

February 11, 2020

McMinnville City Council
C/O McMinnville Planning Department
City of McMinnville
213 NE Fifth Street
McMinnville, OR 97128

Via Electronic Mail

Re: Baker Creek North PUD
Applicant's Supplemental Comments

Dear Mayor Hill and Members of the McMinnville City Council:

Stafford requests the Council to consider the following evidence, arguments, and testimony in response to new written testimony and evidence entered into the record through Tuesday, February 4, 2020:

I. Driveway Width Exception.

Section 12.20.030(B) of the McMinnville Municipal Code permits driveways on lots between 20 and 75 feet to be up to 40 percent of the lot's frontage width. Thus, the standard allowable driveway widths are: 28 feet for SFD-70 lots; 24 feet for SFD-60 lots; 18 feet for SFD-45 lots and 16 feet for SFD-40 lots.

Applicant has requested the Council to grant a variance through the PUD process that would allow driveways for SFD-70 and SFD-60 lots to be 30 feet wide, and SFD-40 lots to be 20 feet wide.

The Planning Commission recommended approval of Applicant's request to increase driveway widths on SFD-40 lots to 20-feet on the private property portions of the driveway *and* the curb drop and driveway apron between the property line sidewalk and the street.

The Planning Commission recommended approval of Applicant's request for 30' wide driveways on the *private property* for SFD-70 and SFD-60 lots, *but* denied Applicant's request as it applies to the curb drop and driveway apron between the property line and the public street.

Homebuyers in the McMinnville market area have demonstrated exceptionally strong preferences and desires for homes that offer three-car garages. Driveways that serve three-car garages also offer the added benefits of reducing demands for on-street parking. SFD-70 and SFD-60 lots in the Baker Creek North PUD will provide homebuyers a unique opportunity to purchase homes that offer this sought-after three car garage amenity.

The Planning Commission's recommendation requires applicant to "neck down" driveway widths in the area between the sidewalk and the street 2-feet on SFD-70 lots to a maximum width of 28 feet, and 6-feet on SFD-60 lots to a maximum width of only 24 feet. Driveways that serve three-car garages require a minimum width of 30-feet to safely enter and exit garage doors. A 30-foot wide driveway also affords the area required for homeowners and their guests to safely negotiate around parked vehicles to access the home's front entry, garage, and side yard area.

Stafford included several drawings in its February 4, 2020 submittal to the Council (which are also included herein for easy reference) that visually demonstrate the direct impacts "necking down" driveway approach widths between the property line and the street will have on homeowners' abilities to fully utilize the private portion of the driveway area and to safely access the garage and home generally. As shown below and in Figures 2 and 3 of Exhibit 2, the requirement will negatively impact the usability of driveways and garages on SFD-70 lots, and it will make the third garage bays and off-street parking areas on SFD-60 lots extremely difficult to navigate for their intended purposes.

Exhibit 1: SFD - 70 Driveway

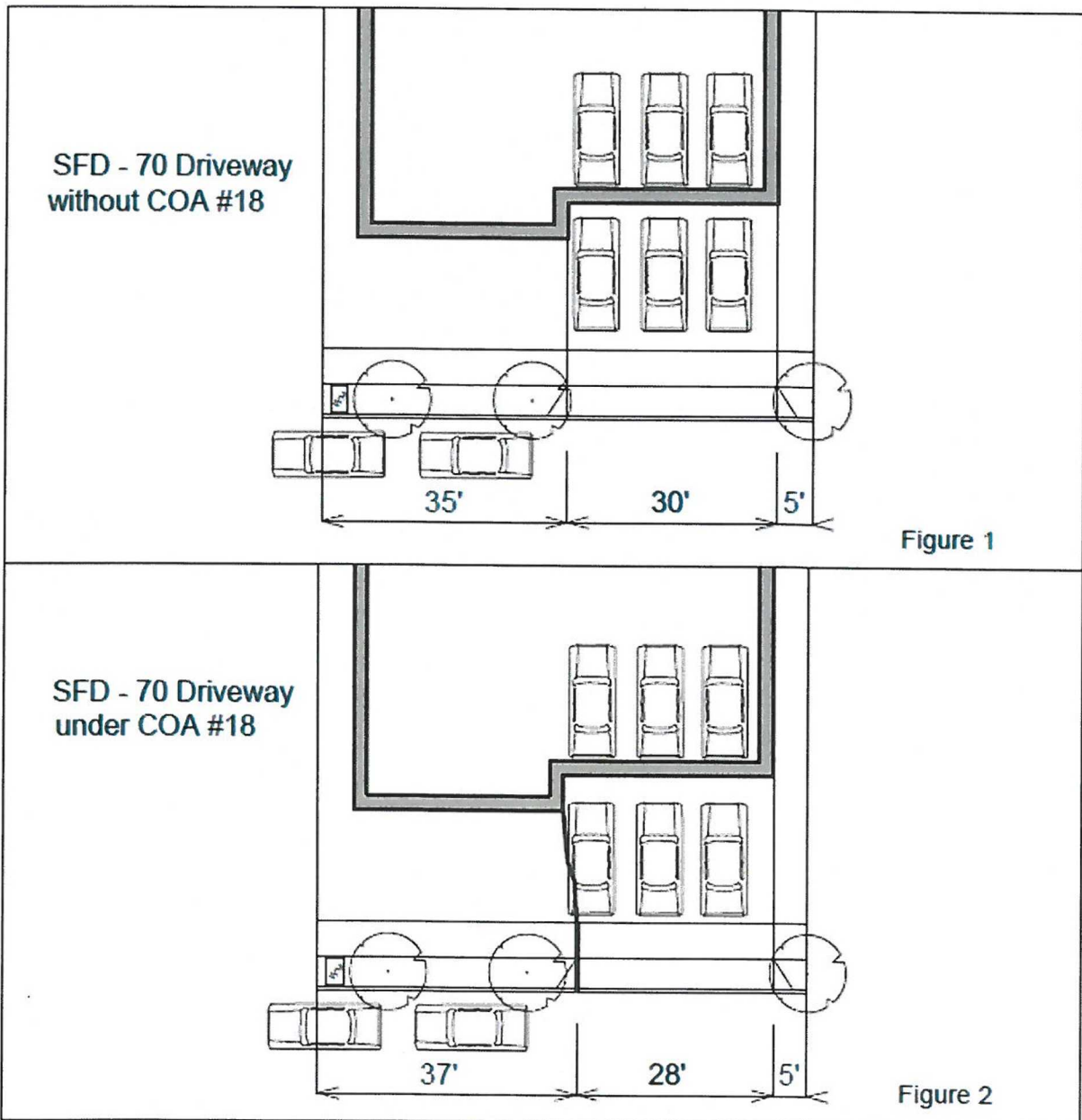
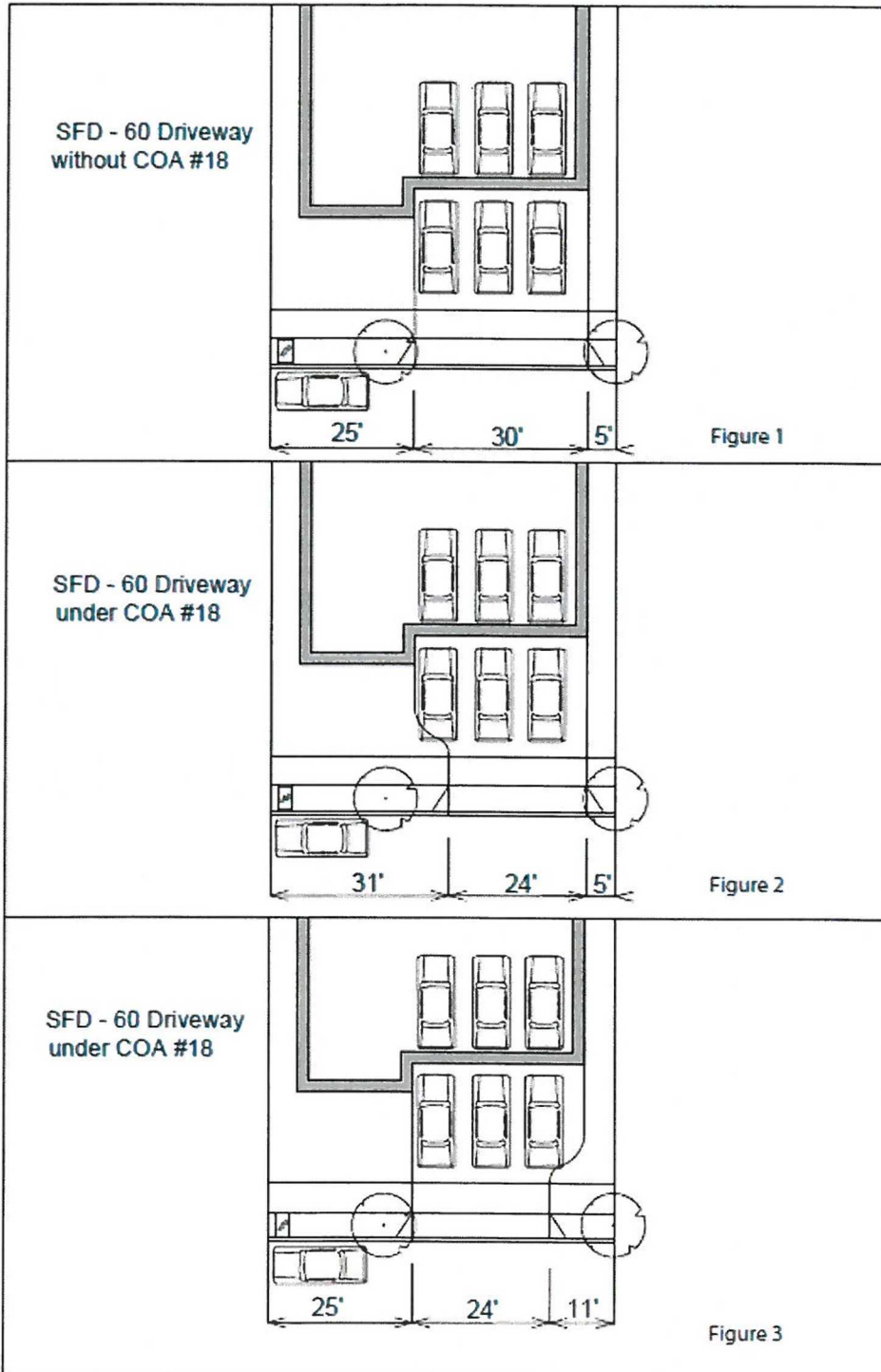


Exhibit 2: SFD - 60 Driveway



“Necked down” driveways are uncommon designs that are not frequently found in residential subdivisions in McMinnville or the surrounding area. Stafford expects that homeowners, and more likely their visitors and guests, will fail to recognize or anticipate the “necked down” areas and that they will drive over sidewalks, curbs, and landscaped areas to access the home’s garage and off-street parking areas, which will result in damage to driveway and sidewalk edges, curbs, and vegetation and irrigation installed in the planter strip areas.

The Planning Commission rejected Applicant’s request to adjust the driveway width standard for SFD-70 and SFD-60 lots based on undefined “conflicts and disruptions” that might occur “within the pedestrian environment along the sidewalks within the public right-of-way.” The Planning Commission’s decision does not attempt to quantify, nor does it discuss how the driveway width adjustments the Applicant has requested will interfere with or disrupt pedestrian movements on sidewalks.

To the contrary, the Planning Commission’s conclusion that the adjustment will create “conflicts and disruptions . . . along sidewalks within the public right-of-way” is not based on a rational analysis and does not justify the Planning Commission’s recommendation on this issue.

The Planning Commission recommended approval of driveway separations for SFD-40 lots measured at the sidewalk that will range from 10-feet where driveways abut one another to a maximum separation of 25-feet.

The Planning Commission’s recommendation to deny Applicants request to adjust driveway widths for SFD-60 and SFD-70 lots fails to consider the fact that driveway separations on SFD-60 lots with the requested adjustment will range from 10-feet (where driveways abut one another), to a maximum separation of 45-feet, and that the maximum separation for SFD-70 lots with the requested adjustment increases to 65-feet.

Given these conditions, it is extremely difficult to justify the Planning Commission’s conclusions that a 45-foot or 65-foot separation between driveways will create “conflicts and disruptions . . . along sidewalks within the public right-of-way.”

Applicant believes that the driveway width adjustments it has requested for SFD-60 and SFD-70 lots are reasonable and that the variances are required to meet homebuyers’ demands and expectations for new housing in the McMinnville area. Therefore, Stafford asks the Council to approve its request to grant a variance through the PUD process that would allow driveways for SFD-70 and SFD-60 lots to be 30 feet wide, and SFD-40 lots to be 20 feet wide.

II. Density

1. The Baker Creek PD exceeds planned densities.

Applicant's Response: Evidence in the record demonstrates the gross density of the single-family residential element of the Baker Creek North PUD is 23 percent lower than the planned density of the area generally, and the maximum gross density of the Baker Creek North PUD is 17 percent lower than the area's planned density.

The Baker Creek PD contains approximately 55.32 acres. The McMinnville Growth Management and Urbanization Plan ("MGMUP") anticipates that this area will allow for the development of up to 481 residential units at an overall gross density of 8.7 dwelling units per acre.

Applicant's Planned Development and Tentative Subdivision applications (PD 1-19 and S 1-19) propose to develop only 280 new residential units at an overall gross density of only 5.75 dwelling units per acre.

The Planned Development Amendment application (PDA 1-19) would allow up to 120 multi-family residential units to be constructed within the commercial element of the Baker Creek North PD.

The total number of residential units in the Baker Creek PD would rise to no more than 400 units and a gross density that would not exceed 7.2 dwelling units per acre.

III. Traffic Concerns

1. **Traffic counts taken on January 22, 2020 and January 23, 2020 show a higher average daily trip count than Applicant's traffic study.**

Applicant's Response: The materials Applicant submitted on February 4, 2020 include comments offered by Applicant's traffic engineer that analyze the vehicle counts reported in the document opponents submitted into the record. The supplemental report notes that the PM peak hour traffic count data opponents entered into the record are lower than both the AM peak hour and the PM peak hour traffic counts Applicant's traffic study relied on.

The supplemental report explains that the PM peak hour count is the critical analysis hour because the Baker Creek North PD will generate the most vehicle trips during the PM peak hour and existing PM street volumes are higher than the AM values.

Since Applicant's traffic study relies on PM peak hour traffic counts that are higher than the PM peak hour counts shown in the more recent traffic counts opponents entered into the record, there is no rational basis to assert that the traffic counts opponents measured would significantly alter the conclusions or recommendations contained in Applicant's traffic study. Likewise, the traffic count data opponents submitted into the record offers no rational basis to conclude that Applicant's traffic study did to consider worst case traffic scenarios based on the best and most recently available data or the impacts the proposed development will have on Baker Creek Road.

2. **Vehicle trips generated by the Baker Creek North PD will not exceed the capacity of Baker Creek Road.**

Applicant's Response: Baker Creek Road a minor arterial. Minor arterials are designed and intended to carry up to 20,000 vehicle trips per day. The record reflects that Baker Creek Road is presently functioning in the manner it was designed. The record also contains testimony provided by city staff that states Baker Creek Road and the Baker Creek Road/Hill Road traffic circle will continue to function as designed after trips the Baker Creek North PD is projected to generate are added to the existing background traffic counts.

Opponents have not offered any analysis by an Oregon registered professional engineer with special expertise in traffic engineering or other substantial evidence of any kind that conclusively demonstrates traffic the proposed Baker Creek North PD is projected to generate will exceed the designed carrying capacity of Baker Creek Road or cause the Baker Creek Road/Hill Road traffic circle to exceed its designed carrying capacity.

Applicant agrees that Exhibit 3-9 of the city's 2010 Transportation Systems Plan ("2010 TSP") projects that the 2023 PM Peak Hour v/c ratio on the westbound lane of Baker Creek Road may exceed 1.00. The city's Capital Improvement Plan proposes to address this condition by installing a new traffic light at the intersection of Baker Creek Road and Michelbook Lane in 2023. The traffic light will reduce the v/c ratio at this location to an acceptable level of 0.70, and homes constructed in the Baker Creek North PD will pay transportation impact fees that will be available to help fund costs the city will incur to install the new traffic light.

3. The Baker Creek Road/Hill Drive traffic circle may be too small to accommodate traffic the Baker Creek North PD will generate.

Applicant's Response: Opponents question whether the diameter of the traffic circle that forms the intersection of Baker Creek Road and Hill Road is adequate to carry the added traffic the Baker Creek North PD is projected to generate. The record contains testimony provided by city staff that states Baker Creek Road and the Baker Creek Road/Hill Road traffic circle will continue to function as designed after trips the Baker Creek North PD is projected to generate are added to the existing background traffic counts.

Opponents' comments are not supported by any substantive examination based on any formal study or analysis of empirical data or generally accepted principles of transportation engineering. The comments are speculative opinions that offer no rational basis to conclude that Applicant's traffic study did not consider worst case traffic scenarios based on the best and most recently available data or sufficiently consider the impacts the proposed development will have on Baker Creek Road/Hill Road traffic circle.

IV. Development in Wetland and Flood Plains.

1. Homes and roads will be constructed in wetland and flood plain areas.

Applicant's Response: Opponents claims are simply untrue and are likely recycled comments submitted in opposition to a previous development application from a different developer for a different project. The Baker Creek North PD does not propose to construct any public or private improvements on any lands the City of McMinnville has designated as being wetland or flood plain areas, or that are or may be subject to regulation by the Oregon Division of State Lands or the United States Army Corps of Engineers.