



City of McMinnville  
Planning Department  
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## STAFF REPORT

**DATE:** December 18, 2019  
**TO:** Mayor and City Councilors  
**FROM:** Chuck Darnell, Senior Planner  
**SUBJECT:** Baker Creek North Development –

- CPA 1-19 (Comprehensive Plan Map Amendment),
- ZC 1-19 (Zone Change),
- PDA 2-19 (Planned Development Amendment),
- PD 1-19 (Planned Development),
- S 1-19 (Tentative Subdivision), and
- L 12-19 (Landscape & Street Tree Plan)

### STRATEGIC PRIORITY & GOAL:

 <b>GROWTH &amp; DEVELOPMENT CHARACTER</b> Guide growth & development strategically, responsively & responsibly to enhance our unique character.	 <b>HOUSING OPPORTUNITIES</b> (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
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**Staff Note:** *This is a draft staff report with attachments representing the recommended decision documents from the McMinnville Planning Commission and the public record for six land-use applications associated with the Baker Creek North project. You will have this as an action item at your City Council meeting on January 14, 2020 to consider six ordinances associated with the Planning Commission recommendations and then you will be hosting a public hearing at your City Council meeting on January 28, 2020. Staff will be providing an in-depth report on the six ordinances at the January 14, 2020 meeting.*

**Due to the volume of materials associated with these six land-use applications, we wanted to get this to you as early as we could. In the City Council meeting packet issued a week in advance of your meeting on January 14, 2020, we will amend this staff report with the draft six ordinances for the land-use applications as well as the draft minutes from the Planning Commission meeting on December 5, 2019, however we do not expect much else to be amended at that time.**

**This draft staff report and attachments will be posted online the same day that it is delivered to City Council.**

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#### Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of CPA 1-19

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**Report in Brief:**

The McMinnville Planning Commission recently reviewed a set of land use applications for Baker Creek North, a multiple-phase residential subdivision and adjacent commercial development site, during a public hearing on December 5, 2019. The proposed development plan for Baker Creek North, which is being requested by Stafford Development Company, LLC, requires the following six land use applications:

- 1) **CPA 1-19, 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;
- 2) **ZC 1-19, Zone Change** from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential);
- 3) **PDA 2-19, 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 (General Commercial) 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;
- 4) **PD 1-19, 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 (Multiple Family Residential) 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;
- 5) **S 1-19, 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;
- 6) **L 12-19, Landscape Plan Review** 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.

Although all land-use applications support one larger commercial and residential development being referred to as Baker Creek North, they each need to be treated as individual land-use decisions and are governed by different regulations and criteria.

Since some of the land-use decisions are dependent upon the successful approval of another land-use decision, the order of consideration and approval should be:

- CPA 1-19 – Comprehensive Plan Map Amendment

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- ZC 1-19 – Zone Change
- PDA 2-19 – Planned Development Amendment
- PD 1-19 – Planned Development
- S 1-19 – Tentative Subdivision
- L 12-19 – Landscape Plan, Tree Removal, and Street Tree Plan

The six land use applications were submitted by the applicant for concurrent review, as allowed by Section 17.72.070 of the MMC. When applications are submitted for concurrent review, the applications are subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission is making a recommendation to the City Council for all six land-use applications, and City Council will take final action on all six applications.

Following the public hearing on December 5, 2019, the Planning Commission deliberated and then took action on each of the six land use applications referenced above. The Planning Commission recommended approval of each of the six land use applications to the City Council, subject to conditions of approval.

Per the McMinnville Municipal Code (MMC), these recommendations will be brought to the City Council in the form of ordinances at the City Council meeting on January 14, 2020. Because the Baker Creek North project involves multiple land use applications and a larger volume of materials, staff will provide an in-depth presentation on the application materials and the recommendation from the Planning Commission at the January 14, 2020 City Council meeting.

Based on direction from the City Council at their meeting on Tuesday, December 10, 2019, staff is scheduling another public hearing for the Baker Creek North land use applications at the City Council level. **That public hearing will be scheduled for the regular City Council meeting on Tuesday, January 28, 2020.** The City Council will need to close the public hearing and take action on the applications that same night in order to meet the City's 120-day decision timeframe required by state statute (ORS 227.178), which expires on February 8, 2020.

**There will be no public hearing or opportunity for public testimony at the January 14, 2020 meeting.** The January 14, 2020 meeting will only include a detailed staff presentation to familiarize the City Council and public with the application materials and the recommendation from the Planning Commission. A more abbreviated version of the staff report will then be provided during the public hearing on January 28, 2020, followed by the typical process for a public hearing that provides an opportunity for applicant and public testimony prior to the City Council's deliberation and action.

In order to provide an adequate amount of time for the City Council to review the application materials, enclosed with this staff report are binders that include the application materials and the decision documents for each application as recommended by the Planning Commission. An updated staff report with the draft ordinances will be prepared and included in the January 14, 2020 City Council meeting packet.

The binder includes the following:

- 1) Staff Report dated December 18, 2019

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- 2) Comprehensive Plan Map Amendment (CPA 1-19) Decision Document (as recommended by Planning Commission)
- 3) Zone Change (ZC 1-19) Decision Document (as recommended by Planning Commission)
- 4) Planned Development Amendment (PDA 2-19) Decision Document (as recommended by Planning Commission)
- 5) Planned Development (PD 1-19) Decision Document (as recommended by Planning Commission)
- 6) Tentative Subdivision (S 1-19) Decision Document (as recommended by Planning Commission)
- 7) Landscape Plan Review (L 12-19) Decision Document (as recommended by Planning Commission)
- 8) Public Notice of Planning Commission Public Hearing
- 9) Agency Comments
- 10) Application Materials, including:
  - a. Application Narrative
  - b. Application Forms
  - c. Property Deeds
  - d. Development Plans (see separate 11" x 17" binder)
  - e. Geo-Technical Report
  - f. Neighborhood Meeting Materials
  - g. Traffic Impact Analysis Report

### **Background:**

The subject site includes approximately 70.26 acres of land. Of those 70.26 acres, 48.7 acres are proposed to be zoned R-4 (Multiple Family Residential), 6.62 acres are proposed to be zoned C-3 (General Commercial), and 14.92 acres are proposed to be dedicated as a public park.

The 48.7 acre R-4 portion of the site is also proposed to be included in a new Planned Development (PD 1-19) that will allow for the development of 280 single family detached dwelling units, which is shown as a ten phase subdivision in the Tentative Subdivision (S 1-19) plans. The 14.92 acre parcel that is proposed to be dedicated as a public park would be dedicated at the time of platting a subdivision phase within this residential Planned Development Overlay District.

The 6.62 acre C-3 portion of the site is currently subject to a Planned Development Overlay District regulated by Ordinance 4633. The applicant is proposing to amend this existing Planned Development Overlay District by reducing its size to be the same size as the 6.62 acre C-3 portion of the Baker Creek North site, and also by amending existing conditions of approval in Ordinance 4633 that regulate uses allowed and development of the commercial property within the Planned Development Overlay District. The 6.62 acre C-3 portion of the site would be located in a separate Planned Development Overlay District than the remaining 48.7 acre R-4 portion of the site. Specific development plans have not been submitted for the 6.62 acre C-3 portion of the site, and would be required at a later time (this will be discussed in more detail below).

The site is generally located northeast of the intersection of Baker Creek Road and Hill Road. The entire site is currently undeveloped. **See Figure 1 (Vicinity Map) below.**

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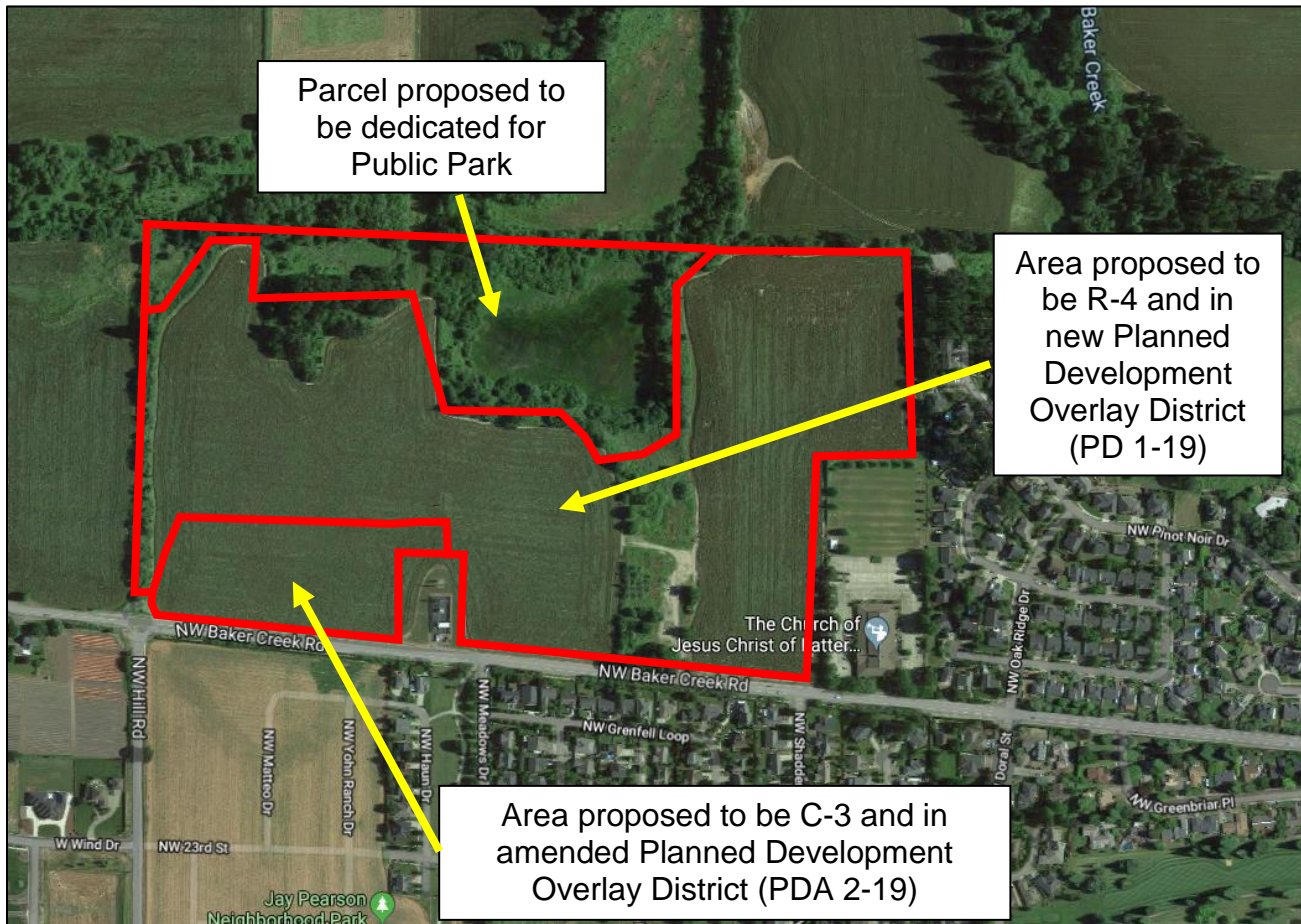
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**Figure 1. Vicinity Map (Subject Site Areas Approximate)****Attachments:**

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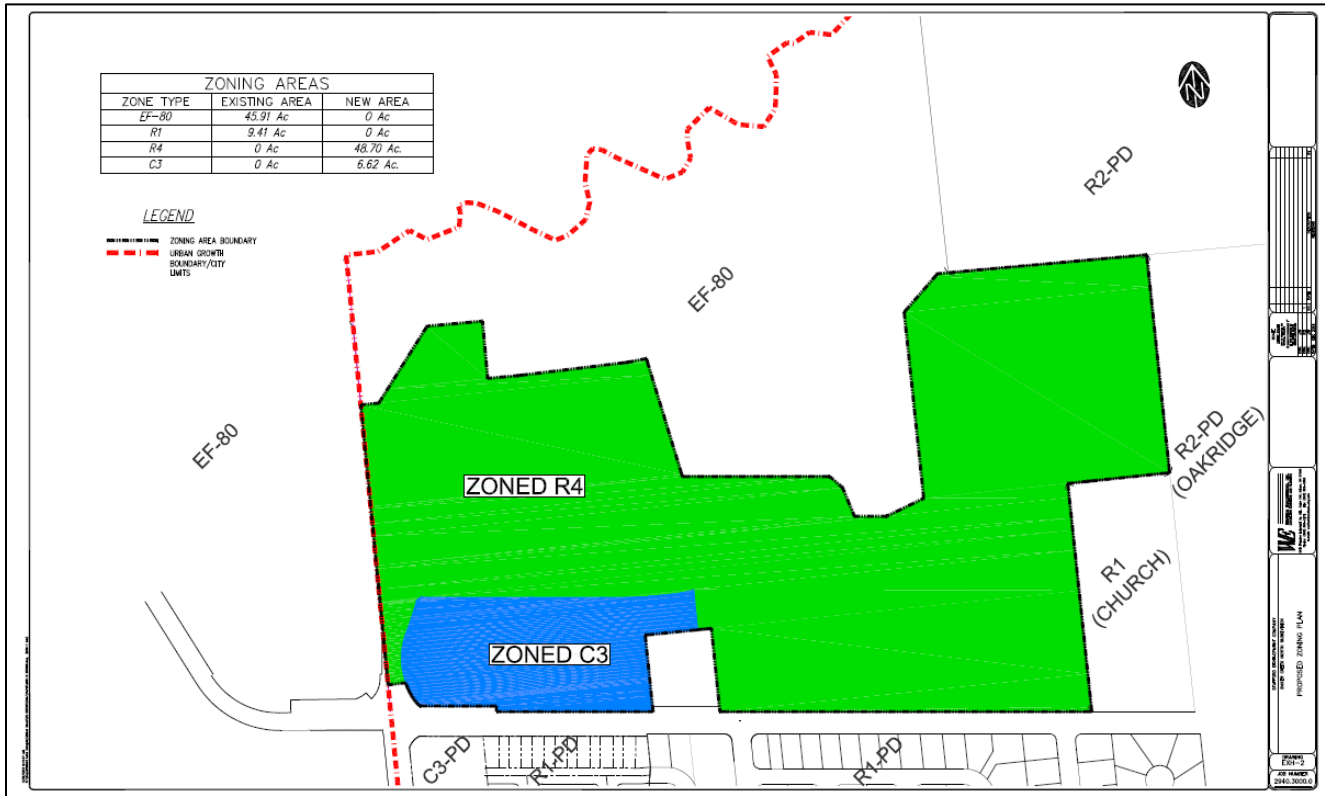
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The zoning as proposed is identified in Figure 2 below. The Comprehensive Plan Map amendments proposed by the applicant would correspond with the proposed zoning map, with the C-3 portion of the site being designated as Commercial and the remainder of the site being designated as Residential.

**Figure 2. Proposed Zoning**

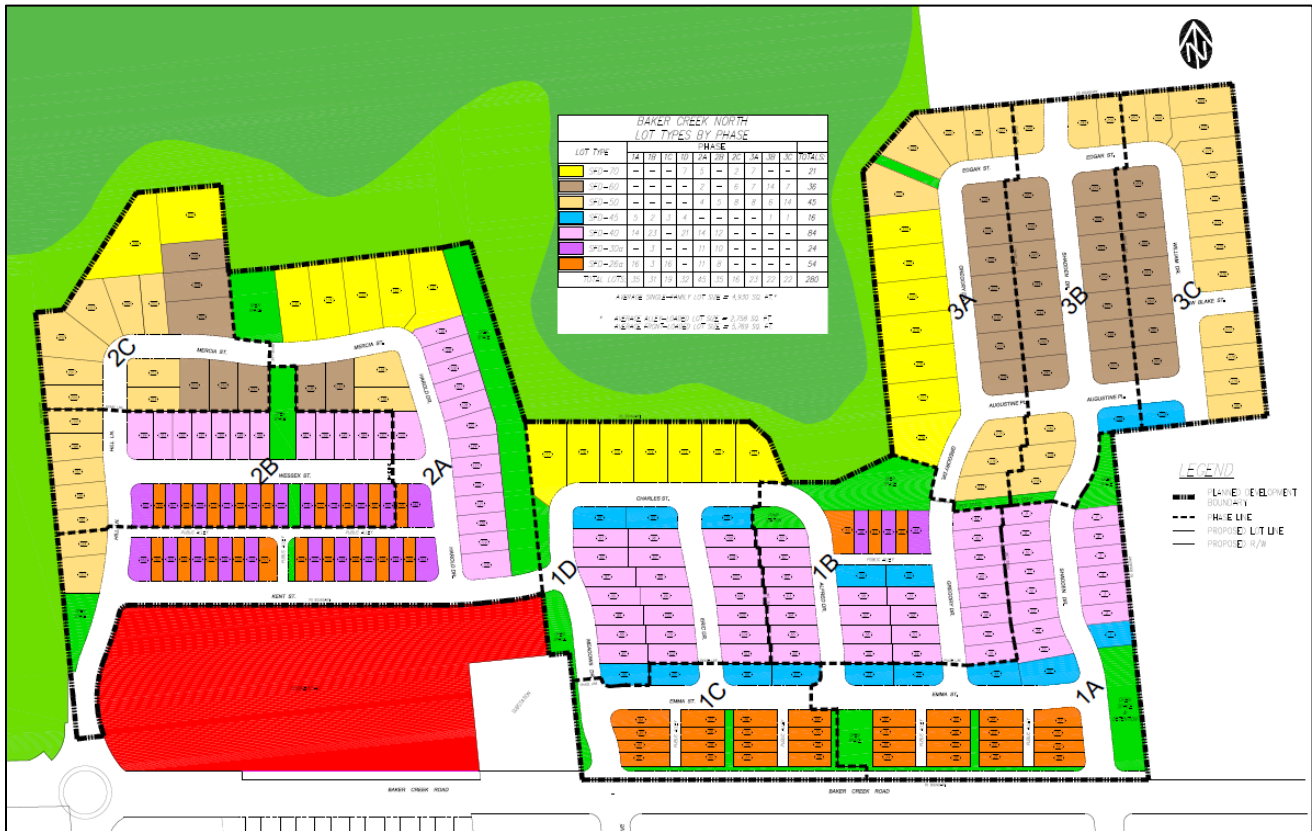


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The development plan associated with the Planned Development (PD 1-19), and as shown in the corresponding Tentative Subdivision (S 1-19) plans, would result in the development of 280 single family detached dwelling units. The plans also include the creation of 18 open space tracts that provide recreational space, pedestrian connectivity, and natural open space in various locations throughout the Planned Development Overlay District. The proposed development plan is identified in Figure 3 below.

**Figure 3. Proposed Development Plan**



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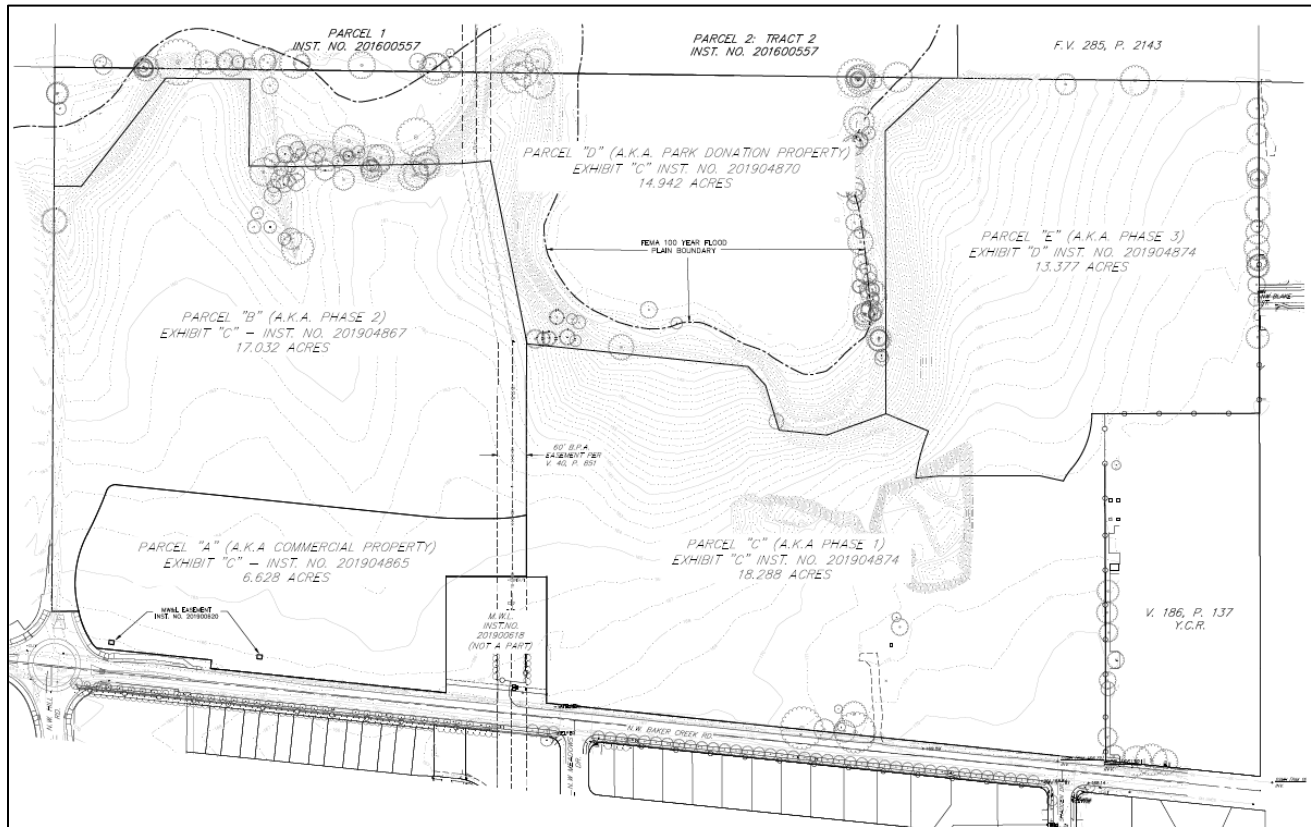
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The Planned Development (PD 1-19) application includes a description of the dedication of a parcel for a public park. This parcel is not proposed to be included in the Planned Development Overlay District, because it exists today as a parcel and will not need to be created as a tract during future subdivision of the property, if the land-use applications are approved as proposed. This park dedication parcel is identified as "Parcel D" in Figure 4 below.

**Figure 4. Proposed Park Dedication Parcel (Parcel D)**



### **Discussion:**

Decisions and/or recommendations for approval of all six land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are six different decision documents that provide the Findings of Fact and Conclusionary Findings for each land-use application. These documents outline the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

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## **Applicable Review Criteria**

### Comprehensive Plan Map Amendment and Zone Change

The Comprehensive Plan Map Amendment (CPA 1-19) and Zone Change (ZC 1-19) requests are subject to the review criteria in Section 17.74.020 of the MMC and require the applicant to demonstrate that:

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

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

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

### Planned Development and Planned Development Amendment

The applicant is also requesting the application of two Planned Development Overlay Districts (PD 1-19 and PDA 2-19) on portions of the subject site. A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the MMC. For subdivisions that are part of a Planned Development Overlay District they need to meet the criteria in the MMC, including compliance with the standards for subdivisions and the zoning district unless amended standards have been adopted as part of the Planned Development Overlay District. The applicant has provided a request for a Tentative Subdivision (S 1-19) that is consistent with the new Planned Development Overlay District (PD 1-19) requested for concurrent review.

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

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Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard subdivision application against the zoning departures requested. It should be noted that the MMC does not contain mechanisms to achieve many of the additional benefits possible through Planned Development outside of that process.

The specific review criteria for a Planned Development in Section 17.51.030(C) of the McMinnville Municipal Code require the City Council to determine that:

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

As mentioned above, the land-use application submittals include both a request for a new Planned Development Overlay District (48.7 acres of residential property) and a request for a Planned Development Amendment (PDA 2-19) to amend an existing Planned Development Overlay District that is currently regulated by Ordinance 4633 (6.62 acres of commercial property). Therefore, the land-use applications as requested would result in two separate Planned Development Overlay Districts on different portions of the subject site.

The Planned Development Amendment application (PDA 2-19) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the MMC, which are the same as the criteria for a new Planned Development, as referenced above. The specific review criteria for Planned Development Amendments in Section 17.74.070 of the MMC require the applicant to demonstrate that:

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

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

### Tentative Subdivision

Applications for a Tentative Subdivision are subject to the standards in Chapter 17.53 (Land Division Standards) of the MMC. In addition, the tentative subdivision should be consistent with any Planned Development Overlay District, which is the case in this situation.

### Landscape Plan

The landscape plan submitted for review includes a few different components under different sections of the MMC. The landscape plan includes proposed trees to be removed during the development of the site, proposed landscaping within open space tracts, and a proposed street tree plan for the planting of street trees in the planter strips within the right-of-way.

The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the MMC. Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The Street Tree Plan is subject to applicable criteria and standards found in Chapter 17.58 (Trees) of the MMC. As it relates to street trees, the purpose of Chapter 17.58 is to establish and maintain the maximum amount of tree cover on public and private land in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the city; to increase property values and build stronger ties within neighborhoods; and to promote a diverse, healthy, and sustainable community forest.

The Landscape Plan is subject to landscaping planning factors found in Section 17.57.070 (Area Determination – Planning Factors) of the MMC. The specific planning factors required to be taken under consideration for the review of the landscape plan are below:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.

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5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

### **Analysis of Land-Use Requests**

The applicant has provided extensive narrative and findings to support the requests for the six land-use applications described above. The applicant's narrative and findings are provided in their application materials. The Planning Commission has reviewed and recommended Decision Documents for each land-use application and request, where the applicant's findings are reiterated and in some cases refined or amended with a condition of approval in order to meet the applicable Comprehensive Plan policies and review criteria. The detailed analysis and the Planning Commission's recommended findings and conditions of approval are contained in each Decision Document attached to this staff report, but staff has also provided an overview of each land-use application and the Planning Commission recommendation below.

Staff would remind the City Council that, because each application is being reviewed and considered separately, that one application could move forward for approval without the following applications being approved. Therefore, in some cases staff and the Planning Commission are suggesting that a decision on a land-use application is not rendered, and does not take effect, until and unless other applications (submitted for concurrent review) are also approved by the City Council. This will be discussed in more detail below where applicable.

#### Comprehensive Plan Map Amendment (CPA 1-19)

The applicant is requesting an amendment of the Comprehensive Plan Map to reduce the size of an existing 11.3 acre Commercially designated area to a 6.62 acre Commercially designated area. The remaining 4.76 acres of the existing Commercially designated area would be amended to a Residential Comprehensive Plan Map designation.

Overall, the request would provide for additional residential land within the city. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 buildable acres of residential land deficit. The most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary of 35.8 acres. While both land types (residential and commercial) are identified as needed, the need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

In addition, Section 17.74.020 of the McMinnville Municipal Code states 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

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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 designation is supported by this, because the housing policies are required to be given added emphasis and the proposal would result in additional residential land. Also, the reduced size of the Commercially designated area would better support neighborhood and community serving commercial uses on the property, which are intended to be developed by the applicant and will be discussed in more detail in the Planned Development Amendment request below.

### Zone Change (ZC 1-19)

The applicant is requesting to rezone the subject site from its existing R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) zones to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential). The C-3 zone would coincide with the area proposed to be designated as Commercial on the Comprehensive Plan Map.

The portion of the site proposed to be zoned C-3 would allow for the development of commercial uses on the site that would provide commercial uses and services in an area of the city that is currently lacking in those types of uses and services. The proposed zone change meets the Comprehensive Plan policies related to McMinnville’s economy and allows for the continued growth and diversification of the commercial and employment uses within the city. However, the proposed C-3 zone may not achieve the maximum efficiency of the land or allow for appropriate commercial uses that are compatible with adjacent land uses. This is addressed partly in the applicant’s Planned Development Amendment request, where the applicant proposes to develop neighborhood commercial uses and multiple family dwelling units on the subject site. The C-3 zone would allow for those types of uses to be developed, but would also permit a number of other commercial uses that may not be compatible with the surrounding area.

The portion of the site that is proposed to be zoned R-4 meets most of the locational requirements in the Comprehensive Plan for higher density housing. The site is located on an arterial street and a future transit route, and will be located adjacent to commercial uses and services (the C-3 zoned portion of the Baker Creek North site). The site is not subject to any development limitations, as the R-4 zoned area is located south of the Baker Creek riparian and floodplain areas. However, there are some locational requirements that are not currently achieved by the site. The site is not currently adjacent to any private or public open space, and because the zone change is considered independent of any specific development plan, it has not been identified that the site can be buffered from adjacent lower density residential uses.

In addition, the applicant submitted a traffic impact analysis that identified that the surrounding transportation network had capacity to support the development of the site under the proposed C-3 and R-4 zone. However, the traffic analysis only analyzed the transportation network’s capacity for the development of 280 homes (associated with the concurrent Planned Development request) and the adjacent commercial parcel. The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review.

To address the issues of compatible and appropriate commercial uses, the high density housing locational requirements, and the ability for the surrounding transportation network to support the

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development allowed in the proposed zones, a condition of approval is suggested to state that the decision for approval of the 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. The Planned Development and Planned Development Amendment applications address these issues, as will be discussed in more detail below.

Planned Development Amendment (PDA 2-19)

The applicant is proposing to amend an existing Planned Development Overlay District regulated by Ordinance 4633 to reduce the size to be consistent with the proposed 6.62 acre C-3 portion of the site (as described above), and also to amend existing conditions of approval to allow up to 120 multiple family dwelling units on the site and require a minimum of 2 acres of neighborhood commercial uses. The existing Planned Development Overlay District includes the following conditions:

1. That development of the site is subject to the requirements of McMinnville Ordinance No. 4605, Section 2(a) – (g).
2. That no multiple-family residential use shall be allowed on the site

The reference to Ordinance 4605 was a clerical error, and was intended to reference Ordinance 4506. Ordinance 4506 provided design and development standards in Section 2(a) – (g), which were as follows:

- a. 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. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines where adjacent to residentially zoned lands.
- b. Detailed 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.
- c. No use of any retail commercial use shall normally occur between the hours of 12:30 a.m. and 6:00 a.m.
- d. No building shall exceed the height of 35 feet.
- e. That if outside lighting is to be provided, it must be directed away from residential areas and public streets.
- f. That signs located within the planned development site be subject to the following limitations:
  1. All signs must be flush against the building and not protrude more than 12 inches from the building face, except that up to two free standing monument-type signs not more than six feet in height and which meet the requirements of (2) and (3) below are allowed;
  2. All signs, if illuminated, must be indirectly illuminated and nonflashing;
  3. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
- g. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  1. Off-street parking and loading;
  2. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.

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Overall, the applicant's proposal has special objectives that would be consistent with applicable Comprehensive Plan goals and policies. The applicant is proposing to develop the site with neighborhood commercial uses, which is supported by Comprehensive Plan policies and would provide a type of commercial use and service in the city that is currently not provided in this area. The development of multiple family dwelling units on the subject site could also allow for more efficient and maximum use of the commercial property. The site meets the locational requirements for higher density housing, similarly to the arguments provided for the Zone Change (ZC 1-19) above. However, there are a number of Comprehensive Plan policies that the Planning Commission did not find to be adequately addressed in the applicant's request to create an opportunity for maximum efficiency and potentially more intense development of the subject site. The Planning Commission did find that the Comprehensive Plan policies related to avoiding auto-oriented strip development (Policy 24.00), reducing conflicts with adjacent land uses (Policy 25.00), providing appropriate sizes and scales of commercial uses (Policy 26.00), providing neighborhood commercial uses in residential areas (Policy 27.00), and addressing access, circulation, and pedestrian/bicycle design aspects of commercial development (Policies 29.00, 30.00, and 31.00) can all be achieved if the commercial site is designed appropriately.

To address these concerns, and also meet the applicable Planned Development Amendment review criteria related to the development providing special objectives that warrant a departure from the underlying requirements (the existing conditions of approval in Ordinance 4633), the Planning Commission is recommending a number of conditions of approval. The recommended conditions of approval would allow for multiple family dwellings on the commercial site, if they are integrated with neighborhood commercial uses through a mixed use building or in a development plan that integrates the uses between buildings. The conditions of approval would also define what neighborhood commercial uses are within this Planned Development Overlay District, because the applicant had not specified what those uses could be. The condition does provide an opportunity for the applicant to request additional uses to be considered neighborhood commercial uses at the time that they submit their development plans for review. The conditions of approval also include a number of site and building design standards to ensure that the commercial and mixed used development meets all applicable Comprehensive Plan policies, and that the resulting development within the Planned Development Overlay District achieves a special objective that is required by the Planned Development review criteria to allow for a departure from the standard regulation requirements. The Planning Commission did decide to revise the staff-suggested condition of approval slightly, and are recommending that some language be included that allows for the applicant to submit detailed development plans that differ from the site and building design standards, which would be reviewed by the Planning Commission in the future to determine whether the alternative site and building designs proposed at that time meet the intent of the required site and building design standards. The intent of this is to allow for flexibility in the future development of the site to respond to market conditions, but would still allow for the Planning Commission to make the final decision on the proposed alternative designs.

Staff would note that the existing Planned Development Overlay District was adopted following a series of past land-use applications, which is explained in more detail in the PDA 2-19 Decision Document. In response to the past land use planning and a previous identification of a need for five acres of commercial development in this area of the city (per Ordinance 4506), the Planning Commission is recommending that the minimum amount of neighborhood commercial use within the Planned Development Overlay District be five acres. More specifically, the Planning Commission is recommending a condition to require

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that five acres of the site retain, at a minimum, ground floor commercial uses and that multiple family dwelling units be allowed on the remainder of the site as part of a mixed use development.

In regards to allowing multiple family dwelling units that are currently prohibited by Ordinance 4633, the Planning Commission has found that the conditions within the City of McMinnville have changed significantly since the time the Planned Development Overlay District was originally adopted in 1996. Since that time, the City has completed studies and analyses of the availability of land for the development of residential uses. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit. The City has also completed more recent updates to the Residential Buildable Lands Inventory, which was reference by the applicant. While that analysis has not yet been acknowledged, it also identifies a need for additional land for the development of residential uses. The proposed amendment to allow multiple family dwelling units on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

The specific conditions of approval recommended by the Planning Commission are provided below.

#### Planned Development (PD 1-19)

The applicant has requested the approval of a new Planned Development Overlay District that would allow for the development of 280 single family detached dwellings. The Planned Development includes requests for a number of modifications of underlying zoning requirements including reductions in minimum lot sizes, the use of lot size averaging, exceptions to typical lot dimensions, reduced side yard setbacks, reduced lot frontages, increased number of lots utilizing an access easement, increased maximum driveway widths, increased block lengths and block perimeters, and reduced setbacks between street trees and utilities. The Planned Development includes the creation of 18 open space tracts that will provide recreational amenities, pedestrian connections, and preservation of natural open space. In addition, the applicant is proposing to dedicate a parcel adjacent to the developed portion of the Planned Development Overlay District for a public park as identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan.

A major component of the Planned Development plan that requires modifications from the underlying zoning requirements is related to the lot sizes, orientation, and development pattern proposed. The applicant is proposing 7 different typical lot types that differ in lot width and size, ranging from 26 feet in width to 70 feet in width and ranging from 2,340 square feet in size to 17,977 square feet in size. The 7 different lot types are proposed to be located throughout the Planned Development Overlay District, but are generally arranged in a manner that transitions in density from a higher density on the southern portion of the site to a lower density on the northern portion of the site. This orientation places higher density near the arterial street (Baker Creek Road) which is identified as a future transit route, and places lower density on the portions of the site that begin to slope downward toward the Baker Creek riparian and floodplain areas that are more environmentally sensitive. The development plan does not include

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any development within any mapped waterway, wetland, or floodplain, but some of these lands are proposed to be preserved within the parcel that will be dedicated to the City for use as a public park.

Overall, the Planning Commission has found that the proposed planned development would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning requirements. The proposal would provide greater flexibility and greater freedom of design in the development of land; encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage the developer to use a creative approach in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces.

The range of different lot types provides an opportunity for the provision of a variety of housing types and sizes, which will also provide an opportunity for housing products at a wider range of price points. However, the lot sizes and dimensions proposed do vary from the requirements of the underlying R-4 zone. The narrower lots (26 feet and 30 feet in width) are proposed to be alley loaded, which will mitigate potential vehicle conflicts with the pedestrian environment in the sidewalk space and also will result in an aesthetic where the dwelling unit front façades are not dominated by garages. In order to ensure that the denser lot development pattern does not result in a cookie-cutter pattern of single family residential development, the Planning Commission is recommending conditions of approval that would require architectural design standards and a review process for proposed building elevations by the Planning Director. In addition, no similar home design would be allowed to be built in adjacency to another, including both sides of the street.

To make up for the reduced lot sizes and setbacks within the Planned Development, the proposal includes the creation of 18 open space tracts and the dedication of one additional 14.92 acre parcel for use as a public park. These open space tracts would not be required under typical zoning requirements, so they provide a benefit to the entire community that would not be achieved under a standard subdivision. Staff and the Planning Commission are suggesting that the City accept ownership of four of the proposed open space tracts and the proposed park dedication parcel (Parcel D). Within these tracts, the applicant is proposing to extend the BPA pedestrian and bicycle trail to the north from its current terminus on the south side of Baker Creek Road. The BPA trail would extend to the north through the center of the new Planned Development Overlay District and terminate with a trailhead within the park dedication parcel. From that point, a natural bark chip trail is proposed to be developed generally around the perimeter of the floodplain area within the park dedication parcel. This natural bark chip trail would connect to a parcel to be created in the approved and planned Oak Ridge Meadows subdivision to the northeast. The development and dedication of these tracts will allow for park improvements that are identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan, including the BPA trail extension, a special use park, and a greenway trail connection between the BPA trail and Tice Park (in the future). In addition to these public improvements, other open space tracts would be developed, which would be private, to provide recreation areas, pedestrian connections, and natural open space for residents within the Planned Development Overlay District. The Planning Commission is recommending conditions of approval that would specify the improvements that would be provided in the public and private open space tracts and parcel.

Natural features are proposed to be preserved within the Planned Development Overlay District. Stands of large, mature trees are proposed to be preserved within open space tracts and in rear yards of some

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of the larger lots. The Planning Commission is recommending a condition of approval to require that any additional tree removal be reviewed and approved by the Planning Director prior to removal. Another natural feature proposed to be preserved through the Planned Development is the sloped area along the northern portion of the site, which slopes downward toward the Baker Creek riparian and floodplain area. Larger lots are proposed in this area to better preserve the sloped area, and conditions of approval are included to require that additional geo-technical analysis occur on the sloped portions of the site prior to development, as recommended in the Geo-Technical Report provided in the application materials.

The unique lot development pattern includes alley loaded lots, as described above, as well as some blocks that exceed maximum block length and maximum block perimeter length. The alley loaded lots will minimize vehicular conflicts, and a condition of approval is recommended by the Planning Commission to require that these alleys be privately maintained as they will only be providing access to the dwelling units that are located adjacent to them. A condition of approval is also recommended by the Planning Commission to allow for block length and block perimeter length to be exceeded. This is based on the proposed open space tracts and the fact that mid-block pedestrian connections are proposed in any location where block lengths are exceeded. One other component of the public right-of-way improvements that was requested by the applicant was driveway widths that exceed the maximum width allowed by the MMC. The Planning Commission did not agree with the applicant's request for wider driveways on each lot, and has recommended a condition of approval to allow for wider driveways on the private lots, but that, except for the 40 foot wide lots, the driveway tapers down at the property line and not exceed the maximum driveway width allowed between the property line and the street. This will reduce driveway openings and crossing of the sidewalk space, and will provide additional space for utilities and street trees within the right-of-way.

With the conditions of approval described above, the Planning Commission has found that the proposed planned development would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning ordinance, and would achieve the Planned Development review criteria and Comprehensive Plan policies. The specific conditions of approval recommended by the Planning Commission are provided below.

#### Tentative Subdivision (S 1-19)

As discussed above, the applicant has requested the approval of a new Planned Development Overlay District that would allow for the development of 280 single family detached dwellings. The applicant has also submitted a request for a Tentative Subdivision (S 1-19) that is consistent with the Planned Development plans. The subdivision plans include more specific detail on right-of-way improvements and lot platting that would carry out the Planned Development plans. The tentative subdivision plan identifies the development of the 280 single family lots and 18 open space tracts in ten phases. The Planning Commission has found that the subdivision plans are consistent with the Planned Development (PD 1-19), and if that is approved, the tentative subdivision plans could be approved.

The Planning Commission is recommending some conditions of approval that are more typical of the subdivision process to require proper documents to be prepared to allow for the maintenance of open space tracts (Covenants, Conditions, and Restrictions (CC&Rs) and a Homeowner's Association), allow the subdivision phasing proposed and include a timeframe for final platting, require some minor amendments to and clarification of public right-of-way improvements (intersection angles, alleys in private

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tracts or easements, street profiles, and right-of-way dedication), describe right-of-way improvements required, and describe the process to be followed during improvements and final platting. The Planning Commission is recommending that the conditions of approval related to residential building architectural design from the Planned Development (PD 1-19) also be included in the Tentative Subdivision (S 1-19) approval. In addition, the Planning Commission is recommending a condition of approval to require that 25 percent of the lots within each subdivision phase be offered for sale to provide an opportunity for housing variety within each subdivision phase.

Finally, a condition of approval is recommended to state 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.

The specific conditions of approval recommended by the Planning Commission are provided below.

### Landscape Plan (L 12-19)

As discussed above, the landscape plan submitted for review includes a few different components under different sections of the MMC. The landscape plan includes proposed trees to be removed during the development of the site, proposed landscaping within open space tracts, and a proposed street tree plan for the planting of street trees in the planter strips within the right-of-way.

The applicant is requesting the removal of 17 deciduous trees, primarily native white oaks, from the subject property as part of the proposed development project. Thirteen (13) of the trees are located in or immediately adjacent to proposed street and right-of-way improvements. The additional four (4) trees requested for removal are located within proposed building envelopes on lots. Construction of the streets and right-of-way improvements and building construction would necessitate the removal of the trees from those areas. If the planned development and subdivision applications are approved, then the tree removal request would meet the criterion related to the removal being part of an approved development project. Conditions of approval have been included to clarify the applicant's responsibility, ensure safety, and limit the trees approved for removal to the 17 identified on the plan.

The Street Tree Plan submitted by the applicant proposes street trees located along the public rights-of-way within and adjacent to the proposed Baker Creek North Planned Development and subdivision. The trees specified on the plan are either found on the recently updated McMinnville Street Tree List (approved by Resolution 2019-26), or exhibit preferred characteristics of street trees. The six (6) specified street tree selections are all appropriate species.

Generally, the location and spacing of street trees in the subdivision would provide tree lined streets and minimize conflict with public improvements. Street trees have been placed in appropriate locations, taking into account public improvements within the right-of-way. Conditions of approval have been included to identify other locations where additional trees may be appropriate to maximize the number of street trees provided, and to ensure street trees do not conflict with the transmission line easement that runs through the planned development.

The spacing of the street trees throughout the subdivision is approximately 30 feet when not disrupted by setbacks from improvements. Thirty (30) feet is the standard maximum spacing for medium street trees allowed by the zoning ordinance, but it exceeds the maximum standard spacing of 20 feet for small

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stature street trees. Varying lot sizes and driveway and utility locations create some distances between trees greater than 30 feet. To achieve the tree spacing that is shown on the street tree plan, the applicant has proposed modifications to the setback standards from water meters and driveways. Additional root barrier is required when trees are within the standard setbacks from those improvements. Conditions of approval for the street tree plan have been included to allow some modification to spacing standards and to ensure compliance to other applicable street tree standards.

The applicant has proposed landscaping for 17 of the 18 common area tracts found throughout the proposed planned development. The landscape plans specify planting and amenities for open space areas that include playgrounds, active and passive recreation spaces, pedestrian access ways, a stormwater detention area, subdivision entry and perimeter planting, and a preserved native oak grove. The plants specified throughout the common area tracts are a mix of native and ornamental plants that would provide seasonal interest, define and support the intended purpose of the tracts, and screen and buffer uses as appropriate. Generally, staff found the proposed landscaping to be compatible with the project and surrounding properties. Conditions of approval have been included to ensure that landscaping and amenities adjacent to and within the transmission line easement and adjacent to the electric substation are sized and located to help avoid future conflict. A condition of approval requires landscaping in Pump Station Tract G, the only common area tract that landscaping was not proposed for. The applicant has provided an irrigation plan specifying an automatic irrigation system for the majority of proposed landscaping. A condition of approval requires the extension of the automatic irrigation system to Tract S.

Finally, conditions of approval are included to require the submittal of a revised landscape plan reflecting revisions to the plan and conditions of approval to the Planning Department for final approval, and 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.

### **Planning Commission's Recommended Conditions of Approval**

#### **Comprehensive Plan Map Amendment (CPA 1-19)**

None.

#### **Zone Change (ZC 1-19)**

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)**

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.

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“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. 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 45 feet 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

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- 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

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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 than 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.

5. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.

6. 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;

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- 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.
7. 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.
8. 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)

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

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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.

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- 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 Tract 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

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- 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

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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

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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. 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. 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

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.

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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. Quality and Type of Exterior Materials
  - i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including 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, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
  - iv. In addition, elevations will include at least four of the following.
    1. Windows – mullions, trim, orientation, sashes
    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 dimension of 6 feet by 6 feet.
  - ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.

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- 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.
- 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.
- 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; or
      - 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 sidelight windows
  - iv. Garages shall be recessed from entrances or covered front porches.
- g. Exterior Lighting
- h. Sample Exterior Colors

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- 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)

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.

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- 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.

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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. Quality and Type of Exterior Materials
  - i. Elevations shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including 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, sashes and mullions on all windows, and shall incorporate a paint scheme with three colors.
  - iv. In addition, elevations will include at least four of the following.
    1. Windows – mullions, trim, orientation, sashes
    2. Gables
    3. Dormers
    4. Architectural bays

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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 dimension of 6 feet by 6 feet.
  - 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.
- 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.
- 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; or
      - 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

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- 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 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 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

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- 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

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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

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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 (L 12-19)

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.

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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;

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- 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.
20. 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.
21. 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

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Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

22. 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.

**Fiscal Impact:**

The recommended conditions of approval for the Planned Development Overlay District (PD 1-19) and Tentative Subdivision (S 1-19) result in the dedication of 4 tracts within the subdivision phases and one additional parcel for use as public parks. These tracts and parcel encompass the land and improvements that would allow for the extension of the BPA multi-use path system north of Baker Creek Road, and the larger parcel proposed to be accepted by the City as a public special use park. Maintenance costs are associated with the public ownership of these tracts and parcels. Conditions of approval are included to require that the larger 14.92 acre parcel (Parcel D) that will be dedicated as a public park be maintained by the Homeowner's Association until 2032, at which time the maintenance responsibility will be transferred to the City. This is included to allow time for discussion and preparation for the increase in maintenance costs associated with additional park land within the City's park system.

**Alternative Courses of Action:**

As discussed in more detail above, draft ordinances for each of the six land use applications associated with Baker Creek North will be prepared for the January 14, 2020 City Council meeting packet. The City Council will hold a public hearing on the land use applications on January 28, 2020, and will then have an opportunity to take action on each ordinance. More detail on specific alternative courses of action for each ordinance will be provided in the staff reports that are included in the January 14, 2020 and January 28, 2020 City Council meeting packets.

**Recommendation:**

Staff recommends that the City Council follow the Planning Commission's recommendation to approve each of the six land-use applications, with the conditions described above and that will be included in the draft ordinances once they are prepared. Recommended motions for each land-use application and ordinance will be provided in the staff reports that are included in the January 14, 2020 and January 28, 2020 City Council meeting packets.

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