



City of McMinnville
Planning Department
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STAFF REPORT

DATE: March 24, 2020
TO: Mayor and City Councilors
FROM: Chuck Darnell, Senior Planner
SUBJECT: Ordinance Nos. 5084 – 5089 – 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:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsibly & responsibly to enhance our unique character.	 HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
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Report in Brief:

This is the final consideration of Ordinance Nos. 5084, 5085, 5086, 5087, 5088, and 5089, ordinances approving Baker Creek North, a multiple-phase residential subdivision and adjacent commercial development site. A public hearing was held on January 28, 2020 by the McMinnville City Council. The public hearing was closed on January 28, 2020, but the record was held open for the submittal of additional written testimony and final applicant written arguments. The City Council then met on March 10, 2020 to deliberate on the ordinances. The Council voted unanimously to conduct the first reading of each ordinance and then proceeded to vote on the second reading of each ordinance. Votes were as depicted in the table that follows. Since the second readings of the ordinances were not all unanimous, the ordinances are being brought back before the City Council for final consideration and enactment.

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ORDINANCE	VOTE	MOTION/SECOND	YAYS	NAYS
5084 (CPA 1-19)	5-1	Stassens/Menke	Menke, Drabkin, Garvin, Peralta, Stassens	Geary
5085 (ZC 1-19)	4-2	Drabkin/Stassens	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5086 (PDA 2-19) (w/amendments)	4-2	Drabkin/Stassens	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5087 (PD 1-19)	4-2	Drabkin/Menke	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5088 (S 1-19)	4-2	Menke/Drabkin	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5089 (L 2-19)	5-1	Drabkin/Menke	Menke, Drabkin, Garvin, Peralta, Stassens	Geary

The proposed development plan for Baker Creek North, which is being requested by Stafford Development Company, LLC, requires the following six land-use applications and ordinances:

- 1) **Ordinance No. 5084: 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) **Ordinance No. 5085: 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) **Ordinance No. 5086: 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) **Ordinance No. 5087: 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) **Ordinance No. 5088: 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;

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- 6) **Ordinance No. 5089: 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
- 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 were brought to the City Council in the form of ordinances at the City Council meeting on January 14, 2020. Each Ordinance has an exhibit with the recommended Decision Document, outlining the application, recommended decision, conditions of approval and legal findings for the decision. City staff provided a presentation on each Ordinance to the City Council at their meeting on January 14, 2020. Following the staff presentation, the City Council then called for a public hearing on the ordinances and land-use applications. That public hearing was scheduled for and held during the regular City Council meeting on Tuesday, January 28, 2020. The City Council decided to close the public hearing on January 28, 2020, but left the record open for the submittal of additional written testimony, rebuttal to that additional written testimony, and final written arguments from the applicant. The City Council received that additional written testimony as it came in and on March 10, 2020 held a public meeting to deliberate on the ordinances. The Council then conducted first and second readings of the ordinances on March 10, 2020. All of the ordinances were voted on with a majority “Yay” vote, but since the voting was not unanimous the ordinances could not be adopted and enacted in that one meeting

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The McMinnville City Charter, in Chapter VIII, Section 36(2), states that “Except as this section provides to the contrary an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.” Because the second readings of the ordinances were not all unanimous, as will be described in more detail below, the ordinances are being brought back before the City Council for final consideration and enactment at the March 24, 2020 City Council meeting.

The City Council will need to take action on the applications on March 24, 2020. The City’s 120-day decision timeframe required by state statute (ORS 227.178), originally expired on February 8, 2020. However, the applicant provided, on the record during the January 28, 2020 and March 10, 2020 City Council meetings, an extension of the City’s decision timeframe to March 24, 2020.

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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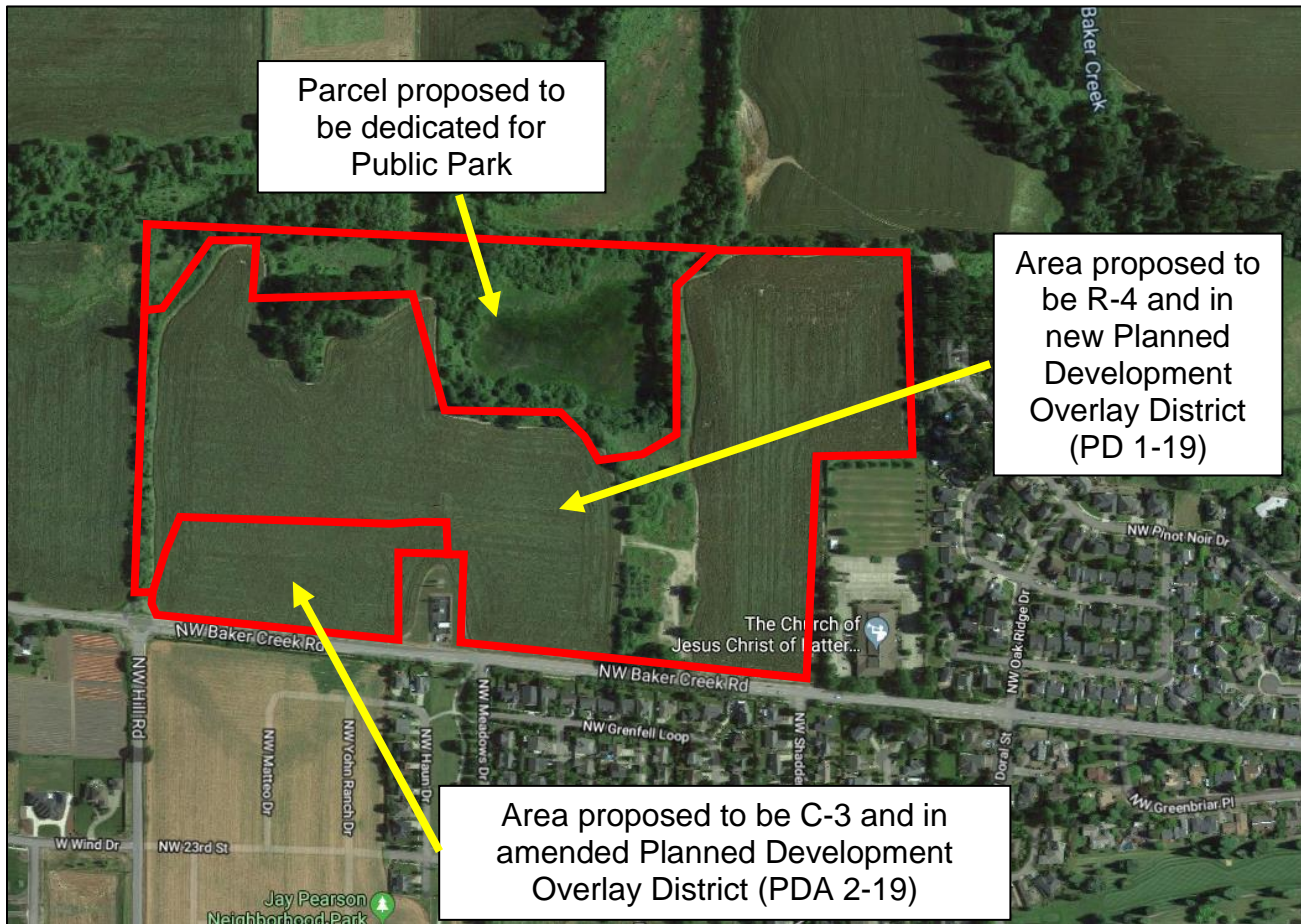
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Figure 1. Vicinity Map (Subject Site Areas Approximate)

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.

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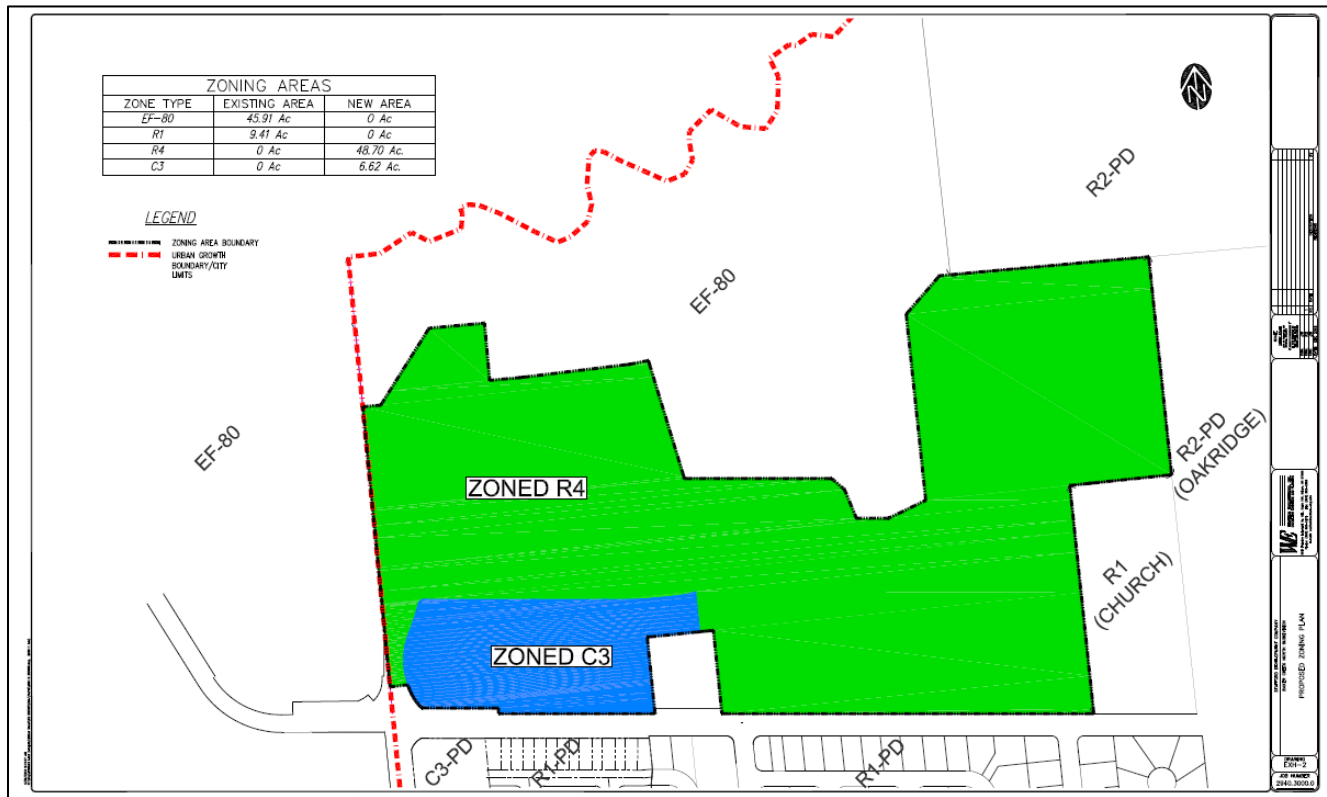
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Figure 2. Proposed Zoning

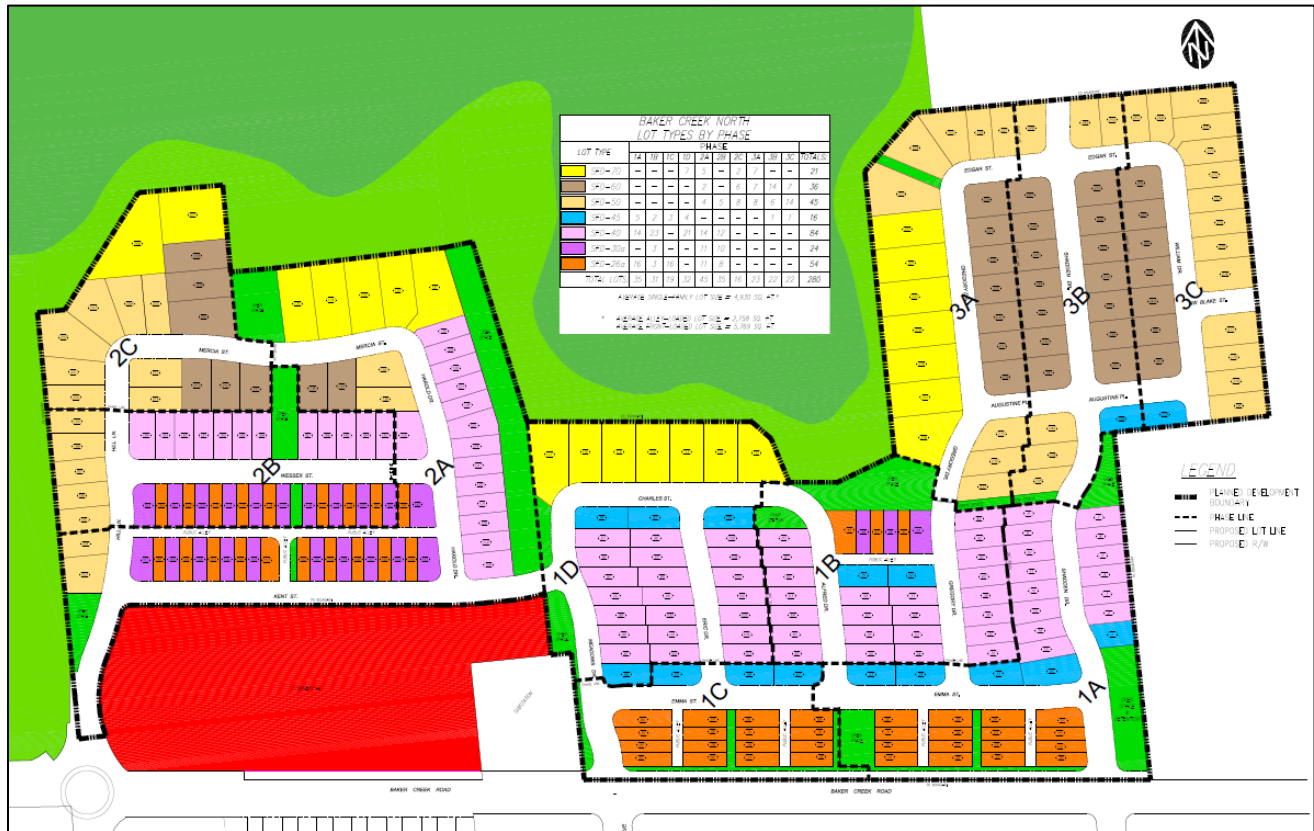


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The development plan associated with the Planned Development (PD 1-19), and as shown in the corresponding Tentative Subdivision (S 1-19) plans, would result in the development of 280 single family detached dwelling units. The plans also include the 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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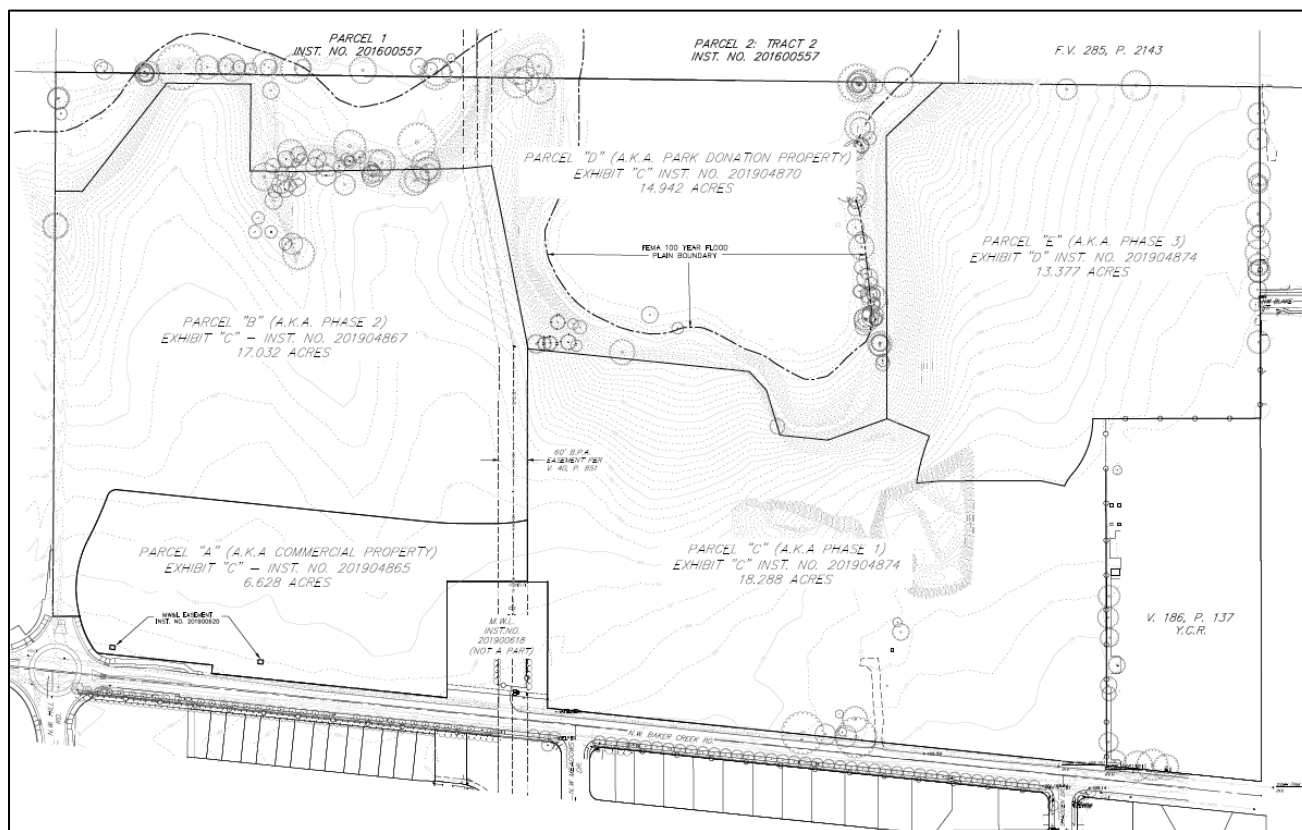
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The Planned Development (PD 1-19) application includes a description of the dedication of a parcel for a public park. This parcel is not proposed to be included in the Planned Development Overlay District, because it exists today as a parcel and will 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:

More detailed analysis of the land use applications has been provided in staff reports from the previous City Council meetings where the requests were considered. Links to those staff reports are provided below:

January 14, 2020 City Council Staff Report:

https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/14251/cc_staff_report_-_baker_creek_north_1-14-20.pdf

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January 28, 2020 City Council Staff Report:

https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/14251/cc_staff_report_-_baker_creek_north_1-28-20_final.pdf

March 10, 2020 City Council Staff Report:

https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/14251/cc_staff_report_-_baker_creek_north_3-10-20_final.pdf

Overview of Actions Taken at March 10, 2020 City Council Meeting

Following the receipt of the additional written testimony submitted after the January 28, 2020 public hearing, the City Council held first and second readings of each of the six ordinances under consideration. The City Council elected to hold a first reading of all six ordinances together by title only, which passed unanimously. The City Council then elected to hold a second reading on each of the six ordinances individually.

The second reading of Ordinance No. 5084 (CPA 1-19) was passed with a vote of 5-1 (Nay vote from Councilor Geary).

There was a motion by Councilor Drabkin, seconded by Councilor Stassens, to consider the second reading of Ordinance No. 5085 (ZC 1-19) and Ordinance No. 5086 (PDA 2-19) simultaneously, which passed so those ordinances were considered together. There was discussion and deliberation on some of the components of the commercial site, which were associated with the conditions of approval related to the Planned Development Overlay District (PDA 2-19) that would apply to the commercially zoned portion of the Baker Creek North site.

Following discussion, Councilor Drabkin provided a motion to consider the prohibition of stand-alone drive-through facilities on the site, referencing findings for Comprehensive Plan policies 25.00 and 26.00. The motion was seconded by Councilor Menke, and passed with a vote of 4-2 (Nay votes from Councilors Garvin and Peralta).

Councilor Garvin then expressed his concerns with the 45 foot maximum height in PDA 2-19 (Ordinance No. 5086). He felt it was too tall for the neighboring residential neighborhoods. Following further discussion, Councilor Peralta provided a motion to consider the limitation of the height of buildings within the commercial area to no more than two stories rather than having a specific number of feet for maximum building height. The motion was seconded by Councilor Garvin, and passed with a vote of 5-1 (Nay vote from Councilor Drabkin).

Councilor Geary then asked about the condition of the intersection at Baker Creek Road and Michelbook Road which the applicant's TIA showed would be above the city's v/c standard of 0.90 at full build-out of the project. Following further discussion, Councilor Geary provided a motion to require that the future traffic impact analysis required by the condition of approval for the commercial site

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include an analysis of the intersection of Baker Creek Road and Michelbook Road and the intersection of Baker Creek Road and Highway 99W, but not to limit the traffic impact analysis to those intersections. The motion was seconded by Councilor Drabkin, and passed with a vote of 6-0.

A motion to consider the second reading of Ordinance No. 5085 and Ordinance No. 5086, with the amendments described above, was made by Councilor Drabkin, seconded by Councilor Stassens, and passed with a vote of 4-2 (Nay votes from Councilors Garvin and Geary).

The second reading of Ordinance No. 5087 (PD 1-19) was passed with a vote of 4-2 (Nay votes from Councilors Garvin and Geary).

The second reading of Ordinance No. 5088 (PD 1-19) was passed with a vote of 4-2 (Nay votes from Councilors Garvin and Geary).

The second reading of Ordinance No. 5089 (L 12-19) was passed with a vote of 5-1 (Nay vote from Councilor Geary).

Updates to Ordinance No. 5086 and the Decision Document for PDA 2-19

Based on the amendments made to Ordinance No. 5086 (PDA 2-19) as described above, staff updated the Ordinance and Decision Document to reflect those amendments as outlined below:

The conditions of approval for Ordinance No. 5086 and the Planned Development Amendment (PDA 2-19) have been updated as follows (shown in **bold underline** or ~~strikethrough~~):

1. That Ordinance 4633 is repealed in its entirety.
2. That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. “Integrated” means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.
3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “Restaurant” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

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- 4. That stand-alone drive-through facilities shall be prohibited within the Planned Development Overlay District.**
5. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.
- a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
 - b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.
 - c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of ~~45 feet~~ **two stories** without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.
 - d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
 - e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
 - f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor

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- 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

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the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.

A. Awning Sign

- i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
- ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
- iii. Lettering and signboard may be integrated along the valance or awning fascia.

B. Projecting and Blade Sign

- i. Maximum sign area shall be 4 square feet (per side).
- ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
- iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.
- iv. Distance from building wall to signboard shall be a maximum of 6 inches.
- v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
- vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

- i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.
- ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign. The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.
- iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.

- j. Outside lighting must be directed away from residential areas and public streets.

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6. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.
7. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - a. Off-street parking and loading;
 - b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
 - c. Seating for food and beverage establishments; and
 - d. Food carts.
8. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road. **The traffic impact analysis shall include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Highway 99W, but shall not be limited to only those intersections.**
9. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

Findings within the Decision Document for the Planned Development Amendment (PDA 2-19) associated with Ordinance No. 5086 were also updated where necessary to reflect the amendments passed by the City Council. In addition, condition numbers were updated throughout the Decision Document in order to reference the correct findings, after the addition of a new finding to reflect one of the amendments. The findings that were updated are provided below, and are also reflected in an updated version of Ordinance No. 5086 attached to this staff report (Attachment C). Updates are shown in **bold underline** or ~~striketrough~~:

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

APPLICANT'S RESPONSE: There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

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FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 9. The existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. The applicant is proposing to limit the use of the property to “neighborhood commercial uses” and multifamily units. While the intent of the “neighborhood commercial uses” may be to limit conflicts and impacts on adjacent residential land uses, “neighborhood commercial uses” are not defined in the McMinnville Municipal Code. Therefore, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, 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. The condition of approval allows for the applicant to 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. **Another condition of approval is included to prohibit stand-alone drive-through facilities to minimize conflicts with adjacent residential land uses from commercial uses that are automobile oriented.** [...]

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 9. The City concurs with the applicant’s responses. However, the City adds that the existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. To ensure that future commercial uses are appropriately scaled and integrated with the surrounding area, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, 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.

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The condition of approval allows for the applicant to 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. **In addition, another condition of approval is included to prohibit stand-alone drive-through facilities to minimize automobile oriented and heavy traffic-generating uses.**

The City also finds that the location and design of buildings that will contain the commercial uses in the Planned Development Overlay District can significantly reduce any potential conflict or impact on adjacent residential land uses. Therefore, a condition of approval is included to require that detailed development plans be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633 already required that development plans would be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633, as amended as described in other findings in this Decision Document, also include requirements that will result in the reduction of any potential conflict or impact on adjacent residential land uses, including requirements for landscaping a minimum of 14% of the site, limiting building height to **two stories**45 feet (with a requirement that building walls be stepped back if above 35 feet), including building siting and façade standards, limiting lighting and signage on the site, and restricting hours of operation for the commercial uses.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 & 8. The Planned Development Overlay District is located on an arterial street, and no specific commercial development plan has been provided by the applicant. In order ensure that the future commercial development of the site does not negatively impact traffic patterns in the area and is designed with adequate access and internal circulation systems, a condition of approval is included to require that a traffic impact analysis be provided prior to any future development of the site. The traffic impact analysis shall

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analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets. **The traffic impact analysis shall include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Highway 99W, but shall not be limited to only those intersections. These intersections shall be included in the future traffic impact analysis because they were referenced in testimony and because the intersection of Baker Creek Road and Michelbook Lane did not meet the volume-to-capacity standard of 0.90 adopted by the City of McMinnville Transportation System Plan in the applicant’s traffic impact analysis at full build-out of the project.**

In addition, a condition of approval is included to require that the property within the Planned Development Overlay District be developed with shared access points and a shared internal circulation system.

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #8. No specific commercial development plan has been provided by the applicant. The Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. In order ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets, a condition of approval is included to require that a traffic impact analysis be provided prior to any future development of the site. **The traffic impact analysis shall include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Highway 99W, but shall not be limited to only those intersections. These intersections shall be included in the future traffic impact analysis because they were referenced in testimony and because the intersection of Baker Creek Road and Michelbook Lane did not meet the volume-to-capacity standard of 0.90 adopted by the City of McMinnville Transportation System Plan in the applicant’s traffic impact analysis at full build-out of the project.**

17.74.070(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; [...]*

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 - 9. [...]

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Section 2(d) - No building shall exceed the height of 35 feet.

The applicant has stated that the building height of 35 feet would be restrictive to the development of mixed-use buildings with neighborhood commercial uses on the ground floor and multiple family dwelling units on the upper floors. The City concurs with the applicant, and also notes that other conditions of approval described above in this Decision Document require the integration of multiple family dwelling units with commercial uses through the development of mixed-use buildings or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission. Therefore, the condition of approval related to building height is amended to limit the height of buildings to **two stories**~~45 feet, as described by the applicant~~. The condition of approval specifies that if buildings are proposed to exceed 35 feet, that they are designed with a step back in the building wall to reduce the visual impact of the height of the building. [...]

In regards to the allowance of multiple family dwelling units on the site, the City concurs with the applicant's findings that there is a shortage of land for residential use in the City of McMinnville and a need for additional multiple family development to support future population growth. The City also notes that per the findings in the zone change request associated with this project (ZC 1-19) that this is an ideal location for multiple family development. However, the City has also planned for at least five acres of commercial development in this area since Ordinance 4506 was adopted on December 10, 1991. The need for neighborhood serving commercial development in this area has carried forward into subsequent Ordinances, including Ordinance 4633 and the 2013 Economic Opportunities Analysis. Recognizing the need to maintain space for commercial development and to accommodate additional multiple family development, the City will require that five acres of this site 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. ~~Increasing the height restriction of Ordinance 4633 from 35 feet to 45 feet helps to support mixed-use development as well.~~ 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. [...]

17.74.070(E). *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

APPLICANT'S RESPONSE: The site of the planned development amendment is adjacent to a minor arterial with capacity planned in the City's Transportation Plan adequate to serve the area with over ten acres of commercial use. The applicant's traffic analysis shows this. The proposed use is 6.62 acres with no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units. The intensity of the proposed uses in the application are less than the intensity of the commercial use planned for in the City's plans under the current planned development scenario. Therefore, development of the site as the amendment proposes will not overload the streets, rather the impact will be lighter than planned for by the City.

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FINDING: SATISFIED WITH CONDITION #5 & #8. The City concurs with the applicant's findings, and adds that a condition of approval is included to allow for the review and approval of the access and internal circulation of the commercial development site. A condition of approval is also included to require a traffic impact analysis that will analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets. The traffic impact analysis will also ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets. **The traffic impact analysis shall include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Highway 99W, but shall not be limited to only those intersections. These intersections shall be included in the future traffic impact analysis because they were referenced in testimony and because the intersection of Baker Creek Road and Michelbook Lane did not meet the volume-to-capacity standard of 0.90 adopted by the City of McMinnville Transportation System Plan in the applicant's traffic impact analysis at full build-out of the project.** The condition of approval requires that the traffic impact analysis be provided prior to any future development of the site.

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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 donation and dedication of 4 land tracts within the subdivision phases and one additional parcel for use as public parks (the total size of these land tracts and parcels

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is 16.211 acres). 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:

At the meeting on March 10, 2020, the following votes were taken:

ORDINANCE	VOTE	MOTION/SECOND	YAYS	NAYS
5084 (CPA 1-19)	5-1	Stassens/Menke	Menke, Drabkin, Garvin, Peralta, Stassens	Geary
5085 (ZC 1-19)	4-2	Drabkin/Stassens	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5086 (PDA 2-19) (w/amendments)	4-2	Drabkin/Stassens	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5087 (PD 1-19)	4-2	Drabkin/Menke	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5088 (S 1-19)	4-2	Menke/Drabkin	Menke, Drabkin, Peralta, Stassens	Garvin, Geary
5089 (L 2-19)	5-1	Drabkin/Menke	Menke, Drabkin, Garvin, Peralta, Stassens	Geary

The City Charter, in Chapter VIII, Section 36(2), requires that “Except as this section provides to the contrary an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.” Because unanimous approval did not occur at the March 10, 2020 meeting, another City Charter provision, in Chapter VIII, Section 36(1), becomes applicable as follows: “Except as this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.”

To comply with that provision, legal counsel is recommending that the City Council re-conduct the second readings of the ordinances by title only, before voting to approve each ordinance. Legal counsel will be available at the March 24, 2020 meeting, and will guide Council through the appropriate procedures and motions.

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