

February 4, 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
CPA 1-19 Comprehensive Plan Map Amendment
ZC 1-19 Zone Change
PDA 1-19 Planned Development Amendment
PD 1-19 Planned Development
S 1-19 Tentative Subdivision
L 12-19 Landscape and Street Tree Plan

Dear Mayor Hill and Members of the McMinnville City Council:

The McMinnville City Council held a public hearing on Tuesday, January 28, 2020 to consider the development applications referenced above concerning the Baker Creek North PUD. At the conclusion of the hearing the Council left the record for these matters open for Applicant and opponents to submit additional written evidence, arguments, or testimony by Tuesday, February 4, 2020. Stafford Development Company is committed to providing new housing opportunities in the city of McMinnville that address all levels of housing needs in the community.

With this purpose in mind, Stafford submits the following evidence, arguments, and testimony in response to testimony and evidence presented to the Council during the public hearing on January 28 and in support of the applications generally.

Traffic Impacts – Baker Creek Road

During the public hearing held on Tuesday, January 28, 2020, several individuals offered anecdotal testimony regarding their personal perceptions of current travel conditions on Baker Creek Road and the present state of city of McMinnville’s transportation system generally.

Opponents also entered a document into the record they claimed measures average daily vehicle trips on Baker Creek Road east of Merlot Drive over two 24-hour periods on Wednesday, January 22, 2020, and Thursday, January 23, 2020.

Proponents asserted, without providing any foundational evidence concerning the document’s origin, the manner in which the data was collected, or offering any analysis by an Oregon

registered professional engineer with special expertise in transportation engineering, that the document showed an average of 8,070 daily vehicle trips on Baker Creek Road over the two day sample periods. During testimony before the Council, the document's proponents stated their beliefs that the Baker Creek North project would result in unacceptable volume-to-capacity ratios on Baker Creek Road and other undefined "safety" impacts. Opponents' testimony and the documentary materials they submitted do not constitute substantial evidence from which a reasonable person could conclude that the proposed development will result in unacceptable v/c ratios on Baker Creek Road or create "safety" concerns for the following reasons:

- The city's Transportation Master Plan states that minor arterials are intended to be 2-lane or 3-lane streets capable of carrying up to 20,000 vehicles per day. Baker Creek Road is classified as a minor arterial that is capable of supporting up to 20,000 vehicle trips per day. (See City of McMinnville Transportation Master Plan, Table 2-1 - Street Functional Classification Descriptions.)
- The city is in the process of converting Baker Creek Road from a two-lane configuration to a three-lane configuration between Hill Road and Crimson Court. The new configuration will include two travel lanes, a continuous left turn lane, and bike lanes.
- Applications PD 1-19 and S 1-19 do not propose any commercial or multi-family development activities.
- Applicant submitted a traffic impact report prepared Frank R. Charbonneau, PE, an Oregon registered profession engineer with special knowledge and expertise in transportation engineering. The report's scope and study area were defined with input provided by city of McMinnville staff.
- The city of McMinnville's mobility standard for intersection operations requires a volume-to-capacity ratio ("v/c ratio") of **0.90** or less.
- Mr. Charbonneau's report includes a "worst case scenario" capacity analysis that concludes the proposed subdivision **AND** 100,000 square feet of commercial development on a 10-acre area will have the following impacts at full build-out:
 - The traffic report projects that the 280-lot subdivision will generate approximately 2,643 average daily trips.
 - That the 100,000 square feet of commercial uses would generate approximately 3,775 average daily trips.

*However, the “worst case scenario” described in Applicant’s traffic study **will never be built.***

- Application PD 1-19 reduces the gross commercial area for the site from 10 acres to 6.2 acres. The conditions of approval for PD 1-19 require a minimum of 5 acres be developed with commercial uses. The conditions of approval also require 24 percent of the commercial area to be dedicated to landscaping and interactive community uses. Together, these conditions reduce the net area available for commercial development to approximately 3.75 acres, which could be expected to support, at most, approximately 38,000 square feet of space for commercial uses. The resulting reduction in the area available for commercial development will lower the number of vehicle trips the commercial area of the site will generate over 60 percent to approximately 1,434 daily trips, or fewer.
- The stop-controlled intersection of Baker Creek Road at Meadows Drive will experience an acceptable v/c ratio of **0.20** or less through 2029, no signal warrants are triggered, and no mitigation is required.
- The stop-controlled intersection of Baker Creek Road at Shadden Drive will experience an acceptable v/c ratio of **0.16** or less through 2029, no signal warrants are triggered, and no mitigation is required.
- The City’s Capital Improvement Plan proposes to install a traffic light at Baker Creek North and Michelbook Lane in 2023 using a combination of SDC funds (*which the proposed development will directly contribute funds to through payment of SDC assessments*) and general funds. The traffic signal will maintain a v/c ratio at Michelbook lane to an acceptable level of 0.70.

The record clearly demonstrates that commercial uses on the site can be expected to generate approximately 1,434 daily trips. *This would reduce total trips on Baker Creek Road to 12,147 daily trips, which is substantially below Baker Creek Road’s design capacity of 20,000 vehicle trips per day.*

The record presently before the city council for this matter does not contain any expert testimony from an Oregon registered professional engineer with special expertise in traffic engineering or other evidence of any kind that contradicts the findings and recommendations contained in the Charbonneau Report or that would allow a reasonable person to conclude that the proposed residential development will adversely affect the vehicle capacity or other safety considerations on Baker Creek Road.

PD 1-19 Condition 18

Applicant has requested the Council to modify widths of the driveway apron in the right-of-way above the standard of 40 percent of lot width allowed by Ordinance 4071 under Chapter 12.20 (see Exhibit 3 Drawing EXH-5). Applicant sought approval of the variation for driveway widths by lot type as the fifth in a list of modifications requested (Narrative p. 11) to meet the planned development's special objectives, particularly objective #9 (Narrative Page 91). The flexibility sought is minor, which should lead City Council to find the request may be allowed in a planned development under Chapter 17.51.

The Applicant seeks 3-car garages on large lots referred to as SFD-70 and SFD-60 at Baker Creek North. A 3-car garage on a 70-foot wide lot served by a standard 28' wide driveway would result in the driver side being pinched down two feet less than the 30' width requested, which would mean the driver would likely step out of the car into grass instead of pavement (see Exhibit 1: SFD-70 Driveway attached). A 3-car garage on a 60-foot wide lot served by a standard 24' wide driveway would result in insufficient width for vehicles to independently enter and exit the driveway over the sidewalk.

In all cases, the third car on the end would have only 4' to pass from the driveway apron onto the lot at the pinch point, assuming 10' per parked car. This would result in the vehicles wheels clipping the corner constantly and damaging the driveway edge, sidewalk edge, and vegetation and irrigation in the planter strip at the edge of the driveway wing (see Exhibit 2: SFD-60 Driveway attached).

The request for a 30' width on both these lots is to allow safe ingress and egress for both the vehicle and pedestrians, meeting the special objective of adequate parking for the development. The 40 percent standard does not achieve this, which is why the Applicant requests the modification as part of the Planned Development.

To better understand how the current condition of approval text was created consider the following:

The Applicant requested driveway widths in the right-of-way as follows:

- SFD-70 = 30'
- SFD-60 = 30'
- SFD-50 = 20'
- SFD-45 = 18'
- SFD-40 = 20'

Staff and the Planning Commission recommended the following:

- SFD-70 = Standard 28'

- SFD-60 = Standard 24'
- SFD-50 = 20' width request meets standard of 20'
- SFD-45 = 18' width request meets standard of 18'
- SFD-40 = 20', width request received Staff and Planning Commission recommended approval

Current COA #18 (PD 1-19) text creates ambiguity because it is suggesting the standard for the width of a driveway *on the lot*, when the code involves regulation of the width *in the right-of-way*. The code does not regulate the driveway width on the lots, thus the condition text needs to be revised to deleted extraneous information.

The proposed modification to add 2' of width to the SFD-70 driveway width standard and 6' of width to the SFD-60 driveway width standard is a reasonable means to accomplish the goals. However, should the City Council find 30' wide driveways are not warranted, the Applicant requests the City Council find to support a compromise to at least approve the width of the SFD-60 driveways as 28', same as a standard SFD-70 lot's driveway width is proposed. In order to do that the Applicant requests the following action be taken:

Request City Council to direct Staff to write findings to approve 28' driveways on SFD-60 lots, and Revise COA #18 (PD 1-19) accordingly per the requested changes below to simplify and clarify intent to regulate width within the right-of-way.

Requested changes (Deleted text indicated by strikethrough, added text indicated by bold/underline. Existing text is with normal font.):

COA #18 (PD 1-19):

That driveways on each private lot shall be the maximum width requested by the applicant depending on the type of lot. Except for SFD-40, **SFD-60 and any lots on a curve,** 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, **unless otherwise approved by the City Engineer as permitted in Section 12.20.080.** **SFD-60 lots may have maximum driveway widths of 28 feet between the property line and the street.**

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

The maximum driveway width on the private lot for each lot type shall be:

- a. SFD-70 and SFD-60 Lots: 30 feet wide driveways
- b. SFD-50 and SFD-40 Lots: 20 feet wide driveways
- c. SFD-45 Lots: 18 feet wide driveways

Exhibit 1: SFD - 70 Driveway

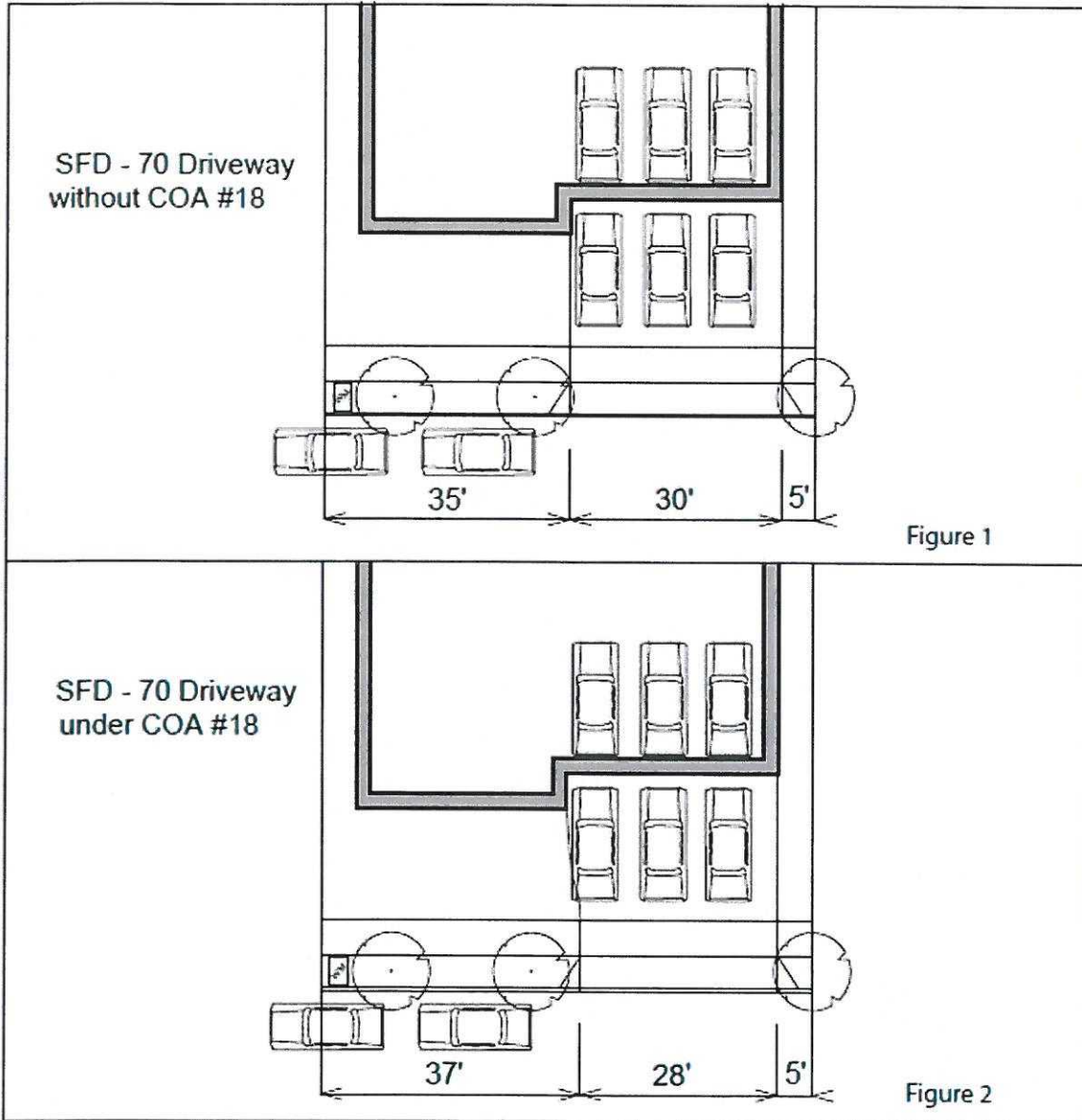
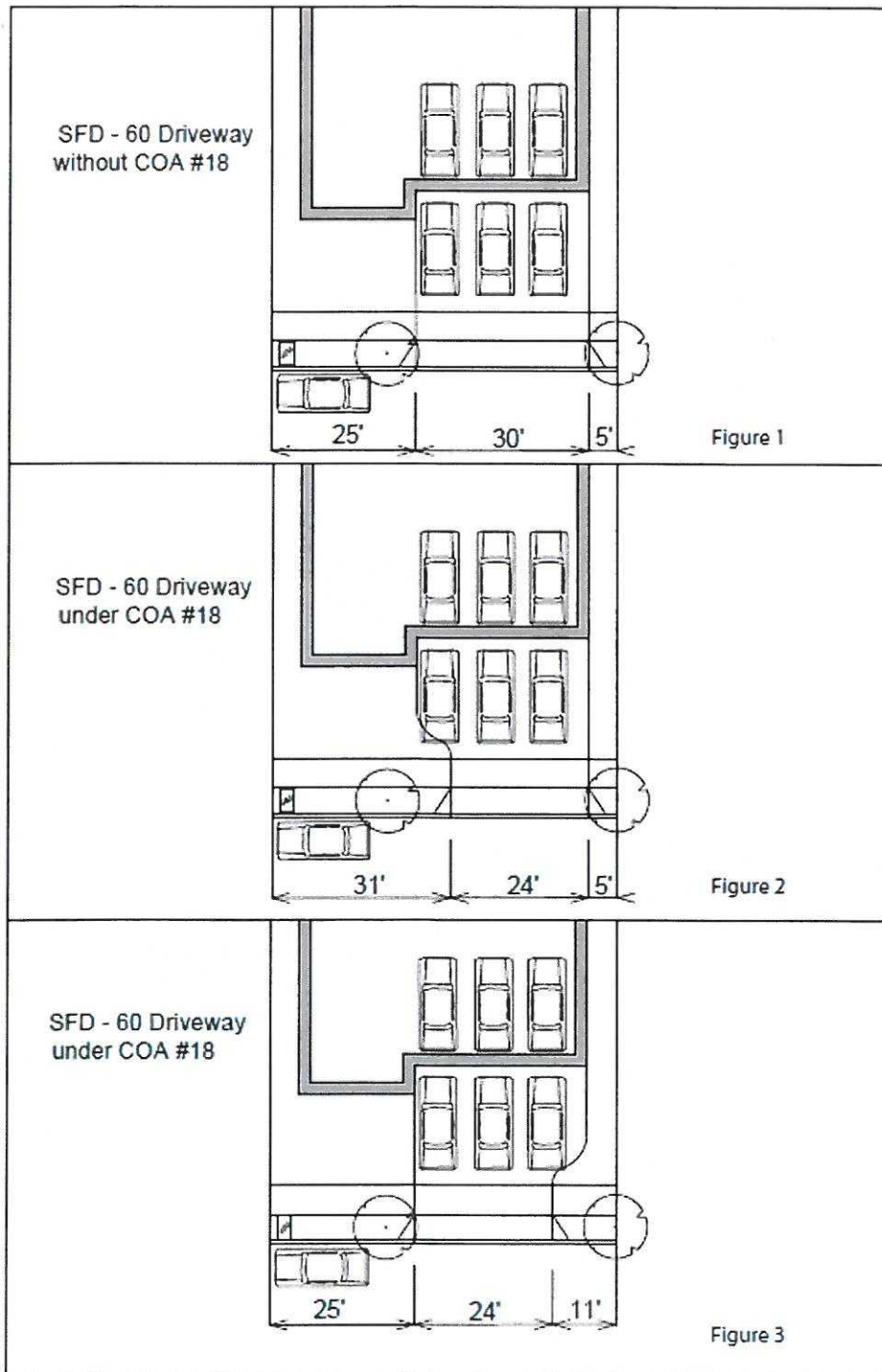


Exhibit 2: SFD - 60 Driveway



PD 1-19 Condition 20¹

Condition 20 of Application PD 1-19 proposes to impose a new, unique, one-of-a-kind design review process that will require the Planning Director to review and approve exterior building elevation plans for all residential dwelling units that are proposed to be constructed in the Baker Creek North PUD prior to construction. The review standards include building facade elevations, roof designs, siding and window trim details, lighting, building materials, paint schemes, paint colors, and requirements for variations of building elevations between lots.

Chapter 17.74.020 of the McMinnville Zoning Ordinance sets out review criteria for Comprehensive Plan Map amendments and zone changes. Chapter 17.74.020 is applicable to Condition 20 because the conditions of approval for ZC 1-19 state that the zone change shall not take effect unless and until the Council approves PD 1-19. As applicable to Condition 20, Chapter 17.74.020 states in part:

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

Chapter 17.51.030 describes the procedures the Council must observe when a planned development proposal is submitted for consideration. 17.51.030(E) imposes limitations on the Council's ability to attach conditions of approval to planned development proposals. Specifically, subsection (E) states:

The Commission may attach conditions to carry out the purpose of this ordinance **provided such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delays.** (Emphasis added.)

The purpose of the city's Planned Development Ordinance is set forth in Chapter 17.51.010. The stated purposes include:

1. Provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the zoning ordinance;

¹ Condition 11 of Application No. S 1-19 includes a condition of approval that is identical to Condition 20. The City of McMinnville's Subdivision Ordinance to not grant the city's Planning Commission or the City Council the ability to attach conditions of approval to a tentative subdivision proposal that would impose design restrictions on homes built in the subdivision. The Council must first make required findings to attach Condition 11 to Application PD 1-19 before it may attach Condition 11 to Application S 1-19.

2. Encourage a variety in the development pattern of the community;
3. Encourage mixed uses in a planned area;
4. Encourage developers to use a creative approach and apply new technology in land development;
5. Preserve significant man-made and natural features;
6. Facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces.

Chapter 17.51.030(E) requires the Council to make the following Findings based on substantial evidence contained in the record before it may attach Conditions of Approval to a Planned Development application:

1. The Conditions are necessary to carry out the purpose of the city's Planned Development Ordinance;
2. The Conditions do not exclude needed housing or unnecessarily reduce planned densities; and
3. The Conditions do not result in unnecessary costs or delays.

The findings offered to support the Council's adoption of Condition 20 fail to include any discussion or analysis that demonstrate the Council has considered or applied the purposes described in Chapter 17.51.010 or that Condition 20 is necessary to carry out one or more of the stated purposes of the Planned Development Ordinance. The Council may not adopt Condition 20 in the absence of these required findings.

Approximately 28 percent of the lots in the Baker Creek North PUD will be "small" lots that are designed to support housing priced at levels that will be attainable by a broader segment of homebuyers.

The findings offered to support the Council's adoption of Condition 20 fail to include any discussion or analysis that would permit the Council to conclude that Condition 20 will not exclude needed housing. The Council may not adopt Condition 20 in the absence of these required findings.

Most importantly, the findings offered to support the Council's adoption of Condition 20 fail to include any discussion or analysis that would permit the Council to conclude that Condition 20 will not result in any unnecessary costs or delay to construct housing, and particularly "needed

housing,” within the proposed Baker Creek North PUD. The Council may not adopt Condition 20 in the absence of these required findings.

In addition to the absence findings necessary to support the adoption of Condition 20, Applicant notes that the design standards contained in Condition 20 do not include clear and objective review criteria that staff may rely upon to determine if exterior elevation plans comply with the applicable standards.

To the contrary, Condition 20, as presently written, requires and permits staff to exercise virtually unfettered discretion and judgment when it applies the design standards contained in Condition 20. The absence of clear and objective review standards in Condition 20 makes it impossible for the Council to quantify what actual costs increases may result and whether Condition 20 will effectively exclude needed housing.

Applicant notes that the record for this matter includes testimony by several homebuilders that presently construct new homes in the city of McMinnville that the new design review criteria contained in Condition 20 would increase the cost to construct new homes in the Baker Creek North PUD. In furtherance of the testimony the home builders presented at the hearing, Applicant offers the following additional factual testimony regarding how Condition 20 will unnecessarily increase the cost to construct housing in the Baker Creek North PUD, and only the Baker Creek North PUD:

- Condition 20 will require builders in the Baker Creek North PUD to revise architectural drawings and structural engineering calculations for homes they presently construct in McMinnville and other jurisdictions to comply with design review requirements that will apply in the Baker Creek North PUD, and only the Baker Creek North PUD. Applicant conservatively estimates that the cost to revise architectural plans to comply with Condition 20 may range from \$800 to \$1,200, depending on the size of the home, and \$800 - \$1,000 to prepare new structural engineering calculations, again, depending on the size of the home. The total cost to create new house plans to comply with the design review requirements contained in Condition 20 could range from \$1,600 to \$2,200. This figure becomes more significant considering that Condition 21 states “no same home design shall be built in adjacency to another, including both sides of the street.” The term “adjacency” is vague and ill-defined and, as written, grants staff an exceptional amount of discretion without any clarifying standards to determine how far the same or “similar home designs” must be spaced apart from one another.
- Applicant conservatively estimates that the requirement to require articulations in side walls could increase the cost to construct new homes in the Baker Creek North PUD \$2,000 to \$3,000, and the cost to construct articulations in rear elevation walls could increase construction costs \$1,000 to \$3,000. Cost increases may be attributable to structural framing changes for shear walls; increased foundation costs to address ;



additional beam structures, increased siding material and installation costs, increased costs for roofing and soffits, increased costs for gutters and down spouts, etc.

- Applicant conservatively estimates that the multiple roof design requirements described in Condition 20 could increase the cost to construct new homes in the Baker Creek North PUD \$2,000 to \$3,000. Cost increases may be attributable to increased labor and material costs for structural framing; increased costs for roof trusses; increased material and installation costs for roof sheathing, roofing materials, and gutters and down spouts.
- The requirement to provide “windows” on all elevations is vague and ill-defined and, as written, grants staff an undefined degree of discretion to determine how many windows that builders will be required to include without any clarifying standards or criteria. This is significant because increasing the number and size of window openings in structural walls necessarily increases both material and labor costs to comply with structural framing requirements. Depending on the number and size of window openings staff may require, this requirement could increase the cost to construct housing in the Baker Creek North \$500 - \$1,000 per elevation.
- The design review standards in Condition 20 related to roof design requirements, the requirement to include vertical breaks on side and rear wall elevations, and window installations will not permit homes to be designed and constructed using a “prescriptive path” design methodology.
- During the hearing members of the Council questioned staff whether Condition 20 would include a “cost recovery mechanism.” It is well understood that “cost recovery mechanism” is a euphemism for a “fee” imposed on builders and/or homeowners to permit the city to recover staff’s cost to perform a specific, development-related task. In this instance, the task would be staff’s time to review building elevation plans to verify they comply with the design review standards contained in Condition 20 and additional time for staff to inspect a home after it is constructed, and prior to the issuance of an occupancy permit, to confirm the home was constructed in the manner proposed and in compliance with the requirements contained in Condition 20. If the city imposes a new fee to recover its costs to enforce the design review requirements contained in Condition 20 it will necessarily increase the costs to construct new, needed housing in the Baker Creek North PUD, and only the Baker Creek North PUD. Moreover, homeowners in the Baker Creek North PUD, and only the Baker Creek North PUD, would be required to submit a land use application and pay an accompanying review fee if they wished to do something as simple as replace a home’s front entry door, install new exterior lighting, or change the paint colors on their home.



Stafford Development appreciates the opportunity to present these supplemental materials to assist the Council in its decision-making process. Stafford Development further appreciates the opportunity to continue working with city staff to craft workable solutions that will strengthen and enhance the design qualities of the Baker Creek North PUD and make it a Great Neighborhood.

Very truly yours,

Gordon Root, Manager
Stafford Development Company



MEMORANDUM

Date: February 4, 2020

To: Bryan Cavaness
Land Development Manager
Stafford Development Company
8840 SW Holly Lane
Wilsonville OR 97070

From: Frank Charbonneau, PE, PTOE

Subject: Traffic Count Review
Baker Creek Road, McMinnville



FL2013

Recently Stafford Development provided a copy of the traffic counts on Baker Creek Road that were furnished by the neighborhood representatives. The data included two days of 24-hour classified traffic counts conducted on January 22nd & 23rd, 2020. The counts were recorded on Baker Creek Road east of Merlot Drive and west of Michelbook Lane.

In reviewing the data the neighborhood's January data yielded a maximum AM peak hour count of 742 vehicles (two-way volume). Their maximum PM peak hour count equated to 751 vehicles (two-way volume).

The counts used in the traffic study for the Baker Creek North development were collected in July 2019 and included peak hour counts at the Baker Creek Road and Michelbook Lane intersection. The two way count totals recorded on Baker Creek Road west of the intersection yielded totals of 482 vehicles and 762 vehicles for the AM & PM peak hours, respectively.

By comparison the neighborhood's count data is substantially higher in the AM peak hour than the AM volume applied in the traffic study. However, in the PM peak hour the traffic study's total is higher than both the AM & PM peak hour volumes collected by the neighborhood.

The PM peak hour in this case represents the critical analysis hour because the street volumes were higher than the AM values and the proposed development generates the highest number of site trips within this PM period.

We are confident that the Baker Creek Development traffic study dated July 2019 analyzed the worst case traffic scenario and sufficiently determined the associated impacts. Therefore, it is recommended that the City support the traffic study as it stands without consideration of any additional count data.

If you should have any questions, please contact Frank Charbonneau, PE, PTOE at 503.293.1118 or email Frank@CharbonneauEngineer.com.