

ORDINANCE NO. 5087

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT OVERLAY DISTRICT TO ALLOW FOR THE DEVELOPMENT OF A 280 LOT RESIDENTIAL SUBDIVISION WITH MODIFICATIONS FROM THE UNDERLYING ZONING REQUIREMENTS AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

RECITALS:

The Planning Department received an application (PD 1-19) from Stafford Development Company, LLC requesting approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 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; and

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

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Planned Development review criteria listed in Section 17.51.030(C) of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received; and

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. The City Council provided seven additional days for the submittal of additional written testimony until February 4, 2020. The City Council then provided another seven days for the submittal of rebuttal testimony until February 11, 2020. The City Council then provided another seven days for the applicant to submit final written argument until February 18, 2020; and

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, received all additional written testimony, and having deliberated; and

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and
2. That the requested Planned Development is approved, subject to the following conditions:
 1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
 2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.
 3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
 - a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
 - b. SFD-45: Minimum 4 foot side yard setback
 - c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
 - d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback
 4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric Code (NEC) clearances.
 5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.

6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a Homeowner's Association (HOA) for the benefit of the public until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park land to the City of McMinnville.

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

- d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
 - e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within 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 bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
- c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
 - d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.
 - e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
 - g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
 - i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
 - m. Tract S – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.

9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. A development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted to the City for review and approval of the design and engineering prior to construction.
10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.
11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.
12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.
14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences,

public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.

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

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

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

Except for SFD-40 lots, the driveway width shall be tapered down at the property line and not exceed the maximum 40 percent driveway width required by Section

12.20.030(B) between the property line and the street. SFD-40 lots may have maximum driveway widths of 20 feet between the property line and the street.

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

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

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

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

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

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

- i. Change in elevation of roof ridges
 - ii. Change in direction of roof ridges
 - iii. Eave overhangs of over 12 inches
 - iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
 - v. Porch of at least 48 square feet in area
 - vi. Dormer or bay windows
 - vii. Shutters on all windows
 - viii. Accent siding
 - ix. Decorative gable vents
 - x. Garage doors with windows and decorative paneling
 - xi. Decorative front door (minimum 25 percent glazing)
 - xii. Front door with transom and/or sidelight windows
 - iv. Garages shall be recessed from entrances or covered front porches.
- g. Exterior Lighting
- h. Sample Exterior Colors
 - i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

21. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

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

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 24th day of March, 2020, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT OVERLAY DISTRICT TO ALLOW FOR THE DEVELOPMENT OF A 280 LOT RESIDENTIAL SUBDIVISION WITH MODIFICATIONS FROM THE UNDERLYING ZONING REQUIREMENTS AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

- DOCKET:** PD 1-19 (Planned Development)
- REQUEST:** Approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 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.
- LOCATION:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.
- ZONING:** R-4 (Multiple Family Residential)
- APPLICANT:** Stafford Development Company, LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** October 11, 2019
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.
- HEARING DATE & LOCATION:** December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- HEARINGS BODY & ACTION:** The McMinnville City Council approves or denies the land-use application.

HEARING DATE & LOCATION:

January 28, 2020, March 10, 2020, and March 24, 2020, Civic Hall, 200 NE 2nd Street, McMinnville Oregon

PROCEDURE:

An application for a Planned Development Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA:

The applicable criteria for a Planned Development are specified in Section 17.51.030(C) of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL:

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline was February 8, 2020. However, the applicant, on the record during the January 28, 2020 public hearing requested that the deadline be extended to March 10, 2020, and then at the March 10, 2020 City Council meeting, requested that the 120 day deadline be extended to March 24, 2020.

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Planned Development (PD 1-19), **subject to the conditions of approval provided in Section II of this document.**

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DECISION: APPROVAL WITH CONDITIONS
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City Council: _____ Date: _____
Scott Hill, Mayor of McMinnville

Planning Commission: _____ Date: _____
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: _____ Date: _____
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Planned Development request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

Subject Property & Request

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

The application (PD 1-19) is a request for approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 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.

The Planned Development request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Subdivision, and Landscape Plan Review to allow for the development of the 280 lot subdivision proposed in the Planned Development plans and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

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

Site Description

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

Housing

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

Open Spaces

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

Modifications

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

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

- Internal side yard setbacks shall be 3 feet on each side of the dwelling on SFD-30a and SFD-26a lots, instead of 0 feet and 6 feet as would be required if these lots were built with dwellings in a standard subdivision with common wall construction. This means, the proposed lot types will have the same amount of total side yard as a 2-unit town house lots in a standard subdivision, only no burdensome common wall.
 - Rear building setback from an alley shall be 15 feet.
- 3) Frontage: Most lots have the minimum 25 feet of frontage on a public street required by code. The lots listed below do not and the request is for approval of the access as proposed.
 - Lot 131 has a flag pole with 20 feet of frontage on a public street.
 - Lot 270 has a flag pole with 20 feet of frontage on a public street with an easement over it for a private drive, which serves as a common access to serve both Lot 270 and adjacent Lot 269. As preferred by MZO Section 17.53.100C.3, Lot 269 does not have a proposed flag pole.
 - Lots 206-209 have no frontage or flag poles (as preferred by the code section stated above), rather they are served by a private drive that is in a 25-foot wide easement from a public street over the fronts of Lots 207-210.
 - Lots 21-32, 44-49, & 69-80 have more than 25 feet of frontage on a proposed public alley at the rear of the lot. In addition, the lots maintain over 25 feet of frontage on a proposed private open space tract with a pedestrian way (some end lots also have side yard frontage on a public street).
 - 4) Private Drives: The following lots are served by a common drive in an easement shown on the preliminary plat, rather than a driveway with frontage on a public street.
 - Lots 270 and 269, through an easement over Lot 270, see drawing PL-5.
 - Lots 206-210, through an easement over Lot 207-210, see drawing PL-3.
 - 5) Driveways: Modified driveway widths at the public street as shown on the proposed Site Plan drawings SP-1 through SP-5. Driveways are paired, where possible, to facilitate on-street parking between driveways and a street tree planted between them in the parking strip between the curb and sidewalk, where possible.
 - SFD-70 & SFD-60 lots have 30 feet wide driveways.
 - SFD-40 lots have 20 feet wide driveways.
 - SFD-45 lots have 18 feet wide driveways.
 - SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.
 - 6) Alleys: Both through alleys and dead end alleys (of less than 150 feet) are proposed, all with a right-of-way width of 22 feet.
 - 7) Blocks: Some blocks exceed the perimeter dimension standards, but are provided with mid-block pedestrian ways to ensure adequate circulation and access.
 - 8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
 - The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-

ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-34 lots, but may occur on other lots in the development.

- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
 - Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
 - The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
 - Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.
- 9) Monument Signs: Two monument signs along Baker Creek Road are proposed with the dimensions described on drawing L9.0 Landscape Plan.
- One will be located in Phase 1A on the NW corner of Shadden Drive oriented to the east, and the other in Phase 1C on the NE corner of Meadows Drive oriented to the west as shown on the Site Plan drawing SP-1.”

See Vicinity Map (Figure 1), Existing Zoning (as approved with concurrent zone change request) (Figure 2), Proposed Site Plan (Figure 3), and Proposed Park Dedication Parcel (Figure 4) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)

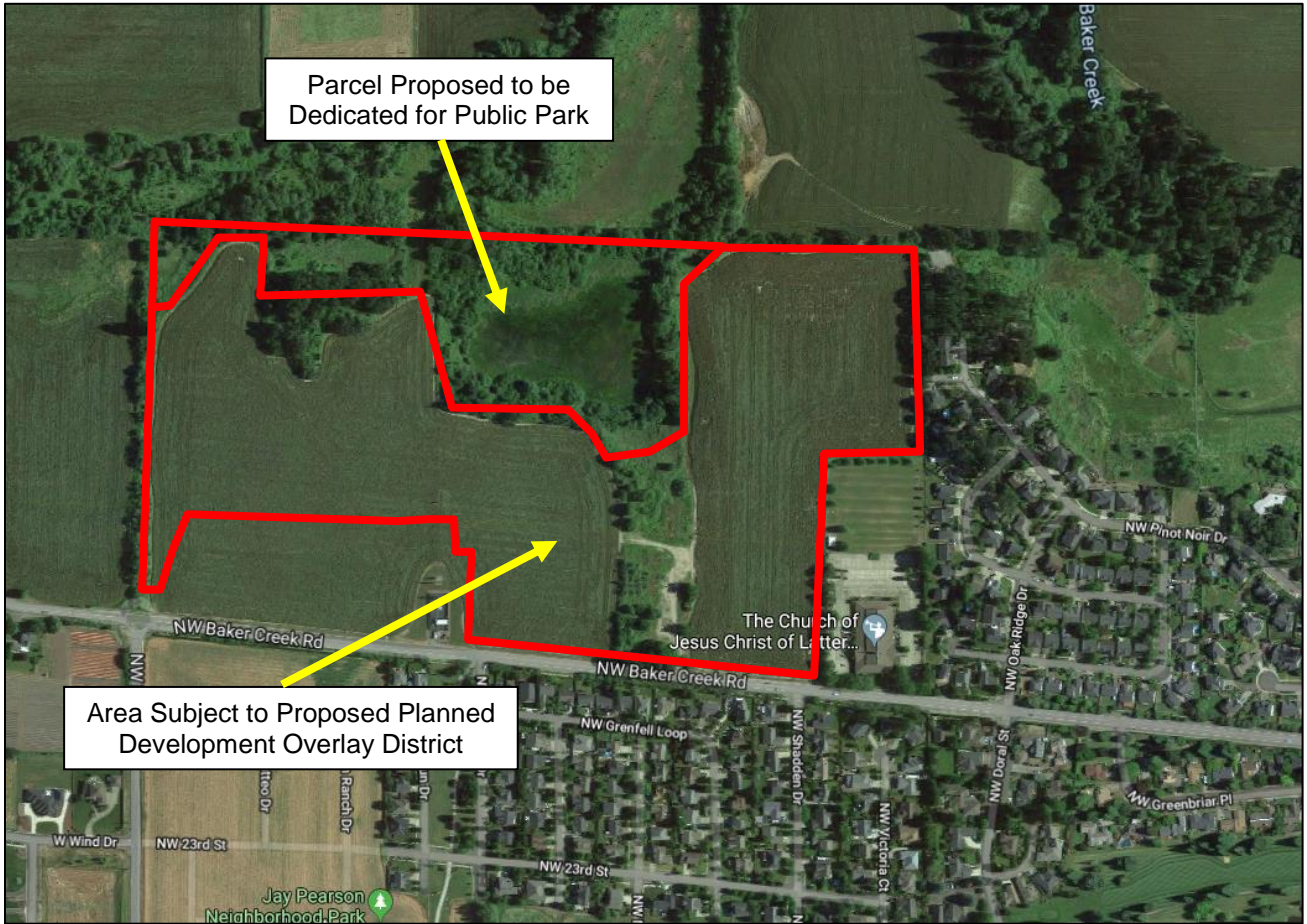


Figure 2. Existing Zoning

*Note – Zoning shown as proposed with concurrent Zone Change request

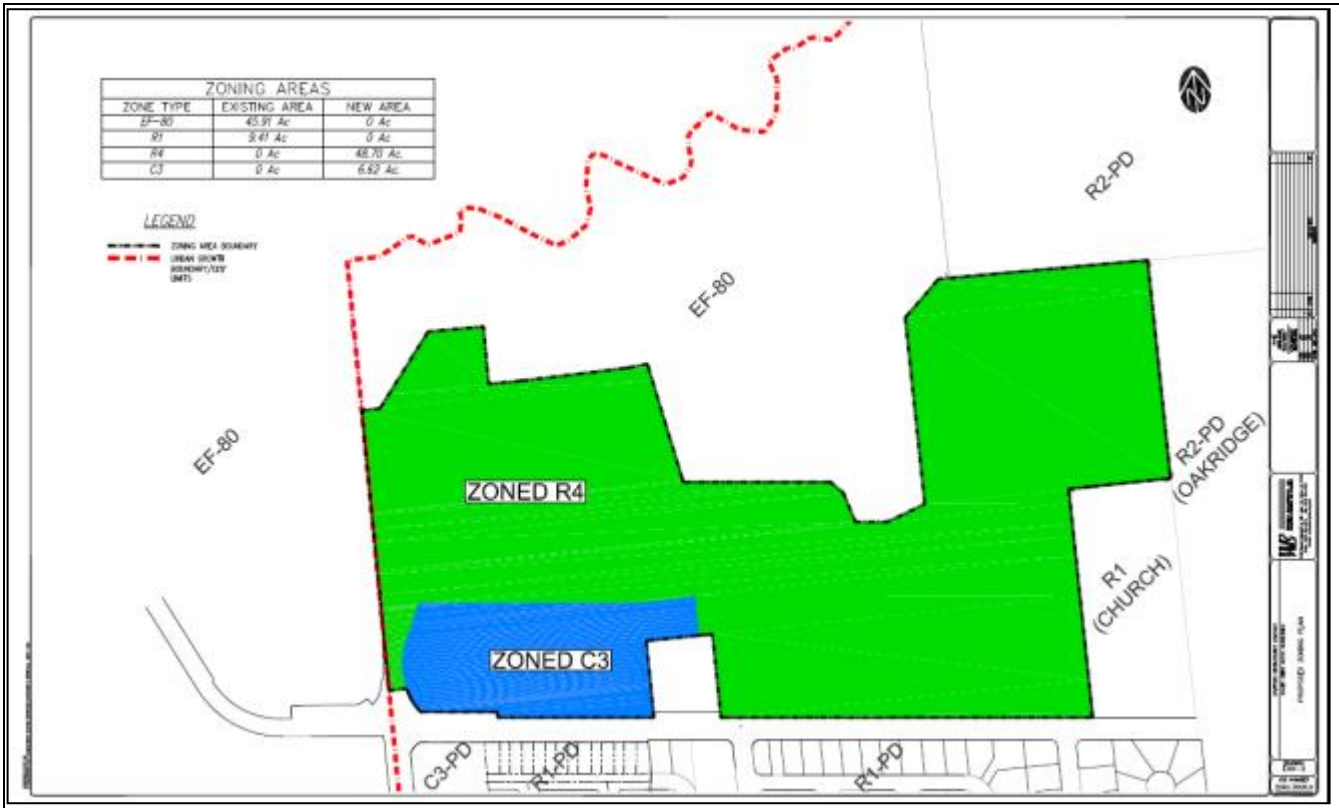
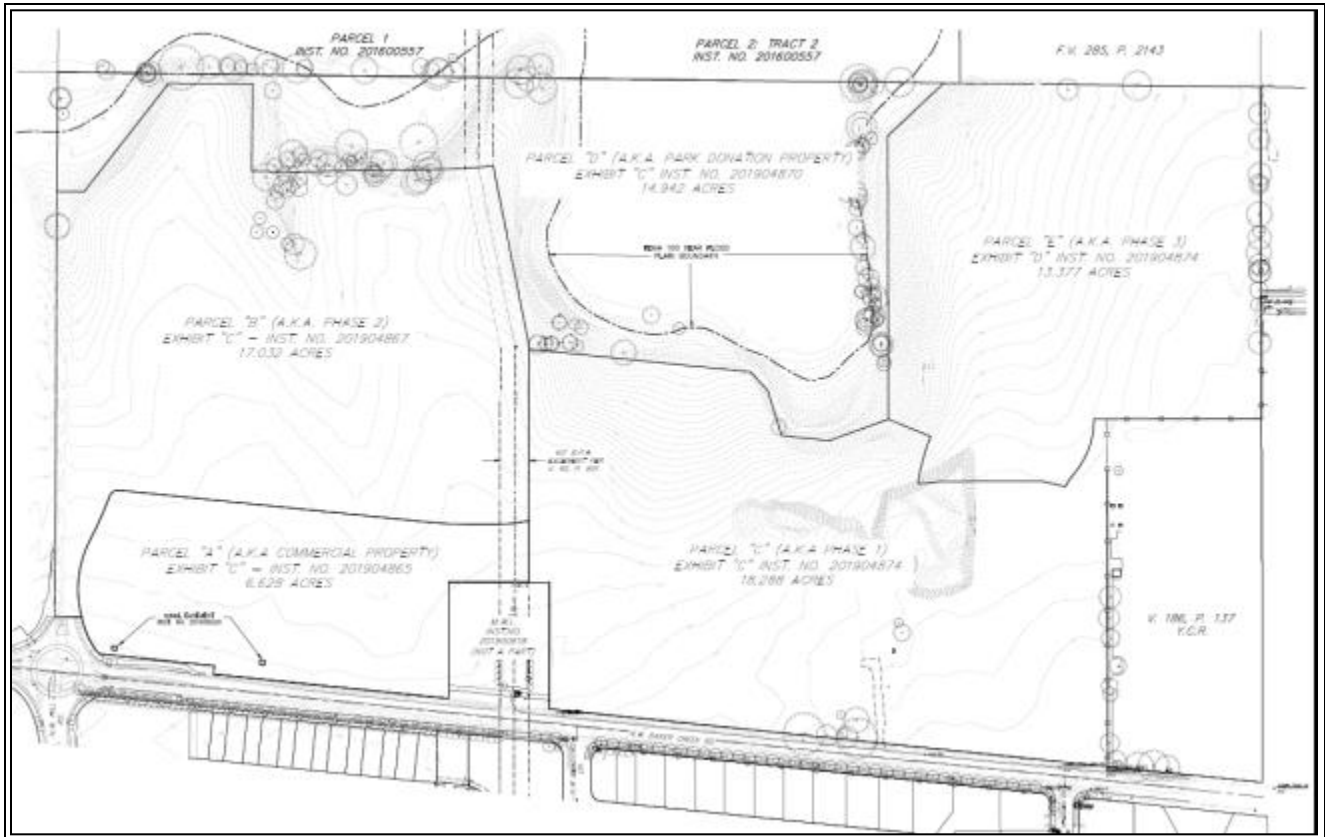


Figure 3. Proposed Site Plan



Figure 4. Proposed Park Dedication Parcel



Summary of Criteria & Issues

The application (PD 1-19) is subject to the Planned Development review criteria in Section 17.51.030(C) of the McMinnville Municipal Code. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for a Planned Development in Section 17.51.030(C) of the McMinnville Municipal Code require the Planning Commission 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;

The applicant has provided findings to support the request for a Planned Development. These will be discussed in detail in Section VII (Conclusionary Findings) below.

Per Section 17.51.030, 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.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance, which reads,

“The purpose of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.”

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 land use application against the applicable zoning requirements.

II. CONDITIONS:

1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director’s decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director’s decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.
3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
 - a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
 - b. SFD-45: Minimum 4 foot side yard setback
 - c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
 - d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback
4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric

Code (NEC) clearances.

5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.
6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a Homeowner's Association (HOA) for the benefit of the public until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park land to the City of McMinnville.
7. That the tracts and parcel dedicated as public park and open space are improved to City standards prior to dedication to the City of McMinnville. Specifically, the following improvements are required in the following tracts and parcel:
 - a. Tract I – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - b. Tract J - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - c. Tract K – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the

- same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
- d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within 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 bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.

- c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
 - d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.
 - e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
 - g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
 - i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
 - m. Tract S – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.
9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. A development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted

to the City for review and approval of the design and engineering prior to construction.

10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.
11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.
12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.
14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.

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

tree protection detail in Drawing L6.0 and approved as part of L 12-19 as part of this development project.

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

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

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

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

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

Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is

to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

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

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

such as a gable or hip roof that extends perpendicularly or at a lower elevation from the larger roof ridgeline.

e. Exterior Doors and Windows

- i. Windows shall be provided on all elevations and blank walls will be avoided.

f. Garage Door Types

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

g. Exterior Lighting

h. Sample Exterior Colors

- i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

21. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.

22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are

permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

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

III. ATTACHMENTS:

1. PD 1-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
 - a. Public Testimony
 - i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
 - ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
 - iii. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received January 24, 2020 (on file with the Planning Department)
 - iv. Jeff and Lori Zumwalt, Premier Home Builders, Inc., Letter received January 24, 2020 (on file with the Planning Department)
 - v. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received January 26, 2020 (dated January 27, 2020) (on file with the Planning Department)
 - vi. Steve Dow, Black Hawk Homes, LLC, Emailed letter received January 28, 2020 (on file with the Planning Department)
 - vii. Vince Vinceri, Symbiotik Development, LLC, Emailed letter received January 28, 2020 (on file with the Planning Department)
 - viii. Markus Pfahler, 2515 West Wind Drive, Emailed letter received January 28, 2020 (on file with the Planning Department)
 - ix. Mike Colvin, Letter received January 28, 2020 (on file with the Planning Department)
 - x. Stafford Development Company (Applicant), Memorandum from Frank Charbonneau received January 28, 2020 (on file with the Planning Department)
 - xi. Linda Lindsay, Letter received at public hearing on January 28, 2020 (on file with the Planning Department)
 - xii. Sandy Colvin, Traffic report data received January 29, 2020 (on file with the Planning Department)
 - xiii. Jim Cena, 15080 NW Blacktail Court, Email received January 30, 2020 (on file with the Planning Department)
 - xiv. Larry and Hersheil Steward, 14200 NW Orchard View Road, Email received January 30, 2020 (on file with the Planning Department)
 - xv. Caroline Moore, 205 NE 6th Street, Email received January 31, 2020 (on file with the Planning Department)
 - xvi. Nancy and Surinder Singh, 2200 SW West Wind Drive, Email received February 1, 2020 (on file with the Planning Department)
 - xvii. David Cutter, 15000 NW Blacktail Lane, Emailed letter received February 3, 2020 (on file with the Planning Department)
 - xviii. Lane Roemmick, Email received February 3, 2020 (on file with the Planning Department)

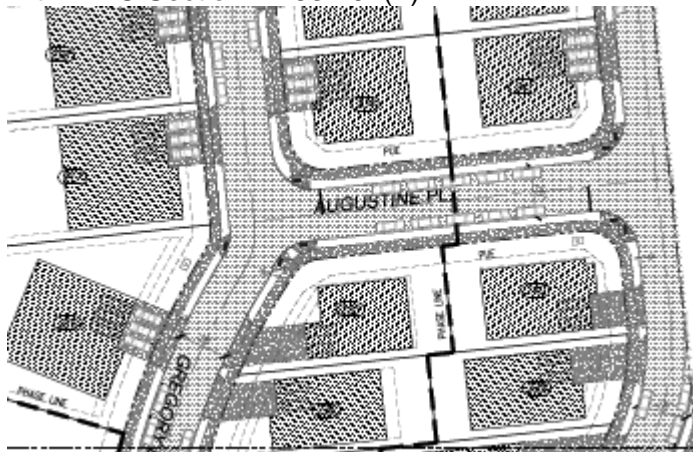
- xix. Jim and Jean Semph, 2175 SW Homer Ross Loop, Email received February 3, 2020 (on file with the Planning Department)
 - xx. Vincent Taft and Allison Best, 2025 SW Fox Swale Lane, Email received February 3, 2020 (on file with the Planning Department)
 - xxi. Patrick Stinson, 2065 NW Willamette Drive, Emailed letter received February 3, 2020 (on file with the Planning Department)
 - xxii. Mike Colvin, Letter received February 3, 2020 (on file with the Planning Department)
 - xxiii. Gary and Suzanne Farmer, Email received February 3, 2020 (on file with the Planning Department)
 - xxiv. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received February 3, 2020 (on file with the Planning Department)
 - xxv. Rick Weidner, 2075 SW Sailing Court, Email received February 3, 2020 (on file with the Planning Department)
 - xxvi. Kari Rex, Email received February 4, 2020 (on file with the Planning Department)
 - xxvii. Melba Smith, 2780 NW Pinot Noir Drive, Email received February 4, 2020 (on file with the Planning Department)
 - xxviii. Markus Pfahler, 2515 West Wind Drive, Emailed letter received February 4, 2020 (on file with the Planning Department)
 - xxix. Linda Lindsay, Email received February 4, 2020 (on file with the Planning Department)
 - xxx. Scott Larsen, Email received February 4, 2020 (on file with the Planning Department)
 - xxxi. Cathy Goekler, 2684 NW Pinot Noir Drive, Emailed letter received February 4, 2020 (on file with the Planning Department)
 - xxxii. Stafford Development Company (Applicant), Emailed letter received February 4, 2020 (on file with the Planning Department)
 - xxxiii. Mike Colvin, Email with rebuttal testimony received February 5, 2020 (on file with the Planning Department)
 - xxxiv. Stafford Development Company (Applicant), Emailed letter with rebuttal testimony received February 11, 2020 (on file with the Planning Department)
- b. Staff Memorandums
- i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
 - ii. Planning Department Staff, Memorandum describing additional testimony received prior to January 28, 2020 public hearing, January 27, 2020 (on file with the Planning Department)
- 4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)
 - 5. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, January 14, 2020 (on file with the Planning Department)
 - 6. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, January 28, 2020 (on file with the Planning Department)
 - 7. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, March 10, 2020 (on file with the Planning Department)
 - 8. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, March 24, 2020 (on file with the Planning Department)

IV. COMMENTS:

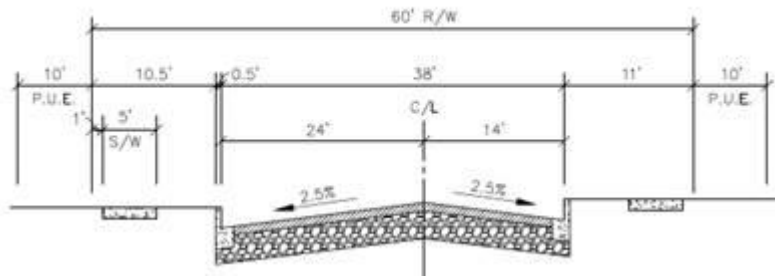
Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

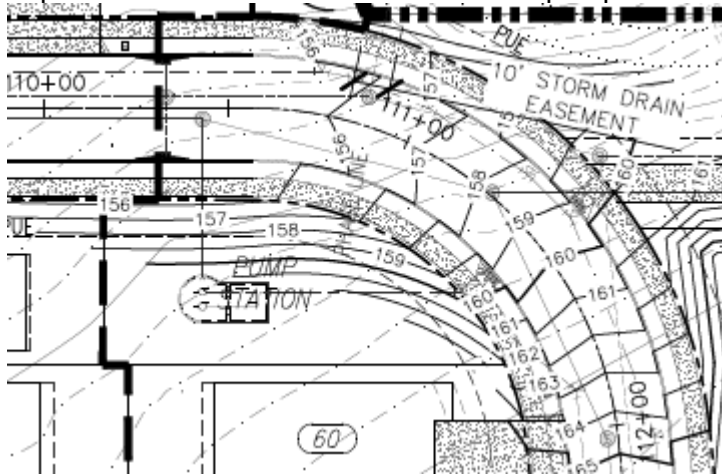
- McMinnville Engineering Department
- McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.
- MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.
- 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):



- MMC 17.53.101(O) indicates that the public alley in the City's street standards applies to commercial and industrial districts, not to residential developments. Thus, the proposed alleys on the proposal shall be private, and shall be maintained by the adjacent property owners or the Home Owners Association.
- Meadows Dr and Shadden Dr are proposed to have an offset crown to accommodate a right turn lane (see cross-section below). We would prefer see the City's typical “Teepee” section so that the curb elevations match on each side of the street.



- The proposed sanitary sewer pump station site 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:



- All proposed storm drainage outfalls shall comply with the City's Storm Drainage Master Plan requirements, and sufficient access to the outfalls shall be constructed to accommodate City maintenance activities.
- Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." The report notes that the "primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed." The report further notes that a "slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the proposed surcharge loading of the engineered fill." It would be prudent for that work to be done prior to the approval of the proposed lot and street layouts, to ensure that those areas are buildable as proposed.
- Recognizing that street names are approved at a later date by the Planning Director, we did note that City already has a "Harold Court" and a "Emma Drive", and thus different street names for proposed "Harold Drive" and "Emma Street" should be chosen.
- Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed

tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.

Additionally, the City's Public Works staff offer the following comments re: the proposed open space and park tracts:

NOTE: *The comments provided by Publics Works staff below are based on the original development plans. The development plans were revised by the applicant on November 8, 2019, which revised the proposed improvements within the proposed open space and park tracts, some of which respond to the Public Works comments below. Dedications and improvements of the proposed open space tracts are described in findings and conditions of approval in this Decision Document.*

- There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in reviewing the narrative and findings information, it appears that the applicant is requesting that:
- Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.
- Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.
- Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.
- Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:
- Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.
- Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.
- Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.
- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.

- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.
- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.
- From the application materials, it appears that the remaining tracts (excepting tract G) are not being considered for City ownership as public open space and would be owned and maintained by the developer/HOA.
- Some tract specific comments for areas not proposed for City ownership:
- Tract A is shown as a detention pond space with an adjacent soccer/basketball court. While not really in our purview (since we won't own tract A), staff would suggest that this be reconsidered. The city typically requires that detention ponds be fenced. Placing a facility where stray balls could find their way over the fencing into the pond, could well encourage users to climb the fencing and enter the pond area to retrieve their ball, which would not be a safe use of the space.
- Tract B is shown as an active open space with a playground. The tract is adjacent to Baker Creek Road, which a fairly busy roadway. Again, although outside our purview, staff would suggest that consideration is given to securing this tract in such a way as to limit the potential for young park users to wander out near Baker Creek Road. The open space amenities, including play structures, benches, tables, and pathways should be accessible.
- Tract F shows benches, a shelter and tables. Although outside our purview (since we won't own Tract F), the improvements, including the pedestrian walk improvements, should be ADA accessible.
- McMinnville Water and Light

Included as Attachment #2

- Oregon Department of State Lands

Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.
2. The applicant submitted the Planned Development application (PD 1-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** The Planned Development Overlay District is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.
3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain
4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.
8. **Other Features:**
 - a. **Wetlands:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, contains wetlands
 - b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
 - c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.

e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development are specified in Section 17.51.030(C) of the McMinnville Municipal Code.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Included in this volume are all the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) are also contained in this volume.

Comprehensive Plan Volume I:

The following citations from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

Chapter V. Housing and Residential Development – Residential Development – Design Considerations:

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

PUBLIC FACILITIES AND SERVICES REQUIREMENTS

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

OPEN SPACE AND PARKLANDS

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

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

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

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

FINDING: SATISFIED. Open space and park areas are provided in the Planned Development, and will be described in more detail in the findings for Policy 75.00 and Policy 76.00 below.

Chapter V. Housing and Residential Development – Residential Development – Land Use Controls:

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

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

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

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

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

The proposed Comprehensive Plan Map and Zoning map amendments also address current housing needs in the community. In 2001, the McMinnville Housing Needs Analysis determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs for the 2000-2020 planning period. However, as indicated above, the City's last UGB expansion effort was unsuccessful. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently completing its Housing Needs Analysis. The updated analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. The attached Preliminary Development Plans indicate that the applicant is proposing to rezone a portion of the site to R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs, and the proposed C3 zone with a planned development overlay will allow for multi-family dwellings to further address this urgent housing need (see Exhibit 3).

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request.

Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

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

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

Performance Standards

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

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

FINDING: SATISFIED. The Planned Development standards are achieved, as described in findings for other applicable Comprehensive Plan policies and review criteria below.

Density Bonus Incentive Zoning

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Planned Developments

The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area's future residents. Unlike conventional zoning, planned developments allow for varying of lot sizes, flexibility in design, and integration of different building types such as townhouses, multi-family units, and single-family homes. In addition, amenities such as common open areas, playgrounds, and recreation centers may be provided to the development's residents. Typically, structures in a planned development are clustered in such a

manner as to achieve the same overall density that would have been achieved if the developer had laid out the project in a conventional grid lotting pattern.

Since the PD concept encompasses planning on the level of a “community” or “neighborhood” area rather than on the basis of “single” or “individual” lots, the elements of the development can have a close relationship to each other. Numerous studies have shown that construction cost of roads can be less for the developer (many PDs require less roads than conventional developments), and municipal services can also be provided at less cost.

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

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

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

APPLICANT’S RESPONSE: As stated above, the proposed map amendments will allow approval of Baker Creek North, a residential planned development that maintains the density of the underlying R-4 zone. The attached preliminary development plans demonstrate that housing will be clustered for efficient provision of transportation and utilities facilities. The proposed open space tracts will function as community gathering spaces and will address both active and passive recreational needs of the neighborhood. Proposed recreational facilities also include the development of an off-site trail within 14.9 acres of donated park land north of the development. As such, the proposed amenities on-site and off-site improvements on the donated land are being provided in excess of what is normally required under traditional subdivision and zoning ordinances. These benefits associated with the proposed planned development will be provided without a request for transferable development rights, the purchase of development rights, or density bonus incentive zoning.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and notes that the specific dedications, improvements and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

- 3) The planned development provisions of the zoning ordinance have been used extensively in McMinnville. Advantages of planned developments include:
 - Less expense in development and maintenance than the conventional grid design if properly designed. More efficient use of streets and sewers can allow savings to accrue

not only to the housing consumer, but also to the local government body which must ultimately service the new population's needs.

- Opportunities for the development to design with flexibility, incorporating street patterns and residential arrangements which effectively utilize the land and can protect unique natural areas.

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific requirements that are varied in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

ADDITIONAL DESIGN CONSIDERATIONS

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

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

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs. Close attention to maintenance costs to the public will, however, have to be monitored.

Based on the information presented on residential development design considerations, the City finds that:

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

- 3) Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of moneys in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

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

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








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

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

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, but notes that the proposed Planned Development plans would allow for an average lot size of 4,930 square feet, with lots ranging from 2,340 square feet at the smallest to 17,977 square feet at the largest. The largest lots are proposed in locations with physical characteristics that present difficulty in the development of the lot, such as steeper slopes. The minimum, maximum, and average lot size of each of the seven different lot types proposed is as follows:

<i>LOT TYPE</i>	<i>MIN. LOT AREA</i>	<i>MAX. LOT AREA</i>	<i>AVERAGE LOT AREA</i>
 <i>SFD-70</i>	8820 S.F.	17,977 S.F.	10,962 S.F.
 <i>SFD-60</i>	5400 S.F.	10,083 S.F.	5978 S.F.
 <i>SFD-50</i>	5060 S.F.	12,116 S.F.	6578 S.F.
 <i>SFD-45</i>	4216 S.F.	6484 S.F.	4693 S.F.
 <i>SFD-40</i>	3881 S.F.	6097 S.F.	4154 S.F.
 <i>SFD-30a</i>	2700 S.F.	4401 S.F.	2977 S.F.
 <i>SFD-26a</i>	2340 S.F.	4557 S.F.	2660 S.F.

Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. This is found to be close to the required density of the underlying R-4 zone, as allowed through a Planned Development by Policy 79.00. A condition of approval is included to allow for the lot size averaging as proposed.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

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

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

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

FINDING: SATISFIED. The City concurs with the applicants findings, and adds that the subject site of the Planned Development request is designated Residential on the Comprehensive Plan map and is in an area where urban services are already available. The proposed Planned Development would allow development of the land to provide a variety of housing types through the lot size averaging provision of the Planned Development. The proposed Planned Development would help achieve buildable land planned and zoned for residential housing, helping to meet McMinnville's housing needs.

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

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

FINDING: SATISFIED. The City concurs with the applicants findings.

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

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

FINDING: SATISFIED. The City concurs with the applicants findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. This is found to be close to the required density of the underlying R-4 zone, as allowed through a Planned Development by Policy 79.00.

*Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]
1. Areas that are not committed to low density development;*

APPLICANT'S RESPONSE: The applicant is requesting approval of a Zoning Map Amendment to change 9.41 acres of existing R1 zoned land to an R4 classification. The 2001 McMinnville

Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that 63.9 acres of additional R4 zoned land should be added to the UGB. As mentioned above, the City is currently conducting a Housing Needs Analysis and has found that McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB for the 2018-2041 planning period.

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

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

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

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

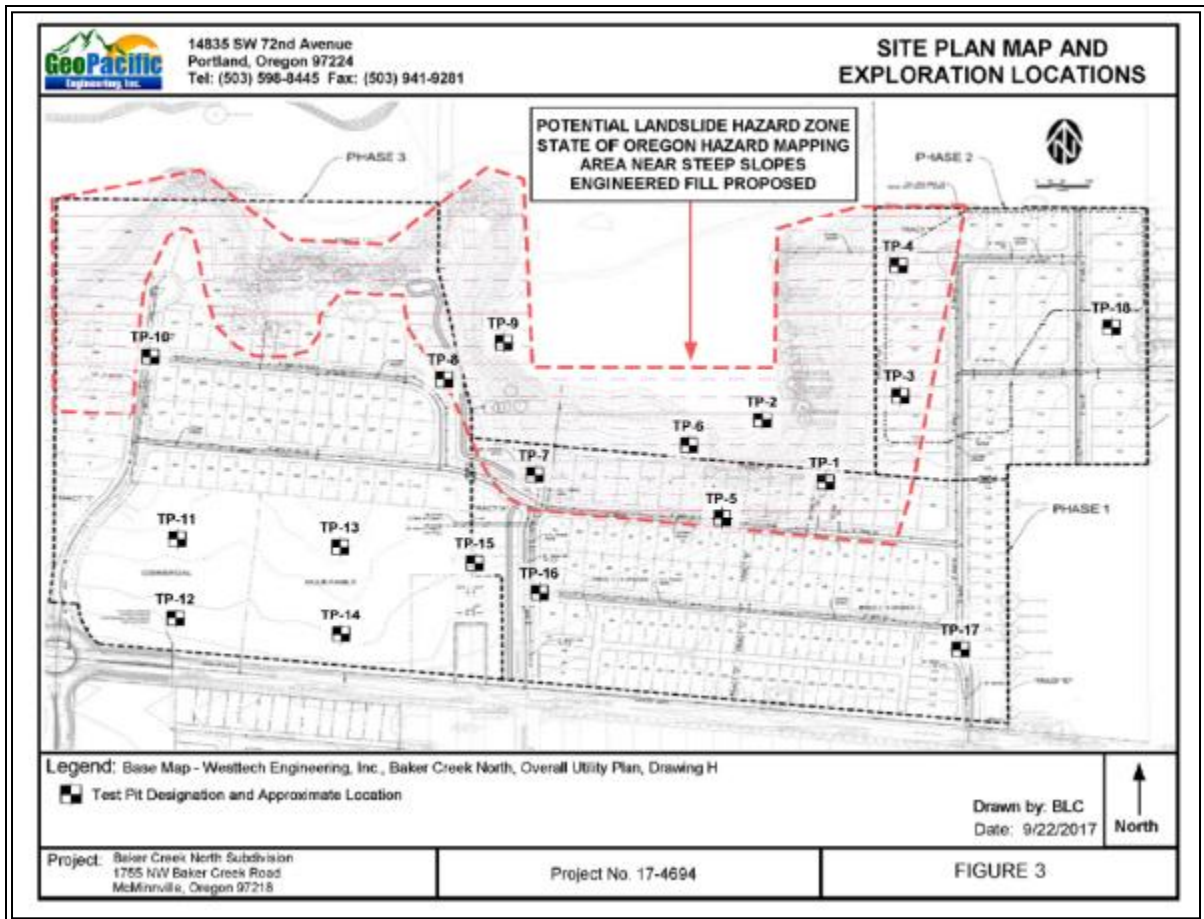
FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #12 & #13. The City concurs with the applicant's findings. The site is located south of mapped development limitations such as floodplains and wetlands, so the higher density residential development supported by the Planned Development is appropriate. However, the lots along the northern portion of the site are proposed to be located on or near a bluff with a slope, where additional grading is proposed to accommodate development on some of the lots. This area of the site is identified on the Oregon Department of Geology and Minerals (DOGAMI) geologic hazard map as an area with potential landslide susceptibility.

Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site

where engineered fill, residential homes, and public streets are proposed near slopes extending to the wetland.” More specifically, the report notes the following:

“The primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed. Based upon our review of preliminary project plans prepared by Westtech Engineering, Inc., entitled Baker Creek North Subdivision, Drawing H, Overall Utility Plan, dated July 2017, specific areas which appear to be located within the DOGAMI hazard zone include Lots 1-16, 162-172, 192-200, 203-206, 211, C Street, and the pump station (see Figure 3). GeoPacific should be consulted to review the grading plan when it becomes available, and to conduct a slope stability analysis of the northern portion of the site with the proposed grading. The soils observed in the test pits in the northern portion of the site appeared to display moderate plasticity, and moderate to high shear strength, which typically indicates relatively stable sloping conditions under normal loading. The degree of engineered fill proposed in the area will impact stability of the slopes and should be studied further. It appears likely that placement of engineered fill may be accomplished in the area with installation of keyways, subdrains, and benching. However, slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the propose surcharge loading of the engineered fill. A static factor of safety of 1.5, and a psuedostatic factor of safety of 1.1 against potential slope instability are considered to be the minimum factors of safety for placement of engineered fill and construction of homesites and roadways near a slope.”

It should be noted that the “Preliminary Geotechnical Engineering Report” was completed under the assumption of an earlier development plan, and the lots identified in the report above are not consistent with the lots that would need to be analyzed further. The specific area of the site requiring additional analysis is identified in Figure 3 of the report and below:



Therefore, a condition of approval is included to require that, prior 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.

In addition, a condition of approval is included to require that all development of the site outside of the areas identified in Figure 3 of the “Preliminary Geotechnical Engineering Report” dated October 2, 2017 follow the recommendations in Section 6.1 through Section 7.1 of the “Preliminary Geotechnical Engineering Report” dated October 2, 2017.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

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

APPLICANT’S RESPONSE: The Existing Conditions Plan demonstrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant worked with City staff to confirm sewer

and other utility capacity exists. The submitted plan also indicates that NW Hill Road's transportation facilities have recently been upgraded and a roundabout has been installed at the intersection with NW Baker Creek Road adjacent to the site. The City is adding center turn lane striping to Baker Creek Road. These transportation facilities can accommodate future development of the subject site as well as other developable properties in McMinnville's northwest quadrant. This is further demonstrated by the transportation study provided with this application.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

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

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

APPLICANT'S RESPONSE TO POLICY 71.01: The Baker Creek North site is located within a ¼ mile of the north side of a planned transit corridor. The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the area of Baker Creek North as adjacent to a planned transit corridor in Figure 2-11 (page 2-18), Figure 6-18 and 6-19 (pages 6-26 and 6-27 respectively).

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

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

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

There is a church and a residential development known as Oak Ridge east of the site that was developed with an R2-PD overlay zone. There is also a proposed development northeast of the site, which is a new residential development and a modification of an old approved development. These areas are not low density even though underlying zoning may be R-2 because net density is over 4 units per acre, classifying them as medium density developments per Policy 71.09 above. The proposed lots in this area of Baker Creek North Planned Development are larger, therefore they will not be development at a higher density. The attached Preliminary Development Plans demonstrate that the proposed lots adjacent to the Oak Ridge development are extra deep to retain the mature trees along this boundary. The trees and extra deep rear yards will help buffer this existing development, regardless of how density is measured for the adjacent development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The City concurs with the applicant's findings, and adds that a condition of approval has been included to require the protection of mature trees as identified in the Planned Development plans.

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

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

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

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

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

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

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The City concurs with the applicant's findings, and adds that a condition of approval has been included to require the protection of mature trees as identified in the Planned Development plans.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

4. Areas which are not subject to development limitations;

APPLICANT'S RESPONSE: The development site is appropriate for high-density development since it is not constrained by development limitations.

FINDING: SATISFIED. CONDITIONS OF APPROVAL #12 & #13. The City concurs with the applicant's findings. The site is located south of mapped development limitations such as floodplains and wetlands, so the higher density residential development supported by the Planned Development is appropriate. However, the lots along the northern portion of the site are proposed to be located on or near a bluff with a slope, where additional grading is proposed to accommodate development on some of the lots. This area of the site is identified on the Oregon Department of Geology and Minerals (DOGAMI) geologic hazard map as an area with potential landslide susceptibility.

Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." Therefore, conditions of approval are included to require additional geotechnical analysis to occur in a portion of the site, and that other recommendations from the "Preliminary Geotechnical Engineering Report" are followed in the development of other portions of the site. These required conditions of approval are described in more detail in the finding for Policy 71.09(3) above.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

7. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

APPLICANT'S RESPONSE: Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all.

Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that open space and park areas are provided in the Planned Development, and will be described in more detail in the findings for Policy 75.00 and Policy 76.00 below.

Planned Development Policies

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

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 22. The proposed Planned Development is consistent with the Planned Development policies of the Comprehensive Plan. Policy 72.00 echoes language found in Oregon Planning Goal 5 regarding the analysis of economic, social, and environmental consequences that could result from a decision to allow a use conflicting with natural resources, scenic and historic areas, and open spaces. The policy encourages the use of Planned Developments when economic, social, and environmental savings accrue to the City. The proposed provision of improved open spaces (public and private) and the protection of natural resources would meet the intention of this policy. Public and private parks within the planned development would provide social and recreation opportunities that would not otherwise exist but for the planned development process. Economic savings for the City would be realized through the arrangement for private maintenance of public open space until 2032 and the inclusion of alleys in private tracts or easements. Environmental savings would be accrued through a number of elements of the Planned Development, including protection of a large area of land that is identified as 100-year floodplain, protection of significant trees, and orientation of lots and streets to reduce development on areas that slope towards the Baker Creek floodplain area. Conditions of approval are included to ensure these economic, social, and environmental savings result from the Planned Development.








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

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








FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, and adds that the Planned Development includes the development of 7 different lot types, arranged in a transition of density from higher density on the southern portion of the site to lower density on the northern portion of the site where lots are closer in proximity to the environmentally sensitive area that is proposed to be dedicated as a public park. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and potential prices within the Planned Development.

The Planned Development plans would allow for an average lot size of 4,930 square feet, with lots ranging from 2,340 square feet at the smallest to 17,977 square feet at the largest. A condition of approval is included to allow for the lot size averaging as proposed. As described by the applicant, the "small" lots (SFD-26 and SFD-30) are narrower and comparable to the lot size that would be required for townhouses, with the one exception that the dwelling units proposed on these lots would be detached. To mitigate the visual and physical compactness of

the narrow lots with detached dwelling units, these lots are proposed to be accessed from an alley on the rear of the. The average lot size of the alley-loaded lots is 2,758 square feet, which exceeds the minimum lot size requirement of the R-4 zone if the dwelling units were attached as townhouses. The average lot size of the front-loaded lots is 5,769 square feet, which exceeds the minimum lot size of the R-4 zone. The minimum, maximum, and average lot size of each of the 7 different lot types are identified below:

<i>LOT TYPE</i>	<i>MIN. LOT AREA</i>	<i>MAX. LOT AREA</i>	<i>AVERAGE LOT AREA</i>
 <i>SFD-70</i>	8820 S.F.	17,977 S.F.	10,962 S.F.
 <i>SFD-60</i>	5400 S.F.	10,083 S.F.	5978 S.F.
 <i>SFD-50</i>	5060 S.F.	12,116 S.F.	6578 S.F.
 <i>SFD-45</i>	4216 S.F.	6484 S.F.	4693 S.F.
 <i>SFD-40</i>	3881 S.F.	6097 S.F.	4154 S.F.
 <i>SFD-30a</i>	2700 S.F.	4401 S.F.	2977 S.F.
 <i>SFD-26a</i>	2340 S.F.	4557 S.F.	2660 S.F.

Each phase of the Planned Development, which is proposed as a 10-phase subdivision, includes at least 3 of the 7 total lot types. This will ensure a variety and mixture of housing types and potential prices within each phase of the development. The number of lots by type within each phase of the development is identified below:

BAKER CREEK NORTH LOT TYPES BY PHASE											
LOT TYPE	PHASE										TOTALS:
	1A	1B	1C	1D	2A	2B	2C	3A	3B	3C	
 SFD-70	-	-	-	7	5	-	2	7	-	-	21
 SFD-60	-	-	-	-	2	-	6	7	14	7	36
 SFD-50	-	-	-	-	4	5	8	8	6	14	45
 SFD-45	5	2	3	4	-	-	-	-	1	1	16
 SFD-40	14	23	-	21	14	12	-	-	-	-	84
 SFD-30a	-	3	-	-	11	10	-	-	-	-	24
 SFD-26a	16	3	16	-	11	8	-	-	-	-	54
TOTAL LOTS:	35	31	19	32	45	35	16	23	22	22	280

AVERAGE SINGLE-FAMILY LOT SIZE = 4,930 SQ. FT.*

* AVERAGE ALLEY-LOADED LOT SIZE = 2,758 SQ. FT.
AVERAGE FRONT-LOADED LOT SIZE = 5,769 SQ. FT.

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8, and 14. The City concurs with the applicant’s findings. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the

site. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The Planned Development includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the Planned Development boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). The City is willing to accept some of the tracts and parcels for public use. Conditions of approval are included to verify that, at the time of subdivision of each phase of the Baker Creek North Planned Development, Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to the City as public parks. The condition of approval specifies that the City will accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L at the time of dedication.

Another condition of approval is included to require that the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A. The condition of approval specifies that all required improvements within Parcel D shall be maintained by a Homeowner’s Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. The condition of approval also specifies that an agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.

A condition of approval is included to ensure that the improvements within the tracts and parcel dedicated as public park and open space are improved to City standards. Specifically, the condition of approval requires the following improvements:

- a. **Tract I** – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0. 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. 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. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
- d. **Tract L** - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0. 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. 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 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. Also, the proposed sanitary sewer pump station site 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.

All other recreational or open space tracts within the Planned Development will be private and shall be maintained by the Homeowner’s Association in perpetuity. A condition of approval is included to ensure that the private recreational or open space tracts are either improved or preserved as shown in the landscape plans submitted with the Planned Development plans. Specifically, the condition of approval requires the following improvements:

- a. **Tract A** – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0.
- 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. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0.
- 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.
 - d. **Tract D** – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0.
 - e. **Tract E** - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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 play equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0.
 - m. **Tract S** – The improvement of a 10 foot wide paved path bounded on both sides by landscaping as identified on Drawing L5.0.

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 – 8, and #9. The City concurs with the applicant's findings. As discussed above, parks and recreation facilities are proposed in the Planned Development plans. A public open space park and greenway would be dedicated, yet maintained by the Homeowner's Association until 2032, when maintenance responsibilities would be transferred to the City. The private recreational and open space amenities that are proposed would be maintained by the Homeowner's Association in perpetuity. The parks and recreation facilities are located to be readily accessible to all occupants of the planned area and community. However, additional access and connection to the largest open space and recreational facility should be improved. Specifically, a condition of approval is included to require that Tract F include a pedestrian connection to the greenway trail required to be

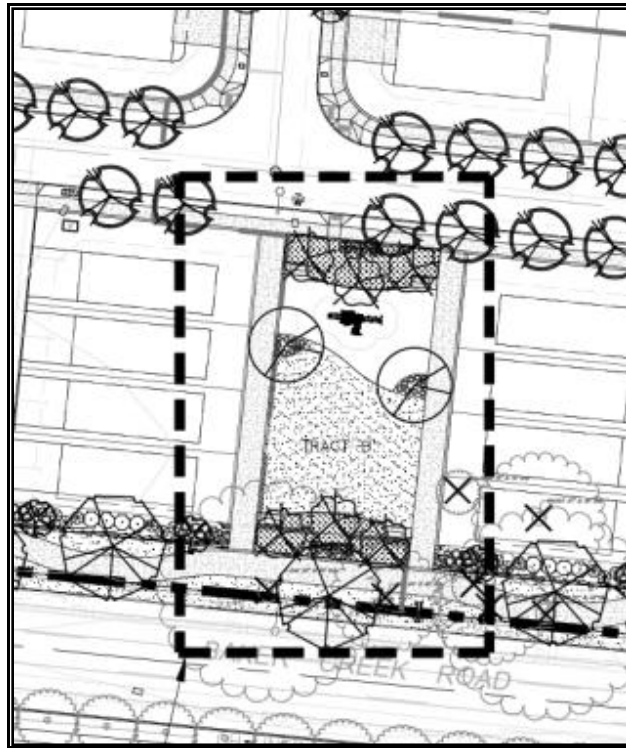
constructed in Parcel D (Park Dedication Parcel). In addition, in order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. The condition of approval requires that 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 be submitted to the City for review and approval of the design and engineering prior to construction.

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

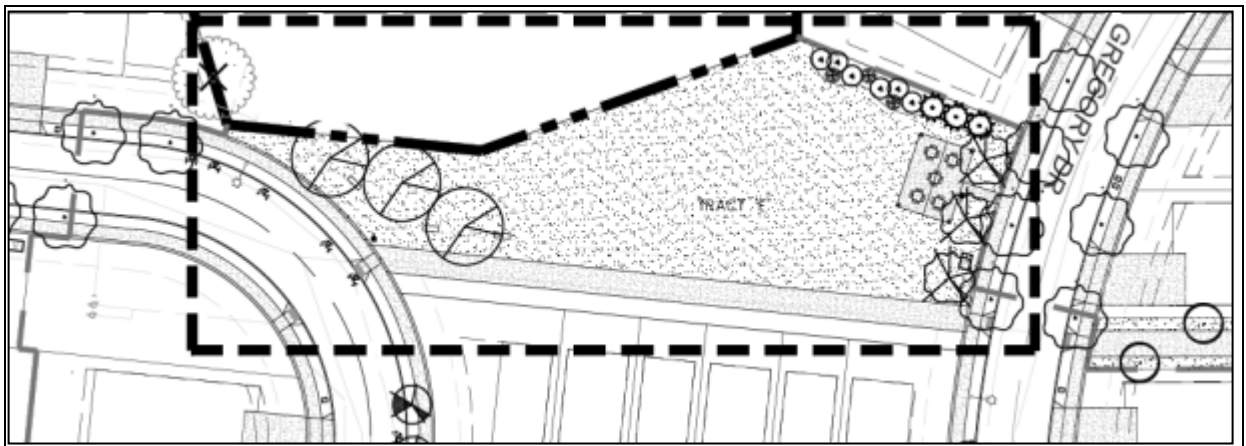
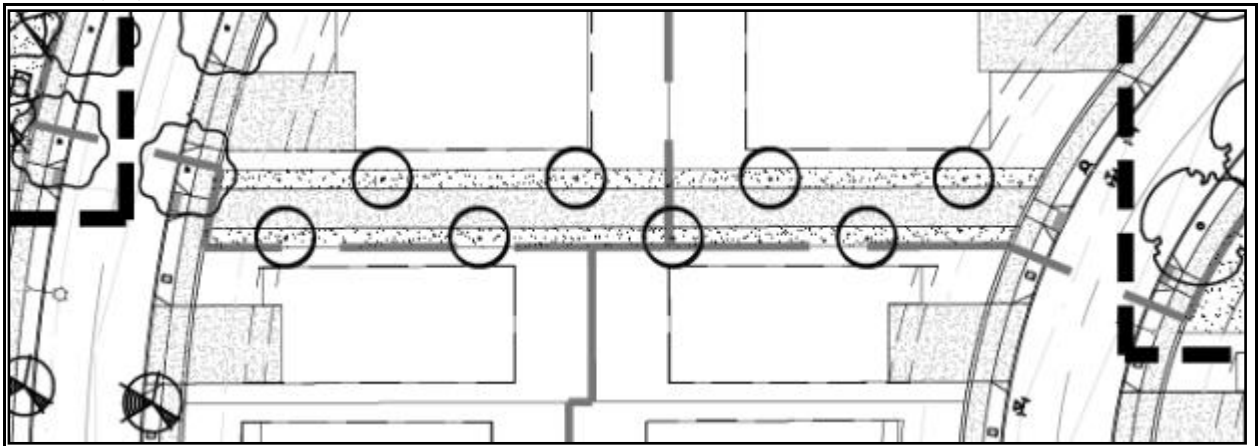
APPLICANT'S RESPONSE: The submitted Preliminary Site Plans and Preliminary Landscape Plan demonstrate how the proposed sidewalk and street system promote safe and efficient travel throughout the development. Roadways are fully looped with no cul-de-sacs. The plans illustrate how pedestrian and bicycle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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #10. The City concurs with the applicant's findings. The street network would be compatible with existing and anticipated circulation patterns of adjoining properties, as the streets have been designed to align with and extend existing streets south of Baker Creek Road and to the northeast in the planned Oak Ridge Meadows subdivisions. Pedestrian and bicycle pathways between street blocks are proposed throughout the Planned Development area, specifically in Tract B, Tract D, Tract E, Tract F, Tract H, Tract P, Tract Q, Tract R, and Tract S as shown below. In addition, the applicant is proposing to install a wider, meandering sidewalk within the right-of-way adjacent to Baker Creek Road, which will provide a wider pedestrian pathway along this arterial street. A condition of approval is included to require the 10 foot wide meandering sidewalk within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0. The condition also requires that the fencing proposed in Drawing L2.0 and Drawing L9.0 be provided along the Baker Creek Road right-of-way.

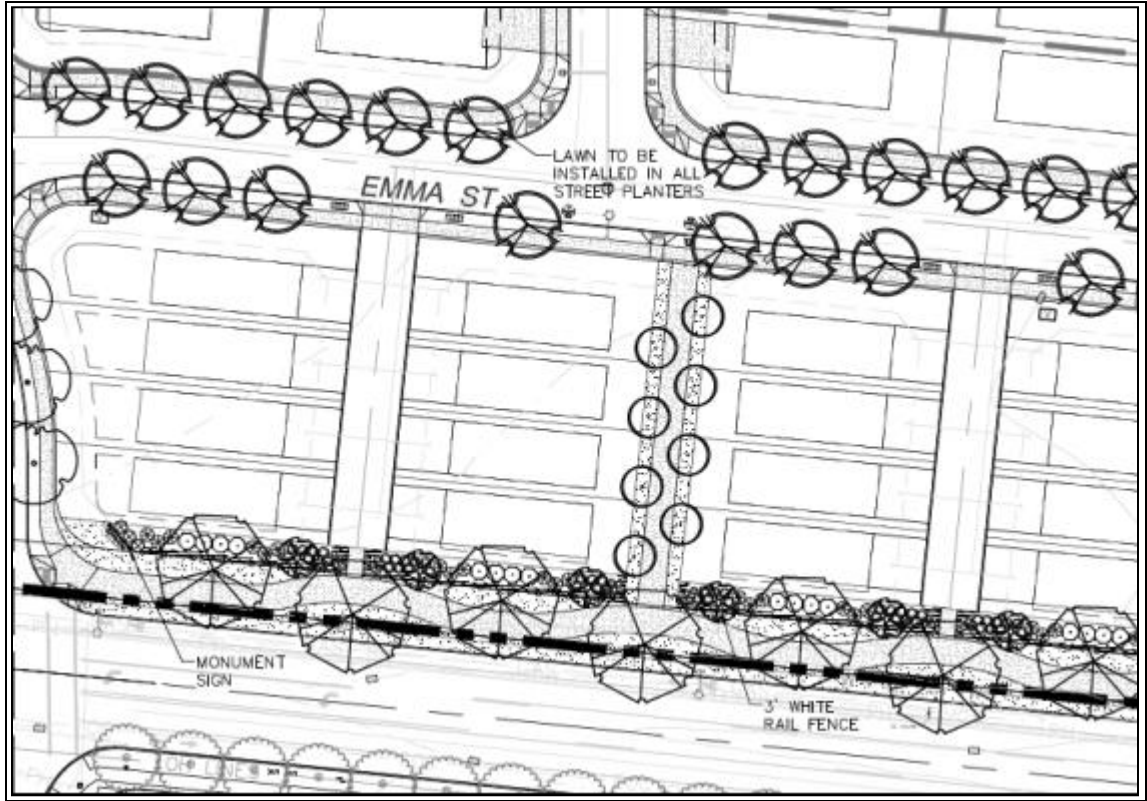
Tract B:



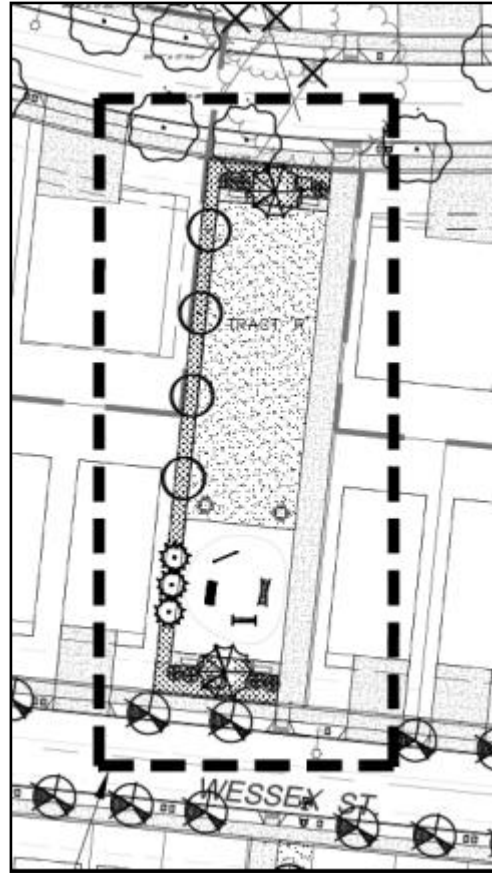
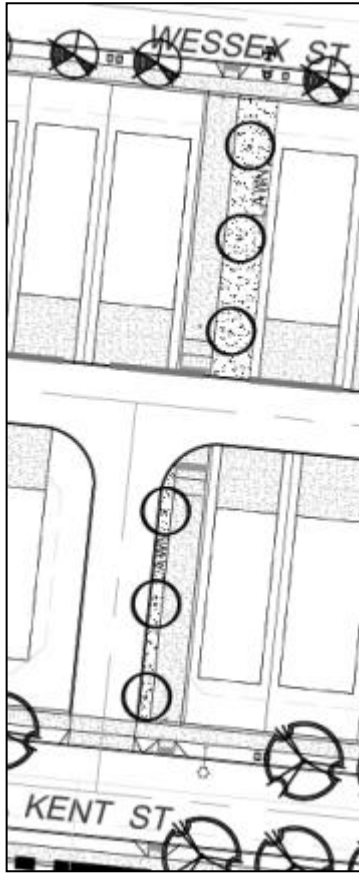
Tract D, E, and F:



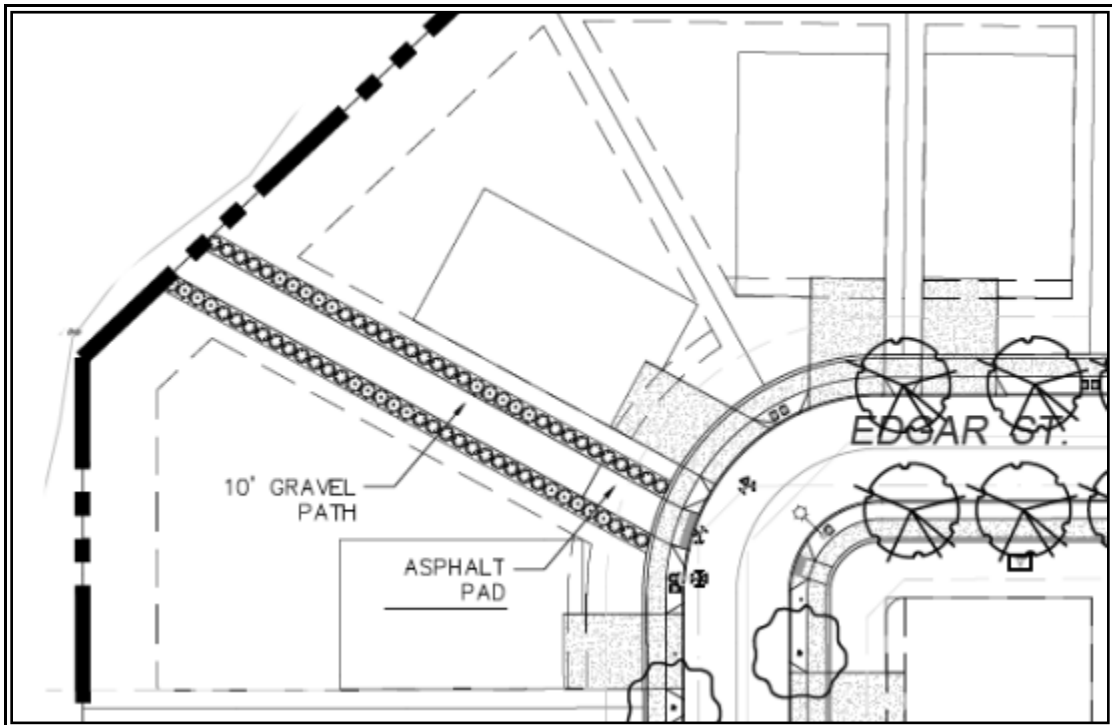
Tract H:



Tract P, Q, and R:



Tract S:



Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant, the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 – 8, and #14. The City concurs with the applicant's findings, and adds that distinctive and unique natural features are being preserved within the site, as described in the finding for Policy 74.00 above. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings. The submitted street layout proposes to connect with the existing surrounding street network and provide for the ability to access other adjacent land planned for residential development. The Planned Development includes paved trails and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. In addition, pedestrian and bicycle pathways between street blocks are proposed throughout the Planned Development area, as described further in the finding for Policy 77.00 above.

Dedication and construction of the local street network will provide required mobility opportunities for automobiles, as well as for pedestrians and bicyclists (particularly through the provision of public sidewalks built to public standards and through the provision of both private and public pathways leading to and through the open spaces provided as part of this development proposal) in addition to providing public connection opportunities to other developing areas to the northeast.

The City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies addressed in these findings, and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the Planned Development includes a phasing pattern that results in greater residential densities closer to Baker Creek Road (which is designated as a minor arterial street), the neighborhood

commercial uses that will be included in the commercial area near the intersection of NW Hill Road and NW Baker Creek Road, and the planned public transit route along NW Baker Creek Road. The greater residential densities, which transition in density from higher density in the southern portion of the site to lower density in the northern portion of the site, is identified in EXH-4 and shown below:



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

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

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that additional public park spaces will be developed and dedicated to the City within the Planned Development, as described further in the finding for Policy 75.00 above.

Urban Policies

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

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided. The traffic impact analysis (TIA) report provides analysis, and includes a project impact summary with conclusions on page 9. The TIA studied the intersections of Meadows Drive and Baker Creek Road, Shadden Drive and Baker Creek Road, and Michelbook Lane and Baker Creek Road. The TIA studied the traffic impacts of the development of 280 single family homes, as proposed in the Planned Development plans, and the development of 100,000 square feet of retail shopping center commercial uses on the adjacent site that is guided for Commercial on the Comprehensive Plan. The 100,000 square feet of retail shopping center commercial use is not expected to develop on the commercial property, but was selected as the

worst-case scenario in terms of trip generation. The summary table identifying the capacity analysis is provided in Table 2 of the TIA, and is provided below:

Table 2 Capacity Analysis Summary

Intersection	Type of Control	Peak Hour	Traffic Scenario											
			2019 Existing				2029 Background				2029 Total			
			Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c
Meadows Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.6	0.03	NB	B	10.6	0.14	SB	C	19.0	0.09
		PM	NB	A	9.4	0.03	NB	B	10.1	0.09	SB	F	56.2	0.20
Shadden Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.9	0.06	SB	C	18.4	0.17	SB	D	33.2	0.13
		PM	NB	A	9.8	0.06	SB	D	33.3	0.21	SB	F	137.3	0.16
Michelbook Lane and Baker Creek Road	Two-way Stop	AM	NB	B	10.9	0.08	NB	C	16.6	0.21	NB	D	28.7	0.45
		PM	NB	B	12.0	0.14	NB	F	65.6	0.78	NB	F	726.4	2.41
	Signal ¹	AM	-	-	-	-	-	B	11.0	0.39	-	B	15.3	0.47
		PM	-	-	-	-	-	B	11.7	0.54	-	B	19.8	0.70

Notes: 2010 Highway Capacity Manual methodology used in analysis, Synchro v9. NB - Northbound, SB - Southbound, Crit. Mov't - Critical movement or critical approach.

¹ Future signal identified in City's TSP - Not to be installed in conjunction with Baker Creek North Subdivision.

The “Summary and Recommendations” section of the TIA includes the following findings:

The City’s mobility standard for intersection operations requires a v/c ratio of 0.90 or less. The stop controlled intersections on Baker Creek Road at Meadows Drive and at Shadden Drive will experience acceptable volume-to-capacity ratios of 0.20 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at these locations. On the southbound access approaches the lane configuration will consist of a separate right turn lane and a combination through/left lane. The approaches shall be controlled with stop signing.

The stop controlled intersection of Baker Creek Road at Michelbook Lane will experience an acceptable volume-to-capacity (v/c) ratio of 0.78 or less in the peak hours through the year 2029 background traffic scenario. For the year 2029 total traffic scenario the intersection operations will exceed the City’s v/c standard with a resulting value of 2.41 in the PM peak hour. This condition can be mitigated to a v/c of 0.70 by installing a traffic signal as identified in the City’s TSP. This improvement has been planned by the City for safety and capacity reasons in order to satisfy the anticipated city-wide traffic growth projections. Therefore, no mitigation at the Baker Creek Road and Michelbook Lane intersection is recommended in conjunction with the proposed development.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided, as described in the finding for Policy 99.00 above.

Streets

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that any future development of the commercial property will be subject to the Planned Development Overlay District that applies to that site, which is a separate overlay district.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

1. *Major, minor arterials.*
 - Access should be controlled, especially on heavy traffic-generating developments.
 - Designs should minimize impacts on existing neighborhoods.
 - Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
 - On-street parking should be limited wherever necessary.
 - Landscaping should be required along public rights-of-way

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

3. *Local Streets*
 - Designs should minimize through-traffic and serve local areas only.

- Street widths should be appropriate for the existing and future needs of the area.
- Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
- Off-street parking should be encouraged wherever possible.
- Landscaping should be encouraged along public rights-of-way.

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: These development applications will result in the phased improvement of the north side of Baker Creek Road with a bicycle land in the shoulder. The

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

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

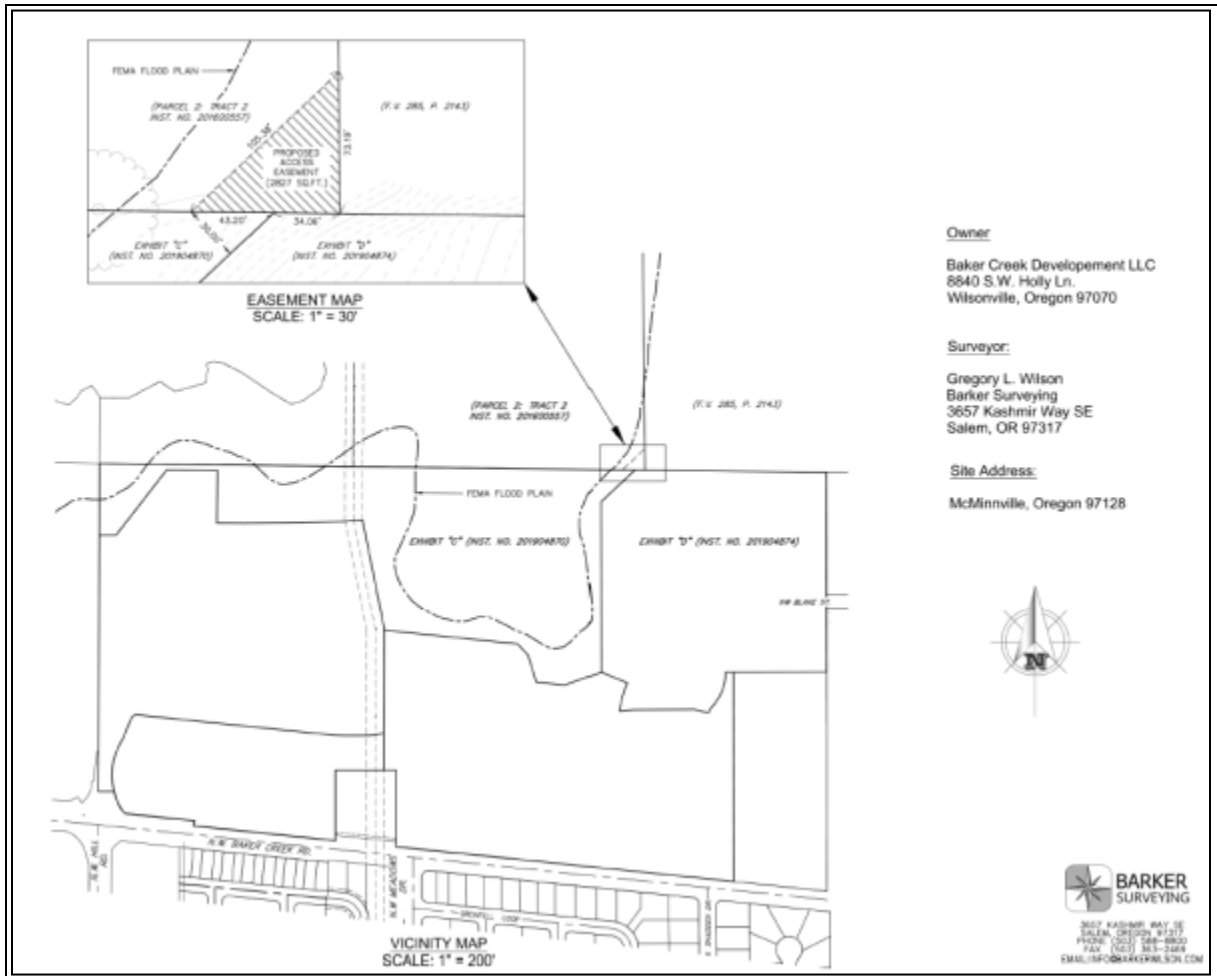
FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6 and #7(e). The Planned Development has been designed with a street network that connects to surrounding residential development south of Baker Creek Road, and to the northeast in the Oak Ridge and Oak Ridge Meadows existing and planned subdivisions.

The applicant has also proposed that a bark chip trail be installed within the parcel to be dedicated as a public park, which will fulfill an action within the City of McMinnville Parks, Recreation, and Open Space Master Plan of developing a greenway trail between the BPA trail and Tice Park. However, the park dedication parcel does not align with an adjacent parcel within the Oak Ridge Meadows planned subdivision that includes a planned extension of the greenway trail. To address this pedestrian connection between the park parcels and the adjacent neighborhood, the applicant has proposed to also dedicate an easement within a parcel to the north to allow the trail connection to occur. The easement area is identified below:



A condition of approval is included to require that this easement be provided for the greenway trail to connect to the public park and trail network provided within the planned Oak Ridge Meadows subdivision. The condition specifies that this easement will be granted and recorded at the time that Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is dedicated to the City, which is required at the time of the platting of subdivision Phase 2A or Phase 3A. All required improvements within the easement shall be maintained by a Homeowner's Association (HOA) 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.

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

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

APPLICANT’S RESPONSE: The site is relatively flat, and the streets, walkways, and ramps are planned to comply with ADA standards.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that meets ADA accessibility guidelines.

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

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

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, except where additional improvements are required by conditions of approval.

3. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
 - b. *Timing signals to minimize pedestrian delay and conflicts.*
 - c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT’S RESPONSE: There are no signalized intersections near or internal to the site. This section is not applicable.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #11. Policy 132.24.00(2) does not only apply to signalized intersections. However, the plans include crosswalk striping at the

locations where NW Meadows Drive and NW Shadden Drive will cross Baker Creek Road to increase visibility between pedestrians and motorists. To better increase visibility of pedestrians on the BPA trail, a condition of approval is included to require 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.

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

APPLICANT'S RESPONSE: The proposed improvements to transportation infrastructure support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development. The specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

APPLICANT'S RESPONSE: The proposed new street connections have the elements to create the connectivity envisioned by this policy.

FINDING: SATISFIED. The right-of-way improvements proposed in the Planned Development plans include the improvements required for streets, which include pedestrian and bicycle improvements. Additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development, and required as conditions of approval.

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this application, findings and exhibits.

Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The development has been designed to encourage walking to local amenities which will support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

APPLICANT'S RESPONSE: The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

1. *Pedestrian circulation;*
2. *Enhancement of emergency vehicle access;*
3. *Reduction of emergency vehicle response times;*
4. *Reduction of speeds in neighborhoods;; and*
5. *Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.*

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: No cul-de-sac streets are proposed, providing conformance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: No physical barriers are proposed. This policy is met.

FINDING: SATISFIED. The City concurs with the applicant's findings. The only major barriers between the proposed street network occur where the development site is crossed by the BPA power line easement, and on the eastern portion of the site where grades don't allow west to east street connectivity. Where streets are not proposed to connect, pedestrian connections are provided, as described in more detail in the finding for Policy 75.00 and 76.00 above.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: Access is consolidated for single family residential properties to new street legs at existing intersections to conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT’S RESPONSE: The street connections proposed between adjacent property and rights of way conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: These applications support a street aesthetic discussed in this policy through the proposed street trees and landscaped open space tracts along streets shown on the landscape plans.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the applicant submitted a Landscape Plan Review application for concurrent review with the Planned Development request. Findings for the Landscape Plan Review (which includes the street tree plan for the Planned Development site) are addressed in the Decision Document for that land use application.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

APPLICANT’S RESPONSE: With the network of proposed sidewalks and paths, this project will promote this policy. Walking to future transit will be more feasible due to the clustering of housing density on the south side of the site closer to Baker Creek Road. The proposed neighborhood commercial area of no less than 2 acres is within reasonable walking distance of most of the proposed residential units, as well as other existing higher density housing to the south of Baker Creek Road. Thus, walking to shops, restaurants, and other services will be feasible. Walking for recreation will also be promoted with the connection/extension of the BPA powerline trail. In addition, a nature trail on the adjacent property proposed to be donated to the City as a Special Use Park will also connect to the BPA trail.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Sanitary Sewer System

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City. The applicant will improve on-site sanitary sewer to meet City standards and connect that to the existing facilities already built with capacity for the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

Storm Drainage

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Water System

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

- 1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*

4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City and not applicable to this application.

FINDING: SATISFIED WITH CONDITION #9. The City concurs with the applicant's findings. As described above, a condition of approval is included to require that an easement or tract be created between Mercia Street or Harold Drive to the BPA trail within Tract L or the greenway trail in Parcel D (Park Dedication Parcel). The easement or tract shall be a minimum of 20 feet in width and include a paved trail of at least 10 feet in width with a five foot buffer on each side. The condition of approval requires that 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 be submitted to the City for review and approval of the design and engineering prior to construction. This is required to provide better connection to the trail from lots within the northwest portion of the site.

Water and Sewer – Land Development Criteria

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City and McMinnville Water and Light.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City to review construction plans and field practices to ensure standards are adhered to.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City to ensure policies are adhered to through the plan review and construction process.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Police and Fire Protection

Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Emergency services departments were provided an opportunity to review the proposal, and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

Parks and Recreation

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

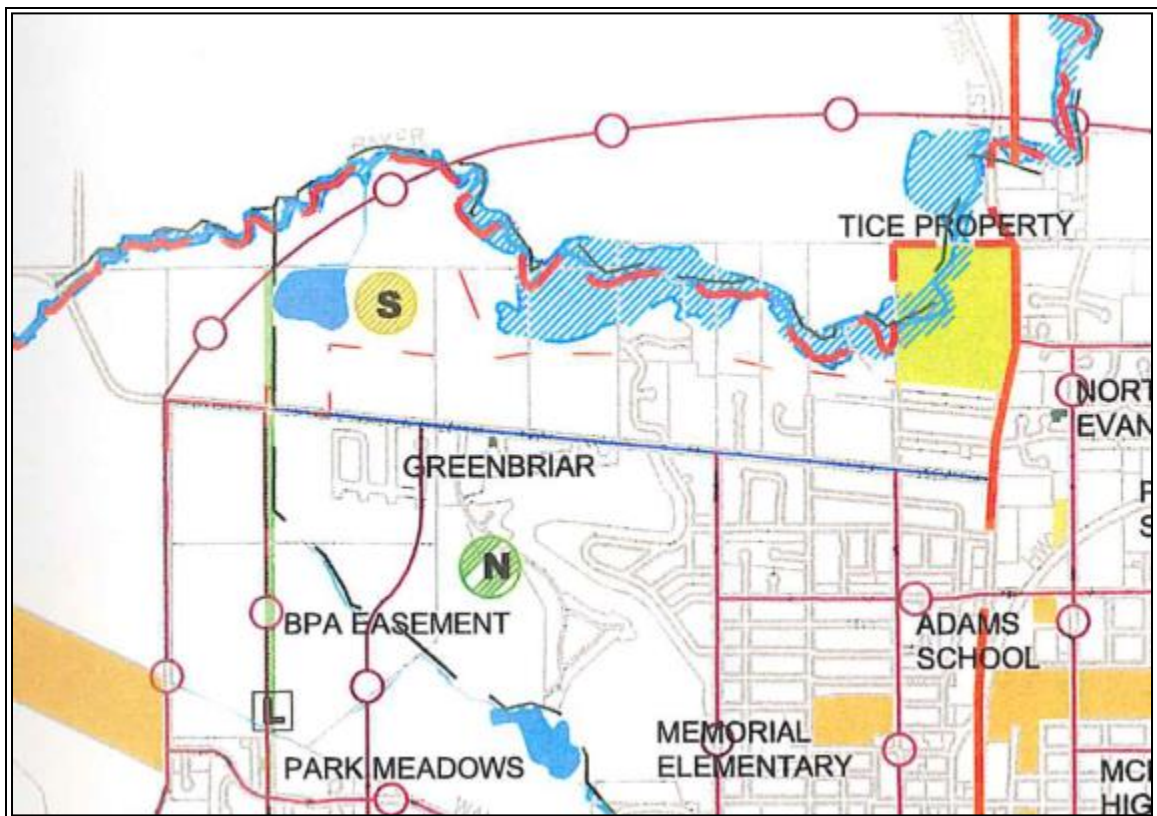
APPLICANT'S RESPONSE: This goal is not an approval criterion. The proposed donation of land for the Special Use Park site is called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999. The donation will help the City meet this goal of providing open spaces and scenic areas for the use and enjoyment of all citizens of the community. The applicant is also proposing to dedicate to the City with the recording of the plat (in phases) several tracts of land with open spaces and recreational facilities for the enjoyment of all citizens

and to facilitate better access and enjoyment of the Special Use Park. Acceptance by the City of the proposed donation of land for the Special Use Park and acceptance of the dedication of the tracts will help the City meet the above goal. If the City does not accept the dedication of the tracts, then they will remain in private ownership of the development's homeowners association.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. These improvements and dedications will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

- 1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
- 2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
- 3) Trails and Connectors: Develop the Westside Trail (BPA Easement)
- 4) Trails and Connectors: Develop a trail in the Baker Creek greenway

These actions are also identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan Map as follows:



LEGEND			
	Existing Developed	Existing Underdeveloped	Proposed
Mini-park/Playlot			
Neighborhood Park			
Community Park			
Linear Park			
Greenspace/Greenway			
Special Use			
Community/Recreation Centers			
Schools			
Other City Property			
Existing Bikeway			
Proposed Bikeway			
Waterway			
Floodplain			
City Boundary			
Urban Growth Boundary			
Multi-Purpose Trail			

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Where applicable, system development charge (SDC) credits will be provided for improvements of public park infrastructure.

Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

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

The proposed donation of land, dedication of tracts within the planned development, and other improvements proposed will help the City serve this area as intended by this policy and as

envisioned by the parks plan through bringing to fruition many of the items in the action plan, including:

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. These improvements and dedications will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

- 1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
- 2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
- 3) Trails and Connectors: Develop the Westside Trail (BPA Easement)
- 4) Trails and Connectors: Develop a trail in the Baker Creek greenway

Policy 164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The Planned Development includes park improvements and a greenway trail within the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). This parcel is being dedicated to the City for a public park, as described in findings for Policy 75.00 and Policy 76.00 above, at the time of the platting of subdivision Phase 2A or

Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is being dedicated to the City for a public park at the time of the platting of subdivision Phase 2A or Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is being dedicated to the City for a public park at the time of the platting of subdivision Phase 2A or Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8, & 14. The City concurs with the applicants findings. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other

than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the site. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

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

APPLICANT'S RESPONSE: Drainage ways north of the site are not proposed to be developed.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

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

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

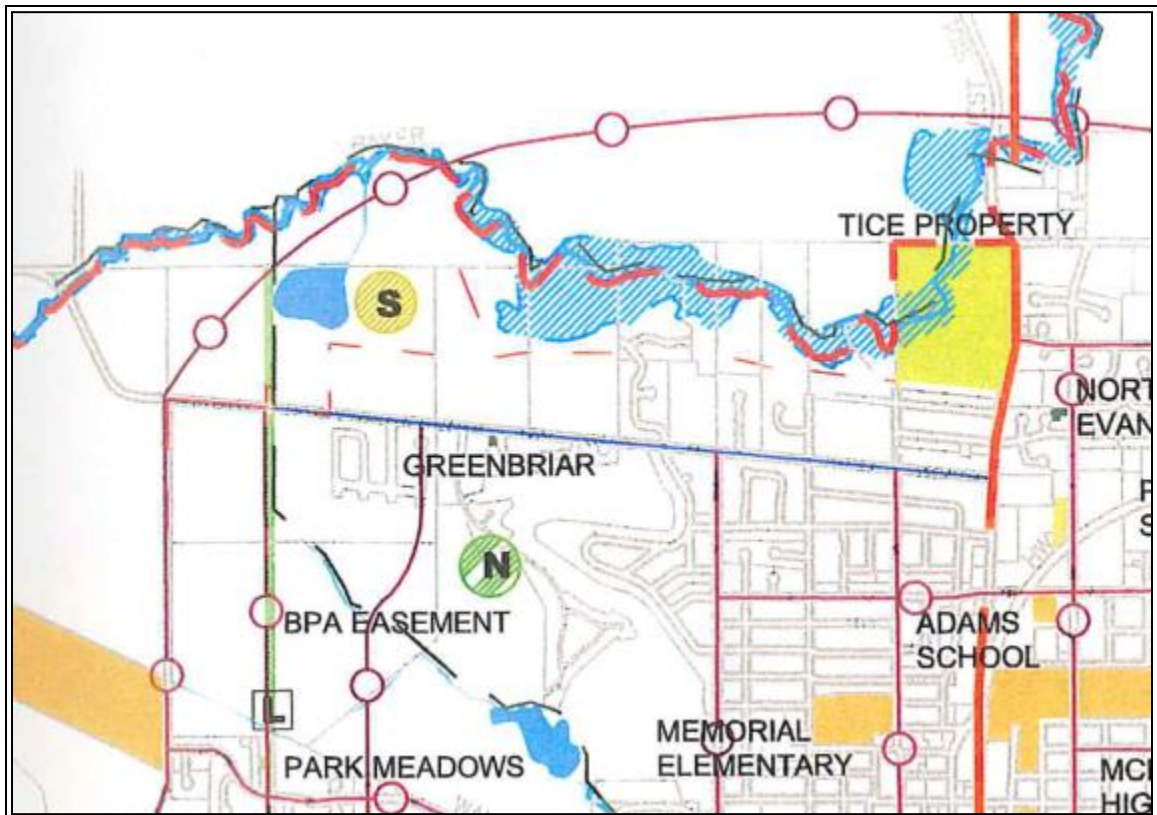
The purpose of the park land donation is to facilitate public open space enjoyment, protection of the floodplain from development encroachment, and conservation of riparian habitat along the waterway.

The proposed land donation is not part of the proposed planned development. The Proposed Planned development will create Tracts "F", "I", "J", "K", "L", "N" & "S", which the applicant recommends the City accept ownership of following installation of recreational amenities as proposed in their respective phases. These tracts include paths and trail improvements to support linear parks and greenspaces. These tracts and their improvements will facilitate public access to and enjoyment of the donated land.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. The tracts and parcel the City will accept as public parks are also described in findings for Policy 75.00 and Policy 76.00 above. All of the tracts within the Planned Development will remain as private open space and recreational tracts to be maintained by the Homeowner's Association. The improvements and dedication of the tracts and parcel describe above will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

- 1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
- 2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
- 3) Trails and Connectors: Develop the Westside Trail (BPA Easement)
- 4) Trails and Connectors: Develop a trail in the Baker Creek greenway

These actions are also identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan Map as follows:



LEGEND			
	Existing Developed	Existing Underdeveloped	Proposed
Mini-park/Playlot			
Neighborhood Park			
Community Park			
Linear Park			
Greenspace/Greenway			
Special Use			
Community/Recreation Centers			
Schools			
Other City Property			
Existing Bikeway			
Proposed Bikeway			
Waterway			
Floodplain			
City Boundary			
Urban Growth Boundary			
Multi-Purpose Trail			

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Planned Development provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.21 Multiple-Family Residential Zone

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

- A. Single Family Dwelling [..]

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

- G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 2. The dwelling shall have a common wall at the "zero" lot line.
 3. Each lot shall comprise not less than twenty-five hundred square feet in area.
 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.

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

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

1. The dwelling units will be situated on an individually, legally subdivided lots meeting this code.
2. The dwelling units will not have a common wall, rather they will be modified through the planned development approval process to have two 3-foot wide side yards, one on each side of the dwelling, resulting in six (6) feet between structures.
3. All SFD-30a and SFD-26a lots in the proposed development combined will average more than twenty-five hundred (2500) square feet in area, and no lot will be less than twenty-three hundred (2300) square feet in area.
4. Lot area minimum and building setback requirements from property lines as modified by this application will apply to the dwelling units individually (except the average per #3 above).
5. Each dwelling unit will have independent services.
6. There will be no common wall as described in #2 above. The wall will meet the Uniform Building Code as adopted by the State for dwellings with 3-foot side yard setbacks to the property line.
7. There will be no common wall as described in #2 above, therefore there is no need for a sound barrier.
8. The dwelling units will not include existing duplexes, so this item is not applicable.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #22. The City concurs with the applicant's findings, and adds that additional findings for the lot size and configuration proposed in the Planned Development plans are provided for Goal V 1 and Policies 58.00 and 59.00 above. Because the narrower setbacks will reduce space between structures, a condition of approval is included to verify the storm drainage requirements that will apply at the time of construction of dwelling units on the lots within the Planned Development. More specifically, the condition states that, 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.

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

- O. Public park and recreation area;
- P. Sewage pump station;

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the specific requirements for improvements of the public and private open space tracts and parcel are described in findings for Policy 75.00 and Policy 76.00 above.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional findings for the lot size and configuration proposed in the Planned Development plans are provided for Goal V 1 and Policies 58.00 and 59.00 above. The City also clarifies that the average lot size in the Planned Development is 4,930 square feet.

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

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

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

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

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

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

- SFD-30a and SFD-26a: Instead of common wall or zero lot line construction on one side of the unit and the required six feet side yard on the other, these planned development lots will split this yard area to have three (3) feet of yard area on each side of the dwelling. Thus, there will still be six feet total of side yard per dwelling, just like with common wall construction of a two-unit town house structure.
- SFD-45: These planned development lots will have four (4) feet side yards. These lots are similar in scale (26’ wide building envelope) as the recently approved planned development lots in a nearby project (AP 1-17) that have only 3-foot side setbacks. So, this planned development will have two feet more total side yard per lot of this type, than the other did.
- SFD-40, SFD-50, SFD-60, and SFD-70: These planned development lots will all have five (5) feet side yards. The flexibility requested in this planned development is to allow these lots to have just one foot less than the six feet standard. In exchange this planned development will provide more variety of housing and common open space areas.

- C. This section will be met, as all lots are proposed with a rear setback of not less than twenty (20) feet, except lots that have garages served from the alley. For lots loading the garage from the alley, the 20-foot setback applies to the garage door. The planned development proposes a rear building setback from the alley of fifteen (15) feet. This will allow for, if desired, a bump out for an entry, second story overhang or other structural feature to add texture to the rear of the dwelling along the alley.
- D. This section will be met. All garage setbacks are shown as 20-feet, which meets this code.
- E. This section will be met for dwellings higher than thirty-five feet.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3, #4, and #22. The City concurs with the applicant’s findings. A condition of approval has been included to amend the required setbacks, based on the special objectives and design of the Planned Development as described in more detail below. In addition, conditions of approval are included to verify that minimum

clearances be provided around electrical meters when fences are constructed in the side yard of lots, based on comments provided by McMinnville Water and Light, and that storm drainage be addressed at the time of construction of dwelling units on the lots within the Planned Development. The minimum clearances and storm drainage requirements are more difficult to meet when side yard setbacks are reduced.

17.12.050 Building Height. In an R-4 zone, a building shall not exceed sixty feet in height.

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The provisions of Section 17.21.020(M) do not apply to this application.

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the code would require a minimum of 2,250 square feet for a four-bedroom dwelling unit. The smallest lot in the proposed planned development is 2,340 square feet, so all proposed lots could support dwelling units up to four bedrooms. Lots that are less than 2,750 square feet would be limited to four bedroom dwelling units.

Chapter 17.51. Planned Development Overlay

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance. In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

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

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, the conditions of approval described throughout this Decision Document will ensure that the Planned Development is developed as proposed through the use of lot size averaging, the provision of a variety of lot sizes to support a mix of housing types, the preservation of open space and recreational areas in public and private tracts, the orientation of smaller lots to common open space, and the loading of smaller lots from rear alleys. These features of the Planned Development, together with conditions of approval as necessary, will provide variety in the development pattern of the community, allow for a creative approach to land development, preserve significant natural features, facilitate a desirable aesthetic, and create public and private open spaces.

17.51.010 Purpose. [...]

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, the conditions of approval described throughout this Decision Document will ensure that the Planned Development is developed as proposed, which amendments required by conditions of approval if necessary.

17.51.010 Purpose. [...]

- B. The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)
 - 1. A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.
 - 2. The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;
- C. The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;
- D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The Planned Development was applied for with a specific development plan. The Planned Development was processed and reviewed in accordance with the public hearing procedures in Chapter 17.72.

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

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.51.020 Standards and requirements. [...]

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant, the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

17.51.030 Procedure. [...]

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

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

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

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

(1) Preserve trees in rear yards and tracts

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

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

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

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

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

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

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

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

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

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

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

There is a neighborhood park under construction within a ½ mile of the site which is anticipated to be complete prior to development of this site, however it is located across a minor arterial. Therefore, private mini-parks are proposed on tracts with active recreational amenities for residents of the Baker Creek North development. For details, see the landscaping plan drawings L1.0-L10.0. Sidewalks and mid-block pathways provide convenient access to the proposed facilities. The site design also includes pathways and marked crosswalks to connect residents of the site to City park facilities to the south beginning at Baker Creek Road and Meadows Drive. On-site open space areas and proposed recreation amenities in part off-set the request for varied lots sizes as part of the planned development.

- (7) Provide access to City park facilities

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

- (8) Create a sense of place

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

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

(9) Ensure adequate off-street parking

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

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

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

(11) Promote future transit service

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 22. The City concurs with the applicant’s findings, but clarifies a number of statements. The larger rear yard setback described by the applicant is proposed to preserve existing trees along the rear yard of Lots 131-135 and Lots 269-280. A condition of approval has been included to require a larger rear yard on those lots, and also to require that a request for removal of any of the trees within the rear yard of those lots be submitted to the Planning Director for review and approval prior to removal.

The Planned Development site is traversed and bisected by the existing BPA power line easement, which does not allow for the development of permanent structures. This presents some difficulty in the development of the site. In addition, the area of this easement is also planned for the extension of the BPA trail, which currently exists south of Baker Creek Road from Baker Creek Road to 2nd Street. The Planned Development plans include the extension of the BPA trail to the north to a terminus within an open space parcel that will be dedicated to the City as a larger public park. In order to minimize crossings of the BPA trail extension, the Planned Development includes a street network with only one street crossing of the trail. IN addition, the parcel that will serve as a larger public park (identified as Parcel D in the application

narrative) will function as a Special Use Park, as most of the park will be preserved as natural area and open space to preserve a 100-year floodplain area. A trailhead will be developed at the terminus of the BPA trail extension, and a bark chip greenway trail will be developed within the Special Use Park. All of these park dedications and improvements will allow the City to achieve actions identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, as described in more detail above. These park improvements will provide opportunities for residents of the Planned Development, and the City as a whole, to have social interaction, recreational amenities, and access to nature and wildlife, all of which are special objectives of the proposed Planned Development. In addition to the public park and trails, a number of private open space tracts, recreational tracts, and pedestrian connections are provided throughout the Planned Development. The specific improvements that will occur within the public and private open space and recreation tracts are described in more detail above.

The Planned Development does propose 7 different lot sizes, which will provide an opportunity for a variety of housing options at a range of potential price points, which will provide housing mix within the Planned Development. In order to allow lot size averaging and a transition in density from the southern portion of the site to the northern portion of the site, lot sizes and dimensions are proposed to be varied from typical zoning requirements. Some lots will be smaller than typically allowed for detached dwelling units in the R-4 zone, and most lots will be deeper than typically allowed by the lot depth-to-width ratio of the land division standards. Where lots are narrower than 40 feet, the applicant is proposing to provide alleys that provide vehicular access from the rear side of the lots. This design feature will result in the fronts of the dwelling units including more pedestrian-oriented features and not having front facades that are dominated by garage openings and driveways. This not only improves the aesthetics of the dwelling units, but also improves the pedestrian environment adjacent to the dwelling units as there will be an uninterrupted sidewalk without curb cuts or vehicles crossing the sidewalk. In addition, some of the narrow lots are proposed to front onto private open space tracts with recreational amenities, which will offset the smaller lots and less private open space on those lots.

The applicant has proposed driveway widths for each of the different lot types as follows:

- SFD-70 & SFD-60 lots have 30 feet wide driveways.
- SFD-40 lots have 20 feet wide driveways.
- SFD-45 lots have 18 feet wide driveways
- SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

These driveway widths are identified on the "Typical Lots" sheet in Drawing EXH-5, which show the driveway width extending the entire length from the front of the garage to the street. However, Section 12.20.030(B) of the MMC limits driveway widths on lots between 20 and 75 feet in width to no more than 40% of the frontage. The SFD-70, SFD-60, and SFD-40 lot types would exceed this 40% maximum driveway width if allowed to have the driveway widths requested by the applicant, with 42.8% wide driveways on the SFD-70 lots and 50% wide driveways on the SFD-60 and SFD-40 lots. The applicant has described the need for these driveway widths to allow adequate off-street parking space. The City concurs with the applicant in regards to providing adequate off-street parking space, but finds that the widths of most of the driveways proposed would create conflicts and disruptions within the pedestrian environment along the sidewalks within the public right-of-way. Therefore, a condition of approval is included to allow for driveways to be the maximum width requested by the applicant on each private lot, but that the driveway width be tapered down at the property line and not exceed the maximum 40% driveway width required by Section 12.20.030(B) between the property line and the street.

The one exception to this is the driveway width for the SFD-40 lots, which are allowed to have 20 foot wide driveways between the property line and the street.

The applicant has described a desire to avoid a cookie cutter housing pattern within the development. Given that the lot sizes as proposed are much smaller than what is typically provided for detached dwelling units, and in order to ensure that the housing types provided within the Planned Development do not result in a cookie cutter housing pattern, a condition of approval is included to require design standards that would apply to each dwelling unit's building plans to help facilitate a desirable aesthetic in the planned development. The condition states that building plans will be reviewed prior to the issuance of building permits. The review process will require the review and approval by the Planning Director of dwelling unit building plans that include architectural elevations, details, materials, and colors for the building. Finally, a condition of approval is included to require that no building elevation shall repeat itself on an adjacent lot or any lot directly across the street.

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

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

FINDING: SATISFIED. The objectives of the Comprehensive Plan are achieved by the Planned Development, as described in the Conclusionary Findings contained in this Decision Document.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The applicant has submitted a Phasing Plan to illustrate how the site will be developed in the proposed 10 phases. If land use approval is granted in 2019, Phase 1A-1D will be completed in one or more phases between about 2019 and 2021, Phase 2A-2C will be completed following Phase 1D, likely from about 2021 to 2024, and Phase 3A-3C will be

completed following Phase 1B between about 2020 and 2024. A phased development of 10 phases can take a long time to complete, however, some phases can be constructed concurrently depending on market conditions. For example, Phase 3A could begin construction at the same time, or even before, Phase 2A, as Phase 3A is contingent only on completion of Phase 1B, not Phase 2A. This means development can even occur faster than predicted if conditions are right. Phased development could also extend beyond 2024 as suggested here, but would be completed within a reasonable time as allowed by this code.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the Planned Development also proposes the alignment and extension of three existing streets, NW Hill Road (proposed to be extended as Hill Lane), NW Meadows Drive, and NW Shadden Drive. The applicant has provided a traffic impact analysis (TIA) report to ensure that the proposed development will allow for all intersections in the surrounding area to function within the City's mobility standard for intersection operations, which requires a v/c ratio of 0.90 or less. The findings of the TIA are described in more detail in the finding for Policy 99.00 above.

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

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

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the submittal of detailed development plans will be required at the time of development.

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

APPLICANT'S RESPONSE: The noise, air and water pollutants generated by the proposed development will not have adverse effects upon surrounding uses. Noise and air pollution of the proposed residential development will be similar to and compatible to the existing noise and air pollution created by the existing adjacent residential uses. Water pollutants will be similar to and compatible with adjacent uses and will be managed by the development of sanitary and storm

sewer infrastructure by the developer as proposed with the street construction described in the Exhibits attached to this narrative. Therefore, this Criterion is met.

FINDING: SATISFIED. The City concurs with the applicant's findings.

- D. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;
- E. The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;
- F. Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 (Applications and Review Process) of this ordinance;

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The application was reviewed under the procedures required in Chapter 17.72. Conditions of approval are attached and described throughout this Decision Document to ensure that the Planned Development is developed as proposed and as amended where necessary to achieve applicable policies.

Chapter 17.53. Land Division Standards

17.53.100 Creation of Streets.

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #17. The City concurs with the applicant's findings, but clarifies that the lots proposed to share an access easement are Lots 206-210. A condition of approval is included to allow those five lots to share one access easement.

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #17. The City concurs with the applicant's findings, but clarifies that the lots proposed to share an access easement are Lots 206-210. A condition of approval is included to allow those five lots to share one access easement.

17.53.101 Streets.

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

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and #16. Section 17.53.101(O) only requires alleys in commercial and industrial districts. However, in order to achieve the narrow lot size and varied lot dimensions, the applicant is proposing alleys to serve lots that are less than 40 feet in width. A condition of approval is included to require that all lots with less than 40 feet in width be alley loaded. In addition, a condition of approval is included to require that the alleys be created in tracts or shared access easements, and that the tracts or easements be maintained by the properties that utilize the alleys for access.

- S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

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

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #7 & #10. A condition of approval is included to require the wider, meandering sidewalk within the Baker Creek Road right-of-way, and also to allow the wider multi-use path in lieu of a sidewalk within the Meadows Drive right-of-way.

17.53.103 Blocks.

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

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

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

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

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #19. The City concurs with the applicant's findings with regard to the topographical, physical, and geographical limitations found on the site. The City further finds that an exception to the standard maximum block length is warranted due to the topographical, geographical, and physical limitations of the site. The site is bounded to the west by McMinnville city limits, and is bounded on the south by an arterial street. The center of the site is impeded by the BPA power line easement, and steep slopes define the perimeter of the northern portion of the subject site. As such, there are limited opportunities for connecting streets to penetrate some of the blocks along the northern portion of the site. Where the proposed street network creates block lengths in excess of 400 feet or block perimeters in excess of 1,600 feet, mid-block pedestrian crossings are proposed to be provided within private open space tracts. The one exception to the provision of mid-block pedestrian crossings are the block lengths of Gregory Drive, Shadden Drive, and William Drive between Edgar Street and Augustine Place. Based on the surrounding street network that the Planned Development must align with, the fact that the block perimeters of these blocks are still well under the 1,600 foot maximum, and the orientation of the grid street network in the portion of the site, the mid-block pedestrian crossing is not required. Therefore, a condition of approval is included allowing a maximum block length of approximately 645 feet (the approximate maximum length of the block length of Kent Street between Hill Lane and Harold Drive) and a maximum block perimeter of approximately 2,325 feet (the approximate length of the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road). The maximum block perimeter allows for the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road to exceed 1,600 feet, but this block is adjacent to an arterial and requires a minimum block length of 1,800 feet. The block also is proposed to include three mid-block pedestrian crossings to eliminate barriers to pedestrian circulation. Other conditions of approval require the improvement of the mid-block crossings described above.

C. Easements.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

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

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.53.105 Lots.

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

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

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

- SFD-70 lots would normally have a lot depth of no more than 140-feet. Of the 21 lots of this type, the proposed depths are typically less than 150-feet, with only a few approaching 160-feet. Therefore, this variance from the standards is a marginal amount. These lots are all on the perimeter of the project with the rear of the lots adjacent to sloping land that is proposed to be donated as a future special use park. The proposed depths as shown on Exhibit 3's Preliminary Plat sheets PL-1 through PL-5, allow for these lots to act as a buffer between the future open space and the developed portion of the site, so this added depth to the lots is appropriate for the location.
- SFD-60 lots would normally not have a lot depth of no more than 120-feet. Of the 36 lots of this type, the proposed depths are all less than 120-feet meeting this code standard, except for lots 206 & 207 which have a 25-foot wide driveway easement encumbering the front of the lots. Therefore, the functional depth of these lots is less than 120-feet, meeting the intent of this code section.
- SFD-50 lots would normally not have a lot depth of no more than 100-feet. Of the 48 lots of this type, many conform to this code. Where they do not, they are adjacent to the exterior of the project like the SFD-70 lots. The added depth also helps preserve trees on Lots 269-280, provide a buffer from the adjacent use on Lots 122-129 or 126-203, and rear yards of Lots 137 and 212 which are adjacent to the side yard of another lot to provide added lot depth and buffer the adjacent use. As such, the intent of this code section is met by the added depth of these planned development lots.
- SFD-40 and SFD-45 lots would normally not have a lot depth of no more than 80-feet or 68 feet respectively, if conforming to this code subsection exactly. Of the respective 50 and 47 lots of these types, all of lot depths are greater than that which the code would prescribe. An 80-foot deep lot could have a 20-foot garage setback in the front and a 20-foot rear yard setback, leaving 40-feet of depth for the dwelling unit. However, that would mean the ground floor depth of the livable part of the dwelling would be only 20-feet deep after providing 20-feet for the typical depth of a garage. The planned development request for flexibility of this standard to allow for lot depths ranging from 90-feet to just over 100-feet means these dwellings will be 10-feet to 20-feet deeper than if conforming to the code. The proposed lots will have more functional internal ground floor space within the dwelling, as well as an increased area on the second floor.

Lot depths of 100-feet, plus or minus, are ordinary depths for single-family dwelling lots so this request is within reason. These dimensions are also appropriate for the higher density portions of this site these lots occupy, providing conformance with the intent of this code.

- SFD-30a and SFD-26a lots would normally not have a lot depth of no more than 60-feet or 52 feet respectively. Of the respective 24 and 54 lots of these types, all of lot depths are greater than that which the code would prescribe. This code section also states that “all lots in a subdivision shall be buildable,” The lots are proposed to be 90-feet deep, which is a necessary depth to make them buildable. With the exception of Lots 17-20 and 81-84, all of which have front yards facing Shadden Drive or Meadows Drive, respectively, and are therefore deeper.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #20 & #21. In most cases, the lots within the Planned Development exceed the required depth-to-width ratio of 2:1. In order to allow the lot dimensions proposed, which allow the opportunity for the variety of lot types and housing types described as an objective of the Planned Development, conditions of approval are included to require architectural review, design standards, and variation of building elevations between lots for the eventual development of detached single family dwelling units on each lot.

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

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

- Lots 21-32 in Phase 1A, Lots 44-49 in Phase 1B, and Lots 69-77 in Phase 1C have over 25-feet of frontage on the proposed public alley at the rear of the lot, and 25-feet of frontage on the proposed common area tract with a pedestrian way at the front of the lot.
- Lot 269 is served by a shared drive in an easement over the flag pole portion of adjacent Lot 270. Per drawing PL-5 Preliminary Plat, the flag portion of Lot 270 has 20.08’ of public street frontage.
- Lots 204-208 on drawing PL-3 Preliminary Plat are served by a shared drive in an easement over the front of lots 205-208 that is 25-feet wide, providing more than the required frontage on a public street.
- Lot 129 is shown on drawing PL-3 Preliminary Plat to have 20.34-ft. of frontage for the flag pole portion of the lot.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 & #17. The lots that are not proposed to front upon a street for at least 25 feet are those that are proposed to be alley loaded and those that are located on a portion of the site with development limitation. Conditions of approval are included to allow for these lot configurations and access as proposed, which

include the provision of alleys for lots less than 40 feet in width and the allowance of five lots to share one access easement.

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #3. A condition of approval is included to also note the special rear yard setback where large trees are proposed to be preserved.

Chapter 17.60. Off-Street Parking and Loading

17.60.050. Spaces – Number required. Except for one or two upper-story residential dwelling units above a non-residential use, off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.

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

FINDING: SATISFIED. City concurs with the applicant's findings.

17.60.060. Spaces – Number required. [...]

A. Residential land use category: [...]

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

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #18. City concurs with the applicant's findings, but adds that the applicant has proposed driveway widths for each of the different lot types as follows:

- SFD-70 & SFD-60 lots have 30 feet wide driveways.
- SFD-40 lots have 20 feet wide driveways.
- SFD-45 lots have 18 feet wide driveways
- SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

These driveway widths are identified on the "Typical Lots" sheet in Drawing EXH-5, which show the driveway width extending the entire length from the front of the garage to the street. However, Section 12.20.030(B) of the MMC limits driveway widths on lots between 20 and 75 feet in width to no more than 40% of the frontage. The SFD-70, SFD-60, and SFD-40 lot types

would exceed this 40% maximum driveway width if allowed to have the driveway widths requested by the applicant, with 42.8% wide driveways on the SFD-70 lots and 50% wide driveways on the SFD-60 and SFD-40 lots. The applicant has described the need for these driveway widths to allow adequate off-street parking space. The City concurs with the applicant in regards to providing adequate off-street parking space, but finds that the widths of most of the driveways proposed would create conflicts and disruptions within the pedestrian environment along the sidewalks within the public right-of-way. Therefore, a condition of approval is included to allow for driveways to be the maximum width requested by the applicant on each private lot, but that the driveway width be tapered down at the property line and not exceed the maximum 40% driveway width required by Section 12.20.030(B) between the property line and the street. The one exception to this is the driveway width for the SFD-40 lots, which are allowed to have 20 foot wide driveways between the property line and the street.

Chapter 17.62. Signs

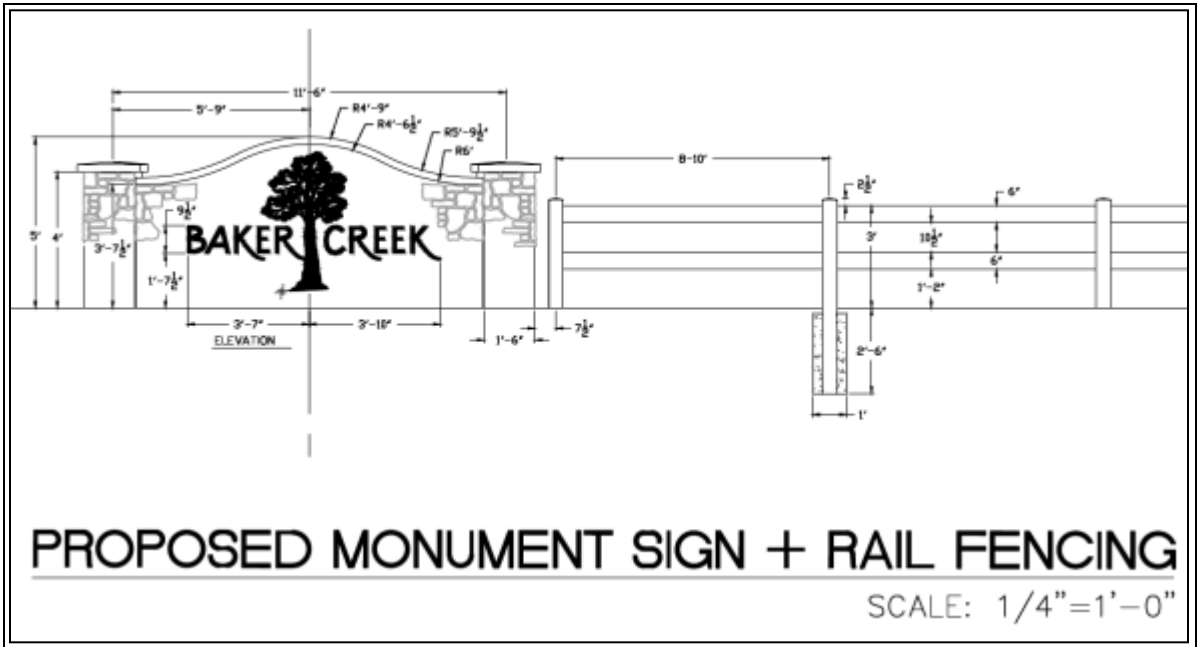
17.62.070. Permanent Sign Regulations. [...]

A. Residential land use category: [...]

1. Each subdivision or multi-family complex is permitted one permanent monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be nonilluminated.

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

FINDING: SATISFIED. The applicant is requesting two monument signs, one at the intersection of NW Meadows Drive and the other at the intersection of NW Shadden Drive. The monument signs would be located in two different phases of the subdivision, so would be allowed in their number. The size of the signs also meets the standards required. The monument signs would be only 5 feet in height, and the size of the content proposed on the sign is less than 48 square feet, when measured in a dimension that surrounds only the content of the sign and not the monument structure itself. The monument signs being proposed are identified below:



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