but it was not specific to size.

Councilor Garvin MOVED to hold a public hearing on Ordinances 5084, 5085, 5086, 5087, 5088, and 5089 on January 28, 2020; SECONDED by Councilor Geary. Motion PASSED unanimously.

8. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:23 p.m.



Claudia Cisneros, City Recorder