

*Concurrent Applications for Zone Change, Major Amendment to a Planned Development Overlay and Subdivision Approval for properties located Southeast of the intersection of Hill Road and Baker Creek Road, East of the Michelbook Country Club, north of Cottonwood and Michelbook Meadows subdivisions.*

*Exhibit ‘C’*

**ZONE CHANGE, PLANNED DEVELOPMENT AND SUBDIVISION  
NARRATIVE**

**OVERVIEW:**

**Request.** The Applicant, Baker Creek Development, LLC, is the successor in interest to property known as Phase III of Shadden Claim subdivision (see attached Exhibit ‘O’). In addition, Baker Creek Development, LLC owns adjacent property that is part of the conceptual plan described in Ordinance No. 4626, which was approved by McMinnville City Council on July 9<sup>th</sup>, 1996. As part of Ord. 4626, the City Council approved an R-1 PD overlay and phased subdivision. The Applicant is now requesting review of three concurrent applications for:

- (1) Zone Change of a small portion of the subject property, roughly 13.6 acres, that is already annexed into the City, but has not yet received urban zoning to R-1 (Single-Family Residential), southern half of Tax Lot 205 (see Exhibit ‘B’ and ‘D’),
- (2) Major Amendment to the existing Planned Development Overlay on Tax Lot 203 (see Exhibit ‘B’) allowing the proposed major changes to the adopted site plan for Shadden Claim Phase III. Project approval will increase land area in the planned development, increase the number of housing units, decrease density from the original approval, increase open space, and create no significant change to the vehicular system. The application seeks flexibility in lot area, and, for certain lots, reduced front and side building setbacks, and
- (3) Four Phased Subdivision approval for the development of three tax lots, a 13.49-acre parcel, a 7.82-acre parcel, and a 23.01-acre parcel into 208 new single-family detached small, medium, and large residential lots and one multi-family lot.

**Submitted Attachments.**

- Exhibit ‘A’ Property Descriptions
- Exhibit ‘B’ Yamhill County Tax Map
- Exhibit ‘C’ Zone Change, Planned Development, and Subdivision Narrative
- Exhibit ‘C-1’ Planned Development Findings Narrative
- Exhibit ‘C-2’ Zone Change Findings Narrative
- Exhibit ‘C-3’ Subdivision Findings Narrative
- Exhibit ‘C-4’ Comprehensive Plan Findings Narrative
- Exhibit ‘D’ Existing Zoning Map
- Exhibit ‘D-1’ Aerial Map
- Exhibit ‘E’ Existing Conditions Map – Sheet P
- Exhibit ‘F’ Planned Development Site Area

- Exhibit ‘F-1’ Planned Development Overlay Zoning Plan
- Exhibit ‘F-2’ Typical Lots
- Exhibit ‘F-3’ Overall Development Plan
- Exhibit ‘F-4’ Walking Distance Plan
- Exhibit ‘F-5’ Overall Phasing Plan
- Exhibit ‘G’ Proposed Tentative Subdivision Plat – West – Sheets PL-1, PL-2
- Exhibit ‘G-1’ Proposed Tentative Site Plan – West – Sheets SP-1, SP-2
- Exhibit ‘G-2’ Proposed Tentative Utility Plan – West – Sheets C-1, C-2
- Exhibit ‘H’ Proposed Tentative Subdivision Plat – East – Sheets PL-3 PL-4
- Exhibit ‘H-1’ Proposed Tentative Site Plan – East – Sheets SP – 3, SP-4
- Exhibit ‘H-2’ Proposed Tentative Utility Plan – East – Sheets C-3, C-4
- Exhibit ‘I’ Photo Rendering of Baker Creek West Streetscape
- Exhibit ‘J’ Elevations – Baker Creek West
- Exhibit ‘K’ Elevations – Baker Creek East
- Exhibit ‘L’ Sample Photo Elevations for 50’ Wide Dwellings
- Exhibit ‘M’ Sample Photo Elevations for 26’ and 30’ Wide Dwellings
- Exhibit ‘N’ Example Approved Tentative Plats
- Exhibit ‘O’ Approved Shadden Claim Phase II & Phase III Tentative Plan
- Exhibit ‘P’ Future Public Park Plans (Preliminary)
- Exhibit ‘P-1’ Example Tot Lot and Active Open Space Photos
- Exhibit ‘P-2’ Example Tot Lot Playground Equipment

**Applicant/Agents.** Applicant/Owner: Baker Creek Development, LLC, Gordon C. Root and/or Rick L. Waible, Manager, and Morgan Will, Project Manager (Applicant/Owner’s Representative); 485 South State Street, Lake Oswego OR 97034; Agent: W. Josh Wells P.E., Civil Engineer, Westech Engineering, 3841 Fairview Industrial Drive SE, Suite 100, Salem OR 97302.

**Subject Properties.** The proposal is for an amended planned development, which includes the unimproved Shadden Claim Phase III, Tax Lot 203, and both Tax Lot 200 and 205, which are adjacent lots. All tax lots are found on Yamhill County Assessor’s Map No. 4-4-18 (see Exhibit ‘B’). The 57.48 acre amended planned development area has approximately 13.16 acres already built out, and a total of approximately 44.32 acres will be built out with this project. The subject properties are located to the south of Baker Creek Road, to the east of Hill Road and to the west of Michelbook Country Club, and north of Cottonwood and Michelbook Meadows subdivisions. The subject properties are currently vacant and being farmed or are fallow. The west portion of Tax Lot 203 is zoned C-3 PD. The east portion of Tax Lot 203 is zoned R-1 PD. Tax Lot 200 is zoned R-1. Tax Lot 205 is zoned R-1 on the northern portion, and still retains the remnant County EF-80 zone on the southern portion.

**McMinnville Comprehensive Plan Designation.** The July 2015 McMinnville Comprehensive Plan Map designates the subject properties as “Residential” with the exception of the 3.8 acres located at the southeast corner of Hill Road and Baker Creek Road which is designated as “Commercial.” The properties to the west, across North Hill Road are outside of the McMinnville Urban Growth Boundary and are designated as “Exclusive Farm Use” on the Yamhill County Comprehensive Plan. The properties to the north, across Baker Creek Road (owned by the Applicant) are within the Urban Growth Boundary of McMinnville and are designated as “Commercial” along Baker Creek Road and “Residential” behind. The other adjacent properties are within the City Limits of McMinnville and are designated as “Residential.”

**Surrounding Zoning and Land Use.** The many properties east of Tax Lot 203 are developed as earlier phases of the Shadden Claim subdivision and have an R-1 PD overlay, with uses and lot sizes similar to an R-3 zone along the common property line and along 23<sup>rd</sup> Street, including duplex townhouse lots (see Exhibit F-3). The properties to the north, across Baker Creek Road (owned by the Applicant) are within the Urban Growth Boundary of McMinnville and annexed, but still are zoned EF-80 (Exclusive Farm Use – 80 Acres) and are currently being farmed while awaiting rezoning to urban designations. Uses north of Baker Creek Road will include commercial along the frontage and residential behind once rezoned. The properties directly to the west of Tax Lot 200 and 203, across Hill Road, are outside of the McMinnville Urban Growth Boundary and are zoned EF-80 (Exclusive Farm Use – 80 Acres), but the area includes a 54-lot Measure 37 subdivision. East of Tax Lot 200 along Yohn Ranch Drive and north of the Cottonwood subdivision is Tax Lot 202. It is 4.73 acres owned by the City, which is designated and under development by the City Parks Department as a future park scheduled for construction summer of 2017 (see Exhibit P), and within Tax Lot 202 there is an existing trail that connects north through the amended planned development to Baker Creek Road and south through the Cottonwood subdivision to SW 2<sup>nd</sup> Street. Tax Lot 300, south of Tax Lot 200 between Yohn Ranch Drive and Hill Rd, is 10.91 acres, owned by the local school district and planned for a future school (see Exhibit ‘B’). SE of Tax Lot 200 and SW of Tax Lot 205 is the Cottonwood subdivision development zoned R-2 PD, and a portion of which, located adjacent and kitty corner to the SE of Tax Lot 200, is built to the R-4 density with townhomes. The undeveloped parcel west of Tax Lot 205 is zoned R-1 (Single Family Residential). It contains the beginning of the drainage which comes from Meadows Dr. The properties to the north of Tax Lot 205 are the earlier phases of the Shadden Claim development described above, and are all zoned R-1 PD. The property to the east of Tax Lot 205 is the private golf course (Michelbook Country Club). The property to the south of Tax Lot 205 is zoned R-1 PD and developed as Michelbook Meadows subdivision. (See Exhibit ‘D’ and Exhibit ‘D-1’).

**Natural Features.** There are no existing floodplain or floodway boundaries located on the subject properties as designed on the Federal Emergency Management Agency’s (FEMA) floodplain maps. A wetland delineation was completed and concurrence received from the Oregon Division of State lands for the project. Identified wetlands and significant vegetation on the site will be in tracts and conservation easements shown on the plat and protected through provisions in the CC&Rs recorded with the plat (see Exhibits ‘G’, ‘H’, & ‘F-3’). The subject property is relatively flat (1 – 2% slopes) and has no risk of landslide susceptibility (see Exhibit ‘E’).

**Site Development Concept.** The intent of the proposed Zone Change is to apply urban zoning, R-1 (Single Family Residential), to the southern portion of Tax Lot 205, not rezoned at time of annexation. The intent of the application for concurrent Planned Development Overlay and Subdivision applications is more fully explained in the response to the planned development criteria under Exhibit ‘C-1’ attached to this narrative, in response to the response to Zone Change criteria in Exhibit ‘C-2,’ and response of the subdivision request found under Exhibit ‘C-3’ attached to this narrative. In general, it is to provide for flexibility in lot area and front and side setback regulations to meet site development objectives that include, but are not limited to: (1) provide a variety of lot and dwelling sizes to meet market needs for single family dwellings in the City of McMinnville, (2) provide appropriate transitions of housing density and dwelling scale across the subject site between future development, existing zones, and current development patterns for adopted plans, and (3) to meet physical site constraints, protect natural resources, and

at the same time serve the changing housing preferences and market conditions in the community and City. Expanding the range of housing mix is supported by various policies listed in the McMinnville Comprehensive Plan. It is the applicant's intent to provide an attractive mixed housing development to compliment surrounding uses while providing a sense of community for the residents and recognizing the necessary economic value of providing housing alternatives. It is also the intent to coordinate land use with transportation and future transit needs, in a manner that places higher intensity land uses in proximity to schools, parks, commercial areas, transit corridors and major streets in order to more efficiently and effectively use those resources. Finally, the layout considers existing development patterns and the need to extend services and access, and balances these interests with the protection natural resources.

**Access and Circulation.** Access to the proposed lots of the proposed Planned Development will be from Hill Road, 23<sup>rd</sup> Street, Yohn Ranch Drive and Haun Drive for the new BCW phases, and from stubbed streets to the new BCE phases at Snowberry Street, McGeary Drive, Mahala Way, Shadden Drive, Victoria Court and Cottonwood Drive. Access will be facilitated to both Hill Road and Baker Creek Road, both designated minor arterial streets.

*Exhibit 'C-1'*

**PLANNED DEVELOPMENT AMENDMENT**

The proposal is to amend the existing planned development, Ordinance #4626. In this Findings Document, applicable code and criteria for approval are written in ***Bold Italics, Arial Narrow 11 Point Font***.

**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:***

***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.)***

***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.)***

***E. A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as***

*the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*

*F. A property owner shall not be required to pay an additional fee when the planned development overlay was originally initiated by the Council or Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The purpose statement set forth in MZO 17.51.010 is not a mandatory approval standard. Although the code states that the City Council should take the purpose statement set forth in 17.03.020 “into consideration,” when approving a zone change, MZO 17.030.020 is not written in mandatory terms. *Bothman v. City of Eugene*, 51 Or LUBA 426 (2006) (Considerations are not mandatory approval criteria, but should be reviewed and balanced with other relevant plan policies); *Heitsch v. City of Salem*, 65 Or LUBA (2012) (City should adopt findings supporting mandatory considerations, even if the individual policies are not mandatory approval criteria that must be independently satisfied or complied with).

Nonetheless, the proposed amended planned development meets the purpose of a planned development. It uses flexibility and freedom in design to create variety in lot type, lot area and width, and dwelling size, to create a community to serve housing needs in McMinnville. The approval of the amended planned development proposed will result in a community of existing and new residential dwellings, including multi-family, attached, and detached single-family homes. Rather than a repetitive pattern of similar housing type, the proposal will use creative and new methods in small lot single-family residential development to meet community needs that are an alternative to the standard townhouse approach. Medium and large homes are also planned for on a variety of lot sizes. These lots also have varied side yard setbacks, serving those who want large yards and those who don't. The building width for the medium and large lots where side yard setbacks are narrower remain wide enough to preserve reasonable home square footage or off-street parking on the lot. Natural features of the site are preserved to the greatest extent possible. Lots are arranged around these features. Streets are terminated in cul-de-sacs where extension of the street system would destroy the natural features. Natural features will be placed in conservation easements on lots or in common open space tracts, as appropriate, to preserve them. Additional active open space is created for casual play by residents at convenient locations in the community, and multiple walkways are proposed to encourage pedestrian and bicycle movement to and from the community. The flexibility in lot size and setbacks requested are intended to achieve the objectives of the planned development. The plan is submitted as required by Section 17.51.030. (See response to 17.03.020 in Exhibit ‘C-3’)

***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;***
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).***

### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The principal land use in the portion of the site area designated in the comprehensive plan map and zoning map as C-3 PD, for multi-family use, will be used for multi-family use. The rest of the land

is designated for R-1 or R-1 PD residential use on the comprehensive plan map and zoning map, except the south part of Tax Lot 205, which retained remnant County zoning upon annexation. The south part of Tax Lot 205 is proposed to be rezoned with this proposal. The underlying zone allows for 336 combined dwelling units, and the proposed amended planned development calls for a maximum of 335 dwelling units within the planned development boundary (see Exhibit ‘F-3’).

**17.51.030 Procedure.** *The following procedures shall be observed when a planned development proposal is submitted for consideration:*

**A.** *An applicant shall submit twenty-one (21) copies of a preliminary development plan to the Commission for study at least thirty days prior to the Commission meeting at which it is to be considered. The preliminary plan shall include the following information:*

- 1. Proposed land uses, building locations and housing unit densities.*
- 2. Proposed circulation pattern indicating the status of street ownership.*
- 3. Proposed open space uses.*
- 4. Proposed grading and drainage pattern.*
- 5. Proposed method of water supply and sewage disposal.*
- 6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.*
- 7. Relation of the proposed development to the surrounding area and the comprehensive plan;*

**B.** *Prior to discussion of the plan at a Commission meeting, copies shall be submitted by the Planning Director to City departments for study and comment;*

**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;*
- 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;*

#### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The Applicant has provided the requisite copies with the above listed information. The Applicant requests the City use these procedures, and appropriate others listed in the code, to considering the findings in the Staff Report created from review of the proposal, and the proposal which show, in response here to Section 17.74.070, these factors are met.

**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;*

#### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

If, in the opinion of the approval authority any of the required provisions are not satisfied upon review, then the Applicant requests the City apply the second option listed above, and return the plan to the applicant for revision, and re-submittal for review thereafter.

***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;***

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The Applicant requests the City attach conditions to carry out the purpose of this ordinance, as is necessary to comply with the code.

***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;***

**SUPPORTIVE CONCLUSIONS:**

The Applicant requests the City apply the above listed procedures in the review process.

***G. Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved site plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the City 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 him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners;***

***H. An approved planned development shall be identified on the zoning map in addition to the existing zoning. (Ord. 4242 §1, §2, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).***

**SUPPORTIVE CONCLUSIONS:**

The Applicant will apply for construction on the basis of approved plans, or request permission for changes as required by this code.

***The McMinnville Zoning Ordinance of 1981, Chapter 17.74, Section 17.74.070 provides the criteria for approval for Planned Developments.***

***Section 17.74.070(A). There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirement.***

**SUPPORTIVE CONCLUSIONS:**

The Applicant seeks to achieve a number of special objectives as part of the overall development concept for the subject properties:

- (1) Provide a diversity of lot sizes and housing sizes at various price points to meet today's market need of home consumers in McMinnville for quality, choice and affordability,
- (2) Focus on the detached Single Family Residential housing type,
- (3) Offer open space amenities to the residents,
- (4) Ensure adequate off-street parking,
- (5) Avoid a linear "cookie cutter" approach to housing,



- (6) Provide an appropriate transition of housing density across the development between varying existing and future uses, and
- (7) Preserve natural amenities and address physical site conditions and constraints.

The proposed development addresses each of these special objectives. A planned development amendment approval is sought because the proposal increases the overall land area subject to the existing planned development. The proposed plat adjusts density distribution across the PD, and increases open space within the PD. Some standard base zone requirements impede the Applicant's ability to accomplish these goals (for a summary of what standards are requested to be adjusted, see responses in Exhibit 'C-3').

Each of these objectives is discussed in detail below.

(1) Housing Affordability, Diversity, and Variety

a. The Need for More Affordable Single-Family Homes in McMinnville and Yamhill County

The Greater Portland (Oregon) Metropolitan Statistical Area, including Columbia, Washington, Multnomah, Clackamas, and Yamhill Counties, continues to enjoy steady population growth while suffering a housing shortage. In particular, Yamhill County's population continues to grow, and the supply of affordable single-family detached homes has not kept pace with the demand. Yamhill County's population in 2017 is estimated to be 102,750.<sup>1</sup> The city of McMinnville's current population is estimated at 34,575. The County's adopted population forecast shows growth of more than 10,400 people expected in the 2016-2036 period, resulting in a demand for nearly 4,050 new dwelling units.<sup>2</sup> Assuming the popular demand for housing mix (of multifamily, manufactured, and detached single-family homes) remains roughly the same as in the 1990-2010 period, than over 75% of the new housing units would be single-family detached homes. The new housing mix proposed with this amended planned development is 74.8% single-family detached, roughly consistent with projected popular demand (208 SFD with 70 multi-family, for 208/278=74.8%). The remaining units to meet the demand projected would be nearly 790 new multifamily units and 100 +/- new single-family attached units (e.g. townhouses).<sup>3</sup> The up to 70 multi-family units proposed for the amended planned development would help meet the need for this type of housing, and would also be roughly consistent with the trend for percent of production of multi-family units.

Home sales prices have increased faster than real wages for Yamhill County residents. The median home sales price in Yamhill County increased by 25% (or \$50,000) between 2010 and 2017. Yet Yamhill County median incomes grew only 20% (or \$9,153) during this same time period. The median home sale price in Yamhill County in 2016 was \$286,600. For McMinnville, the median home price was \$295,000 in 2016 for all homes, including condominiums, townhomes,

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<sup>1</sup> US Census Bureau estimate.

<sup>2</sup> "Population Forecasts for Yamhill County, its Cities and Unincorporated Area 2011-2035"  
Population Research Center College of Urban and Public Affairs, Portland State University  
October 2012

<sup>3</sup> Id., page 2.

manufactured homes, etc., whether or not on the market. For newly constructed single-family homes, the March 2017 median price is \$399,450.<sup>4</sup>

The city of McMinnville has a housing mixture similar to the state of Oregon as a whole. In McMinnville, 74% of the housing units are single-family detached homes, while the state-wide figure is 72%. Yamhill County as a whole has an unusually high percentage of single-family detached residences, 87%, which reflects a strong local preference for single-family detached houses.

The median 2016 household income in the city of McMinnville was \$47,851, which is below the Oregon median income of \$50,521. While Oregonians as a whole enjoyed a 24% increase in median household income from 2000 to 2015, the increase for McMinnville residents was only 17%. Newberg residents, in contrast, enjoyed a 22% increase in median household income, and Dundee residents a 28% increase during this same period.

Due to this discrepancy between the slow rate of income growth, and the more rapid increase in housing prices, Yamhill County homes have become less affordable for average buyers. The ratio of housing value to household incomes shows that home values increased faster than incomes since the year 2000. In Yamhill County, the 2015 median home value was 3.8 times the median income, up from 3.2 in 2000. The ratio is consistent with statewide trends, indicating homeownership has become less affordable in the last fifteen years. At a median income of \$47,851, the average McMinnville family seeking to purchase a home can afford to pay roughly \$232,000.<sup>5</sup>

As mentioned above, Oregon Statewide Planning Goal 10 and the McMinnville Comprehensive Plan require the city to provide housing that is affordable to all households in a community. “Cost burden” is a useful measure of housing affordability. According to federal HUD guidelines, a household that spends more than 30% of its total income on housing is said to be “cost burdened.”<sup>6</sup>

Of the populations studied (*i.e.* Oregon as a whole, Yamhill County, and the cities of McMinnville, Newberg, Dundee and Carlton), McMinnville has the highest percentage of cost-burdened residents. While only 22% of Yamhill County residents and 6% of Dundee residents are cost-burdened, in McMinnville the percentage is higher: 28%.

This is a clear indication that the city of McMinnville needs more single-family dwelling units affordable to the average Yamhill County home-buyer. McMinnville is an attractive community for residential buyers for many reasons, including the small-town atmosphere, good public schools, natural beauty, access to outdoor recreation, and proximity to the Portland metro area. The Applicant proposes to meet this need for more single-family detached dwelling units with the mix of lot sizes, including smaller lots that are more affordable, as proposed in this amended planned development.

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<sup>4</sup> First American Title Market Analysis Report for McMinnville, Oregon 97128 - Current Real Estate Market Conditions for Single Family Homes · Trends in Pricing · Current Levels of Supply and Demand · Value Metrics - Report for the Week of March 13, 2017, page 2.

<sup>5</sup> <http://www.realtor.com/mortgage/tools/affordability-calculator/>

<sup>6</sup> Elise Hui, Executive Director, Housing Authority of Yamhill County, presentation to the McMinnville City Council, May 12, 2015.

b. The Need for More Homes In the \$240,000 to \$320,000 Price Range in McMinnville

McMinnville currently has considerable demand for housing. It is what is known as a “seller’s market” with demand continuing to increase.<sup>7</sup> The city has not conducted a housing inventory analysis for 16 years,<sup>8</sup> but it is clear that housing demand (for both renting and purchasing) is high. From our analysis of the study area, which includes both R-2 residential subdivisions and R-4 zoned multi-family lots, it appears the average newer R-2 home has a fair market value around \$282,000 (with an average 1,736 sq. ft. house), while older nearby R-1 houses are valued at \$328,240 (with a 2,456 sq. ft. house). As the analysis of local residential land use patterns shows, there is a strong local preference for detached single-family houses with a moderately-sized yard, among Yamhill County homebuyers who can afford them. Granting this proposal an approval will increase the stock of such affordable homes, currently in considerable demand.

The following subdivisions were selected as examples as the newest subdivisions approved by the city of McMinnville (there was a significant drop-off in housing Yamhill County residential construction following the 2008-2009 economic downturn).<sup>9</sup>

R-2 Subdivisions (av. house 1,796 sq. ft, av. lot 7,386 sq. ft) Total Cost

West Valley Estates I	\$280,831
West Valley Estates II	\$262,283
West Valley Estates III	\$307,681

Av. West Valley house size: 1,736 s.f. Av. lot size: 8,890 s.f.

Oak Ridge Sub.	\$252,043
Oak Ridge Sub. 1 <sup>st</sup> Ad	\$306,750
Oak Ridge Sub. 2 <sup>nd</sup> Ad	\$360,750

Av. Oak Ridge house size: 1,796 s.f. Av. lot size: 7,886 s.f.

Valley's Edge Phase III \$240,225

Av. Valley's Edge lot size: 1,503 s.f. Av. lot size: 7,968 s.f.

R-4 (multi-unit) Subdivisions: (av. home 1,403 sq. ft; lot 5,218 sq.ft.) Total Cost

Bungalows at Chegwyn Village	\$244,127
Bungalows at Chegwyn Village II	\$230,664

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<sup>7</sup> First American Title Market Analysis Report for McMinnville, Oregon 97128 - Current Real Estate Market Conditions for Single Family Homes · Trends in Pricing · Current Levels of Supply and Demand · Value Metrics - Report for the Week of March 13, 2017, page 2.

<sup>8</sup> The city’s “McMinnville Residential Land Needs Analysis” report prepared by EcoNorthwest in May, 2001.

<sup>9</sup> An additional R-1 subdivision, Aspire Community Development, was omitted, as it is a *Habitat for Humanity* project and thus not subject to standard real estate market analysis.

To use a real estate phrase, many Yamhill County families are “priced out” from purchasing a more expensive house, but could potentially afford the homes proposed in this land-use application (*i.e.* a R-1PD zoned home priced from \$260,000 to \$320,000).

The National Association of Home Builders created a “Priced Out” metric to measure how many potential buyers are precluded from purchasing as the price of the houses increase. Most home buyers take out a mortgage to finance a purchase of a new home, so the Priced Out model uses ability to qualify for a mortgage as an affordability standard. To qualify for conventional loans, housing expenses should not exceed 28 percent of homebuyers’ gross monthly income.<sup>10</sup>

Monthly housing costs include principal and interest on the mortgage, property taxes and homeowner’s Insurance – often abbreviated as “PITI”. The affordability standard is thus a ratio of housing expenses to income, and the number of households that qualify for a mortgage to buy a home of a given price will depend on the income of households in an area and current mortgage rates. Using this standard, how would granting the application an approval improve home affordability for Yamhill County residents?

At a median income of \$47,851, the average local family seeking to purchase a home in McMinnville can afford to pay roughly \$232,000.<sup>11</sup> The median price for a newly-built McMinnville single-family house for sale on the market in March 2017 is \$399,450.<sup>12</sup> To afford this price, a family would need an income of approximately \$116,200. Few McMinnville residents earn that much; perhaps as few as 200 households have this level of income or higher.

The Applicant proposes homes in the BCW that are expected to sell for somewhere in the \$245,000 to \$320,000 range. To purchase one of the proposed new homes in this range, a purchaser would need an income of \$79,200 to \$97,310. Using 2017 national income distribution figures scaled to local demographics, perhaps as many as 1,800 households in McMinnville earn that much annually.

On top of that, there may be even more opportunities for potential buyers who purchase individual finished lots in BCW. All of the finished lots in BCW are anticipated to sell at \$80,000 to \$85,000. If we take an industry-standard figure of lot price making up 1/3 of total home price, a finished home could be built on a BCW lot for as little as \$240,000. At that price, an annual household income of only \$77,500 is necessary to purchase without being cost burdened.

Assuming that roughly 60%<sup>13</sup> of the McMinnville population is interested and able to purchase a new home, more than a third (35%) of McMinnville’s potential home-buying market is able to afford this price without being cost burdened.

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<sup>10</sup> National Association of Home Builders, *State and Metro Area House Prices: the “Priced Out” Effect*, Natalia S. Siniavskaia, August 1, 2014.

<sup>11</sup> <http://www.realtor.com/mortgage/tools/affordability-calculator/>

<sup>12</sup> First American Title Market Analysis Report for McMinnville, Oregon 97128 - Current Real Estate Market Conditions for Single Family Homes · Trends in Pricing · Current Levels of Supply and Demand · Value Metrics Report for the Week of March 13, 2017, page 2.

<sup>13</sup> 40% of a typical municipal population is assumed to not be in the market to purchase a home, for a variety of reasons, e.g. they are children, college students, residing in assisted living or institutions, or financial reasons. <https://www.trulia.com/blog/trends/2016-housing-predictions/>

In summary, given the median family income, house prices and residential development patterns in the city of McMinnville, approving the proposed amended planned development would make homes on this site affordable to many more families as compared to the homes built to the base zone standard. We caution that overall affordability on the west side is limited by Plan Policy 71.01 (average density must be less than 6 units per acre, as limited by sewer capacity). Even with that strict limit, granting this amended planned development request will allow construction of new homes that at least 1,800 Yamhill County families could potentially afford. The vast majority of those same 1,800 families are priced out of buying a newly-built single-family home at the March 2017 median market price of \$399,450.

It is also important to note that the availability of new construction affordable housing has a positive secondary effect on the overall housing market. When new homes are purchased by locals who are “upgrading” their living accommodations from rentals, this frees up those rental housing units for other people. In other words, more housing has the effect of helping to alleviate some of the housing shortage. Yamhill County Housing Authority Executive Director Elise Hui reported that her agency had a 1,328-person waiting list for Section 8 housing subsidies as of March, 2015.<sup>14</sup>

Another important consideration is compact urban form. Oregon has been a leader in finding ways to develop land more sustainably and efficiently. As part of this effort, we have seen a move towards more compact urban form, which includes development of single-family detached homes on smaller lot sizes. While all developments have fixed infrastructure costs such as streets, sewer, and water, we can lower the cost of housing to the homebuyer by reducing the costs of creating a lot. One of the ways is to reduce the lot sizes. If a traditional base zone lot of 72 feet wide is built, the infrastructure costs of that lot would be roughly in the \$30,000 range. However, if we build a 32 feet wide lot next to a 40 feet wide lot, those same fixed costs can be distributed between those two lots. The result is twice the number of dwelling units for the same hard cost as compared to one traditional 72-foot wide large lot. This design philosophy embodies minimal use of finite fuels, raw materials, and limited urban land availability to provide affordable homes through efficient use of land and resources.

The Baker Creek Planned Development strives to achieve a proper mix and balance between housing size and amenities on the one hand, and affordability on the other. The overall density limit of six units per acre imposed by Plan Policy 71.01 makes this challenging. Nonetheless, the greater zoning flexibility offered by this Planned Development allows more alternatives in housing types and housing affordability, which:

- Responds more effectively to the diversity in housing needs and preferences that characterizes the McMinnville community's resident population,
- Supports the ability of older adults and individuals with disabilities to successfully age in place in their own communities, remaining close to family, friends, community organizations, and other contacts, and
- Stabilizes the community's residential base by providing residents with greater choices for successfully remaining in the community instead of relocating to other communities to find housing choices that better meet their needs.

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<sup>14</sup> Elise Hui, Executive Director, Housing Authority of Yamhill County, presentation to the McMinnville City Council, May 12, 2015.

MZO 17.51.030(C)(4) requires planned development plats to be “completed in a reasonable amount of time.” Given that the City has recently experienced absorption rates of approximately 100 dwelling units per year, the four phases of the Baker Creek PD are anticipated to be built and sold in roughly four years. Of course, the best way to ensure timely sales is to increase the diversity of the offered housing choices in order to appeal to the widest demographics and different segments of the population.

The proposal provides single family detached home lots at an overall density range conforming to the comprehensive plan and zoning (see Table 3.0 Exhibit F-3), but more importantly, it provides lot sizes and yard areas that vary to create different price points for buyers with different needs. The project will deliver lots with both smaller yard areas and standard yard to meet varied consumer preferences for landscaped space on the lot. Equally important, the proposal offers lots with a range of building envelopes to allow different dwelling sizes, creating the diversity and variety in the housing generated by the development.

This is achieved simply in the proposed planned development by creating lots on the BCE phases that all have a minimum building envelope width of 50 feet, yet depth, and more importantly side yard setbacks vary.

- Some lots are at least 70 feet wide to allow standard ten feet (10’) wide side yard setbacks and a 50’ feet building envelop. These lots all meet or exceed the 9,000 square feet minimum lot area of the underlying zone, and are referred to as Single-Family Detached lots of 70’ width, or SFD-70, in this application. These are standard lots and meet all of the R-1 code.
- Other lots are 65 feet wide and the planned development would permit them to have seven and a half feet (7.5’) wide side yard setbacks and a 50’ building envelop, and are referred to as Single-Family Detached lots of 65’ width, or SFD-65, in this application. Lot depths would vary, creating diversity in lot area and landscaped yard area. The average area of all SFD-65 lots in the project would be 6,500 sq. ft. All other lot standards of the R-1 code would apply.
- Still other lots would have a 60 feet typical width at the front building line to allow a 50’ wide dwelling with five feet (5’) wide side yard setbacks, referred to as Single-Family Detached lots of 60’ width, or SFD-60, in this applications. Again lot depth would vary, creating variety in lot area and landscaped yard area. The front building setback would be 15’. The average area of all SFD-65 lots in the project would be 6,000 sq. ft. All other lot standards of the R-1 code would apply.

In the BCW phases, the approach is to offer small lot single-family detached housing. The target width for a building envelop is 26’ wide and 30’ wide. The smaller 26’ wide dwellings are proposed with interior side yard setbacks of 3’, and are referred to as Single-Family Detached lots of 32’ width, or SDF-32, in this application. Lots are 32’ wide minimum and depth is consistently 100’ or greater, allowing all lots to be no less than 3,200 square feet in area. Corner lots have a 15’ street side setback and thus are larger. The larger 30’ wide dwellings are proposed with interior side yard setbacks of 5’, and are referred to as Single-Family Detached lots of 40’ width, or SDF-

40, in this application. Lots are 40' wide minimum and depth is also consistently 100' or greater, allowing all lots to be no less than 4,000 square feet in area. Corner lots again have a 15' street side setback and thus are larger. These R-3 Modified and R-4 Modified lots all have 15' front building setback. Garage and rear setbacks are all 20' standard per R-1 code. On the BCW phases, lots alternate so there is 8' between buildings. Lots are placed together along each street frontage mixed. With this lot pattern the community developed will offer a variety of housing on each block. (See Exhibit 'F-1').

This area of McMinnville currently has a number of small townhouse and duplex lots as well as medium sized lots. Approval of the proposed planned development will allow for small lot single-family detached homes on the BCW phases and medium and larger single-family detached homes on the BCE phases, as well as multi-family on the existing area zoned C-3 PD. This development will truly provide housing variety to meet the needs of the consumer in the McMinnville market.

### (2) Focus on the Detached Single Family Residential Housing Type.

A 2014 residential preference study done by DHM Research for Metro<sup>15</sup> shows that about 80% of people view detached single-family dwellings as their preferred housing choice. Only 7% prefer single-family attached dwellings, such as townhomes. In recognition of this fact, the Applicant has specifically designed the amended PD with detached single-family housing type in mind. 74.8% of the new residential dwelling units are single-family dwelling units.

Of the overall 335 dwelling units in the amended planned development boundary:

- 70 are proposed multi-family,
- 208 are proposed single-family detached,
- 31 are existing single-family detached, and
- 26 are existing attached duplex townhouses.

Thus, in total, 71% are detached single-family residential lots, 7.8% are single-family attached, and 20.9% are multi-family.

The proposed lot mix is targeting a mix of housing type shown as preferred, while focusing on affordability too. The small lots for single-family detached dwellings in the BCW phases are for dwellings that mimic the overall size, internal floorplan, and cost of a townhouse, but which offer the increased quiet enjoyment, privacy and window light offered by detached units that people prefer. We believe the McMinnville market will be highly receptive to this housing type, and we expect strong demand for these homes. Their sizes allow them to be more energy-efficient compared to larger residences. They can serve as housing for families seeking to downsize, new households looking for a starter home, and the workforce looking to move up to owner occupancy. The high density residential apartments and existing duplex townhouses in the amended planned development help the project reach the absolute broadest housing demographic, yet the overall emphasis of the development remains on detached homes to meet housing preferences.

### (3) Open Space Amenities

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<sup>15</sup> (<http://www.oregonmetro.gov/residential-preference-study>)

Planned Developments typically offset their increased density and their resulting smaller lots with common open space, and proposed amended planned development is no exception. The Applicant’s submittal to the City during Planning Commission review showed a tract of 6,000 square feet for a playground in BCW. However, the Planning Commission concluded that there was a need for more open space in the BCW phases. In hindsight, we agree with this feedback, and the BCW phases now propose 29,001 square feet of active open space, as follows:

ACTIVE OPEN SPACE A	10,094 sf
ACTIVE OPEN SPACE B	11,392 sf
TOT LOT/PLAYGROUND	7,515 sf

We propose to improve the tot lot with playground equipment, a picnic table, and bench. Active Open Space A and B will be landscaped with manicured grass lawns suitable for active play by the residents of the development. All of the new active and passive open space areas of the development will be maintained by a homeowner’s association. (see Exhibit ‘F-3’)

(4) Provide Double the Required Amount of Off-Street Parking While Also Maximizing On-Street Parking.

Parking can also present challenges in developments that propose compact urban form. Having witnessed mistakes from others by developers who did not provide sufficient parking in small lot projects, Baker Creek Development LLC is committed to providing sufficient off-street parking so that on-street parking can be primarily for guests. Therefore, each small lot detached single-family unit in the BCW phases will have four off-street parking spaces. This will include a two-car garage and full-sized, 20-foot long driveway pads in front of the garage. Overall, we are confident that our design exceeds McMinnville city off-street parking standards by 100%. Driveways will be paired where feasible in order to maximize on street parking as well, so the overall on-street and off-street parking total exceeds five spaces per single-family detached dwelling unit. The off-street and on-street parked vehicles in the BCW phases are graphically represented in the site plans and overall development plan, which includes a parking summary table (see Table 2.0 in Exhibit ‘F-3’ and Exhibit ‘G-1’).

(5) Building Community Through Design: Eliminating Linear “Cookie Cutter” Approach to Housing.

A primary goal of the amended planned development is to avoid the appearance of monotonous tract housing (aka: “cookie cutter”) pattern of development. Historically, tract housing development has met the need for affordable housing by creating repetition and economy of scale in housing production to reduce labor and material costs. However, the elevations of the tract homes often lacked diversity, resulting in dull neighborhoods with less individual character and charm. To ensure a visually stimulating and vibrant streetscape, the following six measures are proposed:

1) Lot Size Mix and Side Setbacks:

On the BCW phases, lots are arranged so that every other lot is a different width and has different side yard setbacks (3’ and 5’ respectively), therefore dwelling widths on those lots and side yard spacing on each lot may vary. Minimum interior spacing between dwellings



will be eight (8) feet). This mix promotes a variation in the streetscape inherently without even addressing building elevation plans. On the BCE phases, almost every street has one lot type on one side of the street with a different lot type on the opposite side of the street, creating for variety of lot widths and side yard setback widths along any given street length. This pattern will create variety and avoid “cookie cutter development” without yet even considering building elevations.

2) Front Setbacks:

The front building setback for SFD-32 and SFD-40 lots in the BCW phases is 15’ feet, which will allow home designers and builders some flexibility in treatments of the facades in terms of the relationship between the garage door (standard 20’ setback), front entrance, porches, roof lines, and upper floors. This flexibility will add texture to the elevations of dwellings to avoid monotony in the front of the buildings, and will enhance the streetscape.

3) Architectural Pattern Book:

To ensure diversity in building elevations and to avoid home construction in a “cookie cutter” pattern, prior to issuance of residential building permits, the builder shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the development. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, garages will need to either be on the same plane as the front entry or recessed from the front entry, at least three material types will need to be used on the front elevations, driveways should be adjacent to each other, where possible, to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
- b) Quality and Type of Exterior Materials
- c) Front Porches / Entry Areas
- d) Roof Design and Materials
- e) Exterior Doors and Windows
- f) Garage Door Types
- g) Exterior Lighting
- h) Sample Exterior Colors

- 4) No building of the same elevation, or reverse elevation, will be built on adjacent lots or the three lots located directly across the street. This is known as the “five-finger rule.”
- 5) Through implementation of Plan Policy 99.10, the developer will set aside for six months following tentative plat approval 25% to the lots for sale for owner-developer purchase.
- 6) Finally, we will create CC&Rs that include maintenance provisions and feature an Architectural Review Committee (ARC), which will be tasked with maintaining a supervisory role over housing design and construction.

## (6) Housing Density Transition

The original Shadden Claim approval provided for transition in housing density across the phases of the site through an R-1 PD overlay zone. Larger lots were to the east in Phase I, and the development pattern transitioned to smaller lots and more housing density to the west part of the site over Phase II and Phase III. The changes proposed with the addition of new land and modified development pattern also provides for transition in housing density from east to west.

The medium sized lots ranging up from 6,000 square feet, originally part of Phase III, are moved with this proposal to Tax Lot 205 (BCE). They are located within Tax Lot 205 in the center and west part of that phase of the proposed development. Following the same pattern of original approval, lots are larger and density is lowest in the east and south part of Tax Lot 205 adjacent to the Golf Course and Michelbook Meadows subdivision, where lots are standard R-1 types. Proposed new lots on Tax Lot 205 west of Victoria Drive and west of Shadden Drive decrease in size until the phase meets the border of the existing Cottonwood subdivision, which was developed at a higher R-2 PD density. The flexibility requested with the PD application to allow for smaller side yard setbacks on the BCE phases (Tax Lot 205) allow for housing sizes from 50' wide dwelling units and narrower. The lot width and depths vary, and lot area too, creating the transition in density.

Tax Lots 203, which was the original Phase III, and Tax Lot 200, which is providing increased area to the PD, are proposed for small lot single-family detached development pattern. The smallest lots in the completed phases to the east are about 3,500 square feet, so as the density transitions west the proposed approach of slightly smaller lots in the 3,200 and 4,000 square feet range for a slightly higher density is appropriate.

The transition continues the pattern of density transition from east to west toward a node of activity in the NW corner at the intersection of Baker Creek Road and Hill Road where property is currently designated by the zoning code for commercial use, including multi-family residential at 20 Dwelling Units per Acre on the SE corner of the intersection and neighborhood commercial on the NE corner. This west portion of the site is also flanked by a future park and future school site, conditions that were not in place upon the original approval, and which make the area more suitable for the proposed amended development plan. On the other two flanks are minor arterial streets Baker Creek Road and Hill Road. The proposed small lot single-family detached pattern of development is appropriate for this area and helps meet the need for transition density through this area from existing phases of development to the multi-family portion of the site, and to the townhouses south of the site built with the Cottonwood subdivision at a density of 15-20 dwelling units per acre.

Another special objective for development of the BCW phases as a planned development is to maintain the single-family home character of the surrounding area to the greatest extent possible while providing the desired density transition. The applicant's proven approach to small lot single-family detached residential development with modified side and front yard setbacks (see Exhibit 'N'), allows for higher densities to the west while maintaining the single-family home character of the surrounding area. It mimics the zoning code to produce a lot and dwelling type that is better than what would be built with townhomes in a standard R-4 zoned development, which is the housing type typically used to transition between detached housing and multi-family housing or

commercial uses, as is the case with this site. Small lot single-family detached housing development is better for the consumer (future resident) because these lots are free from a burdensome common wall agreement required with attached townhouses. With small lot single-family detached developments, the resident has exterior access to both sides of the dwelling structure, access to the rear yard without going through the living room (as compared to interior townhouse units), windows on all sides, and has a lot area that is a minimum of 3,200 square feet, as opposed to 2,500 square feet in a typical R-4 townhouse development. That means for a standard 100 feet deep lot the planned development approach allows for a 26 feet wide dwelling, at the low end with the SFD-32 type lots, as opposed to the 25 feet wide dwelling of the typical R-4 interior townhouse lot structure. The proposal offers 30 feet wide dwellings at the high end with the SFD-40 type lots. All of these homes on small lots will have two car garages and be at a scale that is more compatible with single-family detached dwellings in the area, maintaining that character and value in the community.

Distributing the density across the site as proposed optimizes the number of dwelling units conveniently located within walking distance of the adjacent future school site, future city park site, and the future commercial development property located across Baker Creek Road. As well as concentrates them near Hill Road and Baker Creek Road to facilitate transit opportunities in the future on those streets.

#### (7) Protecting Key Natural Features on the Property by Incorporating Them into the Design

Another special objective for development is to preserve the onsite wetland areas to the greatest extent possible. In this way, there are also special physical conditions the proposed planned development attempts to address with the proposed site plan and plat, which graphically represents the variations requested to the side yard setbacks and lot areas across the site to achieve development objectives yet avoid resources where possible. For example, the existing wetland at the proposed cul-de-sac terminus of Mahala Way and the existing wetland at the proposed cul-de-sac terminus of Snowberry Street will be preserved with the proposed planned development layout. The wetland south of Mahala Way will be protected in a conservation easement over the lots. The wetland east of Snowberry Street will be part of a common space tract and protected as open space easement over the parcels. In order to preserve these wetlands and significant vegetation the site layout has irregular block sizes, which are mitigated where possible with private paths to allow effective pedestrian circulation. Rather than proposing standard lot sizes across the site, the proposal requests modified lot areas and setbacks to preserve these resource areas, and meet the other objectives listed here. The area of the BCE phases is 23.01 acres and the comprehensive plan allows for 138 dwelling units on it and the underlying zone allows for 111. By addressing the site constrains the proposal is to transfer those units across the planned development to an area where small lots and greater density and efficient land use is more appropriate and leaving the east plat with drainages, trees, irregular shaped lots as the area for the larger lots. However, the east plat is not all large lots as some medium lots are also mixed in.

#### Summary:

With development of the site, proposed wetlands are preserved, a transition in density across the community is accomplished, and a range of lot sizes and need for housing diversity is thereby facilitated. The integrity of the public and common space is preserved with active playgrounds, walkways, and open space, and a diversity in lot width at the street, show variety in housing along the street face and in the elevations. Streets are efficiently planned to City Standards, with mid-

block paths, sidewalks and ramps, paired driveway aprons, on-street parking and off-street parking. The Applicant finds that the proposed planned development satisfies the special objectives and physical constraints of the site outlined here, therefore, this criterion is met with an R-1 PD overlay.

**Section 17.74.070(B).** *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The Comprehensive Plan calls for commercial at the NE and SE intersection of Baker Creek Road and Hill Road with residential uses surrounding it. The proposed development conforms to that pattern. The pattern of approved and built existing residential development adjacent to the subject property shows lot types increasing in density from the east and south east to the north and north west. The proposed development will be consistent with that pattern. Based upon the Supportive Findings and Conclusions presented here, the proposed Planned Development is consistent and in compliance with applicable Goals and Policies of the McMinnville Comprehensive Plan (see Exhibit ‘C-4’). This Criterion is met.

**Section 17.74.070(C).** *The development shall be designed so as to provide for adequate access to, and efficient provision of, services to adjoining parcels;*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The Purpose of this criterion is to ensure that the development of the subject property does not preclude or hinder development of neighboring properties. For example, this criterion furthers the policy of developers providing “to and through’ connectively of urban services such as water, sewer and transportation networks.

In this case, the proposed development represents the last set of parcels to develop in the vicinity. The proposed BCE development picks up streets that have been stubbed out to the north and south of the subject property and completes the interconnectivity of that existing street network. Two cul-de-sacs are used only where the terrain dictates that through streets should not be provided in order to achieve environmental goals and objectives. Similarly, BCW picks up existing street network located to the east and extends it to the west, while also ensuring future connectivity to the South.

Water and sewer services are also brought through the site and extended to the north and west as appropriate to ensure future connectivity.

The proposed development has adequate access via the existing network of public streets and will efficiently extend streets and other services through the site to adjoining parcels, as demonstrated in the exhibits to this narrative. This Criterion is met.

**Section 17.74.070(D.)** *The plan can be completed within a reasonable period of time.*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The plan for development of the BCW and BCE phases includes building each in two phases for a total of four phases of development (see Exhibits ‘G’ and Exhibit ‘H’). The plan is to begin site construction drawing preparation during the spring of 2017. Then, site construction on the first phase in the West is to be initiated in 2017, while design of the first phase in the East is approved. In late 2017 or early 2018 begin construction on the other first phase and finish in 2018 or 2019 all first phases, pending availability of all permits. The 2<sup>nd</sup> phase of either plat could begin in 2019, and the other in 2020, or sooner based on absorption rates and lot sales. This Criterion is met.

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

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** In the City of McMinnville, streets are considered “adequate” if they meet the level of service standards set forth in the TSP. The proposed Planned Development abuts Hill Road on the west and will be connected to it via extension of 23<sup>rd</sup> Street west through the BCW phases. The BCE phases lie approximately 600 feet south of Baker Creek Road and west of Hill Road. It is connected to Baker Creek Road by Shadden Drive and Meadows Drive and to Hill Road by Cottonwood Drive and 23<sup>rd</sup> Street. Both Hill Road and Baker Creek Road are designated minor arterial streets. The existing and proposed street network is extensive and has capacity to serve the development. Hill Road, along with the intersection of it with Baker Creek Road, will undergo improvements under a currently funded public improvement project by the City of McMinnville, thus additional capacity is expected to be installed concurrent with the development. This Criterion is met.

**Section 17.74.070(F).** *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The subject properties are currently served by or have access to utilities and storm drainage facilities with adequate capacity to serve the project. They will be ready for use upon acquisition by the developer of a utility extension agreement water and light and/or construction plan approval from city engineering to build out the facilities through the project which is usually acquired following approval of the proposal. As part of the proposed planned development new streets will be constructed in conformance to City Standards. All utilities, public and private, will be extended to serve the newly created lots and storm drainage facilities. They will be developed accordingly per the attached Exhibits and applicable standards. This Criterion is met.

**Section 17.74.070(G).** *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

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. This Criterion is met.

## *Exhibit 'C-2'*

### **ZONING MAP AMENDMENT**

The request is to rezone the southern portion of Tax Lot 205 to R-1 zoning and apply an amended Planned Development Overlay Zone, conforming with the materials and supporting documentation of the application and City's decision, over the unbuilt portions of the amended planned development site area. In this Findings Document, the Zoning Code's criteria for approval and elements of the Comprehensive Plan are written in ***Aerial Narrow 11 pt Font, Bold Italics***. The applicant's response is written in 12 point Times New Roman Font.

***The McMinnville Zoning Ordinance of 1981, Chapter 17.74, Section 17.74.020 provides the criteria for approval for Zone Map amendments.***

***An amendment to the official zoning map or comprehensive plan map may be authorized provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:***

***Section 17.74.020(A): The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;***

#### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The Comprehensive Plan calls for commercial at the NE and SE intersection of Baker Creek Road and Hill Road with residential uses surrounding it. The proposed development conforms to that pattern. The pattern of approved and built existing residential development adjacent to the subject property shows lot types increasing in density from the east and south east to the north and north west. The proposed development will be consistent with that pattern. Based upon the Supportive Findings and Conclusions presented here, the proposed Zone Changes are consistent and in compliance with applicable Goals and Policies of the McMinnville Comprehensive Plan (see Exhibit 'C-4'). This Criterion is met.

***Section 17.74.020(B): The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.***

#### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

***The subject properties are part of an existing developing and changing residential area. Public and private utilities are stubbed to the subject properties in anticipation of future development. Development of the subject properties as proposed would be orderly and timely. Adjacent properties are zoned for higher density residential uses than the current zone density anticipated. Thus the proposal for some portions of the planned development at higher density conforms to the existing pattern and trend in the area, and is appropriate. It is also timely as planned improvements to the adjacent park property and to Hill Road are under way with the City of McMinnville concurrent with review of this proposal. Its approval and the park and road construction could catalyze further multifamily and commercial property development in the***

*nearby area as envisioned under current zoning. The proposal will provide for affordable single family detached housing units on individual lots. A future neighborhood park and school site exist adjacent to the site, so the site's proximity to these public properties make a higher density residential development pattern in the West phase appropriate in order to maximize use of public investment in these properties. The entire development of the subject properties has been planned out, and the location and size of the proposed detached housing units, related parking and public utilities are shown on Exhibit 'F', Exhibit 'G', Exhibit 'G-1', Exhibit 'G-2', Exhibit 'H', Exhibit 'H-2'). The propose Zone Change to R-1 (Single Family Residential) for the southern portion of Tax Lot 205 still retaining the remnant County zoning of EF-80 following annexation into the City of McMinnville will be consistent with the existing and proposed character of the surrounding uses. This Criterion B is satisfied.*

**Section 17.74.020(C):** *Utilities and Services: Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

1. The subject properties are currently served by, or have access to, all public utilities and services needed for the proposed zoning such as sanitary sewer, water, storm drainage, transportation, police and fire. Private utilities such as electrical, gas, telephone and cable are also available to the subject properties.
2. As part of the construction of the proposed Planned Development/Subdivision, new streets will be built in conformance to City Standards. All utilities, public and private, will be extended to serve the newly created lots with construction of the streets.
3. This Criterion C can be met as all needed public and private facilities and services are already in place or will be extended to serve the proposed development.

**OVERALL SUPPORTIVE CONCLUSIONS:** Based upon the supportive findings and Conclusions presented in this narrative and supporting documents and exhibits, the proposal is consistent and in compliance with applicable Goals and Policies of the McMinnville Comprehensive Plan. The proposed zone change is appropriate for the subject property, and is consistent with the surrounding area and the current "Residential" Comprehensive Plan Map land use designations. The future development of the site will result in an efficient use of the property, and the available public utilities, while providing affordable housing alternatives to the citizens of McMinnville. The proposal satisfies all applicable criteria for a Zone Change and Planned Development.

*Exhibit 'C-3'*

**FINDINGS APPLYING TO SUBDIVISION APPROVAL**

The McMinnville Zoning Ordinance of 1981, Chapter 17.53, Section 17.53.070 provides the necessary information required for approval a Subdivision application.

**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.*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

The proposal will result in orderly development as existing stubbed streets will be extended into and through the proposed site area as envisioned upon development of adjacent residential properties and the site will be developed with appropriate, similar, and compatible single-family detached dwellings to those on adjacent residential lots. The proposed residential lots will concentrate around transportation infrastructure, City Park land, school property, and nearby commercial property. Adequate open space, both common and private, is proposed to serve the needs of residents at these densities. Water and other utility systems will be looped created for greater redundancy and security, as well as dead-end roadways will be extended, connected and looped, creating better emergency access to and through the project and adjacent communities. These public infrastructure elements in the form of roads, sewer and other utilities will be extended to all lots in the community to ensure health, safety and convenience, protecting the general welfare of those in and adjacent to the project.

**R-1 Single-Family Residential Zone:**

**17.12.010 Permitted Uses.** *In an R-1 zone, the following uses and their accessory uses are permitted:*

**A. Site built single-family dwelling [...]**

**17.12.030 Lot Size.** *In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]*

**17.12.040 Yard Requirements.** *In an R-1 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 twenty feet;**

**B. A rear yard shall not be less than twenty feet;**

**C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet.**

**17.12.050 Building Height.** *In an R-1 zone, a building shall not exceed a height of thirty-five feet.*

**17.12.060 Density Requirements.** *In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].*

**C-3 General Commercial Zone:**

**17.33.010 Permitted Uses.** *In a C-3 zone, the following uses and their accessory uses are permitted:*

**3. Multiple-family dwelling subject to the provisions of the R-4 zone.**

**R-4 Multiple-Family Residential Zone:**

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

**C. Multiple-family dwelling**



**17.21.040 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.**

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

**17.21.060 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.**

### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

Tax Lot 203 is the part of the project with an existing Planned Development Overlay applied to it per Ordinance #4626. Also, Ordinance #4506 applies to the 3.8 acres in the NE corner of Tax Lot 203. Of the 57.48 acres amended planned development site area, 3.8 acres is C-3 PD designated for 20DU/Acre and the remaining 53.68 will have an R-1 zone as its base zone, at 4.84 DU/Acre. (For the density summary see, Exhibit 'F-3'). Ordinance #4626 lists as a condition of approval "3. That the minimum interior side yard setback shall be 7.5 feet." The proposed amended planned development would allow 10 feet, 7.5 feet, 5 feet, and 3 feet interior side setbacks and proposed new lots SFD-70, SFD-65, SFD-60 & SFD-40, and SFD-32, respectively. Lot areas are also proposed to vary based on the proposed new lot types defined by the proposed amended planned development. These lot areas will be below the sizes listed in the underlying zoning, but the overall density of the amended planned development will not exceed the combined overall density of the underlying zoning.

#### **Off-Street Parking and Loading:**

**17.60.060 Spaces – Number required.**

**A. Residential land use category**

**4. Multiple-family dwelling. One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.**

**5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms [..].**

### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

Off-Street Parking and Loading standards of this code will be demonstrated to be met at the time of building permit for each lot, including residential and multi-family lots. The proposal will meet off-street and loading requirements of the underlying zone shown here. The requirement of two spaces per single-family dwelling of fewer than four bedrooms is shown to be exceeded by two-fold in the site plan exhibit (see Exhibit 'F-3') as each single-family detached dwelling in the BCW phases is shown with four off-street parking spaces.

### **Comprehensive Plan Map Designation of the Proposed Subdivision**

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** The Comprehensive Plan Map designates the subject properties as “Residential” and “Commercial”. The proposed subdivision is in conformance with the Comprehensive Plan Map designations of “Residential” and “Commercial”.

**Zoning Classification of the Proposed Subdivision**

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** With concurrent approval of the zone change to R-1 on the south half of Tax Lot 205, the existing underlying zoning for the development site is R-1 (Single Family Residential) for Tax Lots 200 and 205 on the tax map shown in Exhibit ‘B’. Tax Lot 203, on the same tax map, has an R-1 PD overlay on the eastern side and C-3 PD for the western 3.8 acres. The existing C-3 PD zoning on Tax Lot 203 is not proposed to be changed by this application. An R-1 PD overlay is proposed to be amended over the eastern side Tax Lot 203 and applied to Tax Lot 200 and Tax Lot 205 area as well. Upon concurrent approval of the Zone Change and PD overlay application the proposed development will be in compliance with the zoning classifications.

**Conformance of Proposed Use to the Proposed Zoning Classification**

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** The proposed development allows future development of the NW portion of Tax Lot 203 in conformance with the designated C-3 PD overlay zone. It facilitates such future C-3 PD development by improving a public street along its south side and stubbing a public street and utilities to its east side. The proposed zone change to R-1 (Single Family Residential) zoning classification for the southern part of Tax Lot 205 allows for residential development conforming to the R-1 zone with the PD overlay proposed.

**Requirements Specified within the Zoning District to which the Proposed Subdivision Would Not Comply**

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

Concurrent Zone Change and a Planned Development Overlay applications are submitted with this application to facilitate:

Flexibility for lot area and side and front setbacks on some lots. The variety of lot sizes are shown for lots listed as SFR-65, SFR-60, SFR-40, SFR-32 as follows (Refer to Exhibit ‘F-1’, ‘F-2’, ‘G’, and ‘H’):

**Section 17.12.030 Lot Size:**

Allow proposed new single family detached (SFD) residential lots less than 9,000 square feet, except those on the east phase of Tax Lot 205, listed as SFD-70, which will be 9,000 square feet or more, as shown on the preliminary plat. All proposed lots labeled as SFD-65 will average 6,500 square feet or more, and all as SFD-60 will average 6,000 square feet or more. All proposed new lots labeled SFD-40 will be no smaller than 4,000 square feet. All new lots labeled SFD-32 will be no smaller than 3,200 square feet.

**Section 17.12.040**

- A. Front yard setbacks will meet R-1 Code, except those lots listed as SFD-60, SFD-40 and SFD-32, which will have 15’ front building setbacks like allowed by the R-3 code.

- B. All rear yard setbacks and setbacks to the garage face will meet R-1 code.
- C. Side yard setbacks will meet R-1 Code, except those lots listed as SFD-65 will meet R-2 side yard setback of 7.5', those lots listed as SFD-60 AND SFD-40 will have five feet side yard setbacks, and those listed as SFD-32 will have 3' side yard setbacks. All exterior street side setbacks will be twenty feet, except those lots listed as SFD-40 AND SFD-32, which will have 15' exterior street side setbacks as required by the R-3 code.

## *Exhibit 'C-4'*

### **THE COMPREHENSIVE PLAN**

**General Response:** Determining whether any given comprehensive plan policy is an “applicable” approval standard to a zone change can present vexing questions for practitioners. In some cases, the plan itself will provide a “roadmap” by expressly stating which, if any, of its policies are applicable approval standards. For example, if the comprehensive plan specifies that a particular plan policy is itself an implementing measure, LUBA will conclude that the policy applies as an approval criterion for land use decisions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990). On the other hand, where the comprehensive plan emphasizes that plan policies are intended to *guide* development actions and decisions, and that the plan must be implemented through the local code to have effect, such plan policies are not approval standards for individual conditional use decisions. *Schellenberg v. Polk County*, 21 Or LUBA 425 (1991). Similarly, statements from introductory findings to a comprehensive plan chapter are not plan policies or approval standards for land use decisions. *19th Street Project v. City of The Dalles*, 20 Or LUBA 440 (1991). Comprehensive plan policies which the plan states are specifically implemented through particular sections of the local code do not constitute independent approval standards for land use actions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990). On the other hand, where the county code explicitly requires that a nonfarm conditional use in an exclusive farm use zone "satisfy" applicable plan goals and policies, and the county plan provides that its goals and policies shall "direct future decisions on land use actions," the plan agriculture goals and policies are applicable to approval of the nonfarm conditional use. *Rowan v. Clackamas County*, 19 Or LUBA 163 (1990).

Often, however, no roadmap is provided. In those cases, the key is to look at the nature of the wording of the plan provision at issue. LUBA has often held that some plan policies in the comprehensive plan will constitute mandatory approval criteria applicable to individual land use decisions, depending on their context and how they are worded. See *Stephan v. Yamhill County*, 21 Or LUBA 19 (1991); *Von Lubken v. Hood River County*, 19 Or LUBA 404 (1990). For example, where a comprehensive plan provision is worded in mandatory language – such as when the word “shall” is used – and is applicable to the type of land use request being sought, then LUBA will find the standard to be a mandatory approval standard. Compare *Axon v. City of Lake Oswego*, 20 Or LUBA 108 (1990) (“Comp plan policy that states that “services shall be available or committed prior to approval of development” is a mandatory approval standard); *Friends of Hood River v. City of Hood River*, \_\_ Or LUBA \_\_ (LUBA No. 2012-050, March 13 2013). Conversely, use of aspirational language such as “encourage,” “promote,” or statements to the effect that certain things are “desirable” will generally not be found to be mandatory approval standards. *Id.*; *Neuschwander v. City of Ashland*, 20 Or LUBA 144 (1990); *Citizens for Responsible Growth v. City of Seaside*, 23 Or LUBA 100 (1992), *aff’d w/o op.* 114 Or App 233 (1993).

In some cases, an otherwise applicable plan policy will be fully implemented by the zoning code. Where the text of the comprehensive plan supports a conclusion that a city's land use regulations fully implement the comprehensive plan and displace the comprehensive plan entirely as a potential source of approval criteria, demonstrating that a permit application complies with the city's land use regulations is sufficient to establish consistency/compliance with the comprehensive plan. *Save Our Skyline v. City of Bend*, 48 Or LUBA 211-12; *Murphy v. City of Ashland*, 19 Or

LUBA 182, 199 (1990); *Miller v. City of Ashland*, 17 Or LUBA 147, 169 (1988); *Durig v. Washington County*, 35 Or LUBA 196, 202 (1998) (explicit supporting language is required to establish that land use regulations entirely displace the comprehensive plan as a source of potentially applicable approval criteria for land use decisions). However, a local government errs by finding that its acknowledged zoning ordinance fully implements the acknowledged comprehensive plan, thus making it unnecessary to apply comprehensive plan provisions directly to an application for permit approval, where the acknowledged zoning ordinance specifically requires that the application for permit approval must demonstrate compliance with the acknowledged comprehensive plan and the county does not identify any zoning ordinance provisions that implement applicable comprehensive plan policies. *Fessler v. Yamhill County*, 38 Or LUBA 844 (2000).

In our response to Section 17.74.070.020(A) below, we identify certain Comprehensive Plan Policies as mandatory approval standards and others as being aspirational in nature. Quite a few of the Plan Policies are directives to staff, which are not mandatory approval standards. Finally, in a few cases the comprehensive plan sets forth a list of factors to be considered when arriving at a conclusion. These factors and considerations are not mandatory approval standards, but findings should address and balance these factors. *Bothman v. City of Eugene*, 51 Or LUBA 426 (2006) (Considerations are not mandatory approval criteria, but should be reviewed and balanced with other relevant plan policies); *Heitsch v. City of Salem*, 65 Or LUBA (2012).

**A: Applicable Goals and Policies.**

**1. Goal II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.**

**A. Land Policies**

1. ***Policy 1.00: Urbanizable lands outside the city limits but inside the Urban Growth Boundary, shall be retained, whenever possible, in agricultural use until such time as they are needed for urban development.***
2. ***Policy 2.00: The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.***
3. ***Policy 3.00: The City of McMinnville shall review any identified mineral and aggregate resource locations to determine the quality of the material, the likelihood that it will be extracted and the compatibility of the site with surrounding land uses. The City shall seek to resolve any conflicts between aggregate resource locations and surrounding land uses, and shall protect, whenever possible, mineral and aggregate resources from future encroachment by incompatible uses, especially residential uses.***
4. ***Policy 4.00: The City of McMinnville, in cooperation with the Oregon Department of Geologic and Mineral Industries, shall insure that aggregate sites are reclaimed after their usefulness has expired.***

**B. Air Policies**

1. ***Policy 5.00: The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.***

2. ***Policy 6.00: The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality to insure that applications for air quality related permits are examined for compatibility with the City’s comprehensive plan.***
3. ***Policy 7.00: Land use decisions involving major emission sources or expansion of existing sources shall be reviewed for the effects the emission source will have on local and regional airshed. Maintenance of the quality of the air resources, within established federal and state standards, shall be a criterion for approval of these land use decisions.***

#### **C. Water Policies**

1. ***Policy 8.00: The City of McMinnville shall continue to seek the retention of high water quality standards as defined by federal, state, and local water quality codes, for all the water resources within the planning area.***
2. ***Policy 9.00: The City of McMinnville shall continue to designate appropriate lands within its corporate limits as “floodplain” to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.***
3. ***Policy 10.00: The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality, the Mid-Willamette Valley Council of Governments, and other appropriate agencies and interests to maintain water quality and to implement agreed upon programs for management of the water resources within the planning area.***
4. ***Policy 11.00: The City of McMinnville shall cooperate with McMinnville Water and Light, the Bureau of Land Management, and Yamhill County to insure that the land use development actions allowed in and around the municipal watershed do not lessen the water quality of the municipal water system below acceptable federal, state, and local standards.***

#### **D. Noise Policies**

1. ***Policy 12.00: The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.***

### **SUPPORTIVE FINDINGS:**

1. **Land:** Plan Policies 1.00 through 4.00 are policy directives to the City and are not mandatory approval criteria for a Zone Change or Planned Development Amendment approval. Nonetheless, the spirit of the provision is as follows. The subject properties are currently being farmed. They are inside City limits and are now needed for urban development. Building constraints (wetlands and significant trees) have been identified and addressed by this plan. (see Exhibit ‘E’, and Exhibit ‘F’).
2. **Air:** Plan Policies 5.00 and 6.00 are policy directives to the City and are not mandatory approval criteria for a Zone Change or Planned Development approval. Plan Policy 7.00 is a mandatory approval criterion, however. In this case, the applicant is proposing residential usage of urbanizable land, which is not a type of land use that “involves major emission sources or expansion of existing sources.” The proposed zone change will not facilitate any use generating major air emissions beyond what is expected for residential development.

3. Water: Plan Policies 8.00 through 11.00 are policy directives to the City and are not mandatory approval criteria for a Zone Change or Planned Development Amendment approval. The subject properties are not located within a floodplain and are not located within the municipal water shed. Public storm water will be provided to all lots and all development will be required to connect to the public lines in compliance with the City's Construction Standards and Uniform Building Code regulations.
4. Noise: Plan Policy 12.00 is likely an approval standard. In any event, the proposed zone change will not create a land use that will cause noise incompatibility with surrounding uses. Residential land uses are generally considered to be compatible with other residential uses when it comes to the issue of noise.

**SUPPORTIVE CONCLUSION**: These Plan Policies do not present any reason for denial of the proposed Zone Changes and can be met where applicable.

**2. Goal III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.**

**A. Cultural Policies**

1. ***Policy 13.00: The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.***
2. ***Policy 14.00: The City of McMinnville shall strive to insure that future public community facilities, where possible and appropriate, are consolidated by locating the new structures in close proximity to other public buildings. This will be done in order to realize financial benefits, centralize services, and positively impact future urban development.***

**SUPPORTIVE FINDINGS AND CONCLUSION**: These two Plan Policies are directives to the City Council and are not approval standards for this case. South of Tax Lot 200, the southernmost lot of the BCW phases, is a parcel owned by the McMinnville School District designated for a future school site and to the west of Tax Lot 200 is a future City of McMinnville park site. While these Policies are not directly applicable to the proposed Zone Changes, they have been met by existing conditions.

**3. Goal III 2: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.**

**B. Historic Preservation Policies**

1. ***Policy 15.00: The City of McMinnville shall establish a program for the identification and preservation of significant sites, structures, objects, and areas.***
2. ***Policy 16.00: The City of McMinnville shall support special assessment programs as well as federal grants-in-aid programs and other similar legislation in an effort to preserve structures, sites, objects, or areas of significance to the City.***

3. **Policy 17.00:** *The City of McMinnville shall enact interim measures for protection of historic sites and structures. Those measures are identified in the McMinnville Comprehensive Plan, Volume I, Chapter III.*
4. **Policy 17.01:** *The City of McMinnville will, by the time of the first plan update (1985), conduct a thorough study (consistent with . . . which protects the structures and sites included on the list.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** These four Plan Policies are directives to the City Council and are not approval standards for this case. There are no significant historical sites, objects, structures, or areas located on the subject properties. Identified building constraints (wetlands and significant vegetation) have been identified (see Exhibit ‘E’ and Exhibit ‘F-3’). The Policies provide no basis for denial of the proposed Zone Changes.

4. **Goal III 3:** *TO PROVIDE FOR THE EDUCATIONAL NEEDS OF McMINNVILLE THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.*

**C. School Policies**

1. **Policy 18.00:** *The City of McMinnville shall cooperate with the McMinnville School District in the planning for future schools.*
2. **Policy 19.00:** *The location of future school sites shall be coordinated between the City and the McMinnville School District.*
3. *The City of McMinnville shall encourage the joint purchase, maintenance, and usage of recreational facilities with the McMinnville School district where acceptable to both parties.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** These three Plan Policies are directives to the City Council and are not approval standards for this case. An existing future school site is located to the immediate south of the western portions of the subject properties. A future City park site is located to the northeast of the school site accessible by Yohn Ranch Drive. These Policies have been met by existing conditions.

5. **Goal IV 1:** *TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE’S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.*
6. **Goal IV 2:** *TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.*
7. **Goal IV 3:** *TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Commercial Policies Listed under Commercial Goals and Policies are not directly relevant to the proposal. The portion of the property currently designated as C-3 PD is not proposed to be changed from its currently approved use as multi-family residential. Having said that, however, a diverse,



vibrant, and responsive housing market which meets the needs of workers is a vital element to the success of all commercial activities, so indirectly these goals are met by this proposal.

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

**A. General Policies**

- 1. Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.**
- 2. 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.**
- 3. Policy 60.00: Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.**

**SUPPORTIVE FINDINGS:**

Plan Policies 58, 59, and 60 are directives to the city that apply when property is initially zoned. To the extent that these Policies apply to the zone changes presented in this case, the objectives of the policies are met as follows:

- 1.** The proposal provides for a variety housing types and densities to serve the needs of the City of McMinnville. There are multi-family and single-family detached housing types. There are two different housing densities on lots in BCW. The first is 32-foot wide lots (SFD-32) and the second is 40-foot wide lots (SFD-40). There are three different housing densities on the lots in BCE. The first is 60-foot wide lots (SFD-60), the second is 65-foot wide lots (SFD-60), and the last is 70-foot wide lots (SFD-70). (see Exhibit ‘F-2’)
- 2.** The multi-family lot in this development meets this policy, because it will be used to provide up to 70 apartment units.
- 3.** The proposed small lot approach on the BCW phases, referred to here as SFD-32 and SFD-40, reflects modern housing types where a community desires land intense, cost-effective, owner-occupied dwellings, that could formerly only be built if attached, but can now be built detached. The plan mimics the attached dwelling standards of the City’s zone, delivering a similar single-family dwelling product, yet preferred by home buyers because it is a detached product. (see Exhibit ‘F-2’, ‘F-3’, and ‘G-1’).

With the exception of the multi-family lot, all of the BCW phase’s units will be situated on their own individual lots, providing for cost-effective

owner-occupied housing units. All lots of the BCE phases will also be for detached housing at a broad range of densities, typically between 6,000 and 9,000 square feet per lot. The project meets these policies.

**SUPPORTIVE CONCLUSION:** The proposal provides for a development that will provide a variety of affordable housing types for residents within the City of McMinnville. These Goals are met.

**3. 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.**

**A. Residential Development Pattern Policies**

- 1. 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.**
- 2. 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.**
- 3. 70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.**
- 4. Policy 71.00: The City shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.**

## **SUPPORTIVE FINDING AND CONCLUSION:**

Plan Policy 68.00 is not likely an approval standard for zone changes. It creates a preference for zoning land for residential growth by favoring two areas of land before committing “other alternative” lands: (1) areas close to the “City Center,” and (2) “areas where urban services are already available.” In this case, the land under consideration is not close to the City Center, however, urban services are available and stubbed out at the property line, so this Zone Change is timely and appropriate under Policy 68.00. Neighborhood comment states, without support, that the proposed BCW development is “distant \* \* \* from urban services,” but do not explain which urban services are not available.

Plan Policies 69.00 and 70.00 are policy directives from the City Council to staff, and are not approval standards in this case.

Plan Policy 71.00 requires that all types of housing types be allowed on residential lands, and is intended to prohibit the City Council from prohibiting certain politically disfavored residential zoning classifications on lands designated as residential on the Comprehensive Plan Map. While Plan Policy 71.00 is not likely an approval standard in this case, the application is clearly following the spirit of the Plan Policy 71.00 by providing variety of lot sizes and housing site plan choices.

The proposal is allowed within the “Residential” designation on the Comprehensive Plan, and will provide for land intensive, energy efficient housing types (see Exhibit ‘I’, Exhibit ‘J’, and Exhibit ‘K’, Exhibit ‘L’, Exhibit ‘M’. Plan Policy 71.00 has been met.

### **B. Westside Density Policies**

1. ***Policy 71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged.***
  - a. ***It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain and parklands will not be included in the density calculations.***
  - b. ***For those developments which have less than six units per acre, the differences between the actual density of the development and the allowed density (six units per acre) may be used as an additional density allowance by other property which is located in the same immediate sewer service area, providing that no peak loading effect would occur which would cause overloading of particular line design capacity, and provided***

*that the zone change application is processed under the provisions of Chapter 17.51 of the zoning ordinance.*

- c. The City will monitor development on the west side of McMinnville to determine which property is available for development at increased densities.*
- d. In no case will a residential development of a higher density than six units per acre be approved if, by allowing the development, some other undeveloped property (which is not included in the application, but which is within the above-mentioned sewer service area) would be caused to develop at less than six units per acre because of lack of sewer capacity.*
- e. Applications for multiple-family zone changes will be considered in relation to the above factor, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set forth in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the zoning ordinance.*

**SUPPORTIVE FACTS AND CONCLUSION:** The subject property is on the west side of the City and is outside of known planned or existing transit corridors. Thus, the proposed amended planned development must have an overall density of less than the maximum 6 units per acre. The overall density is 5.83 units per acre, therefore these density policies have been met (see tables on Exhibit F-3). This Policy 71.01 is met.

**2. 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:**

- i. Areas that are not committed to low density development;*
- ii. Areas that have direct access from collector or arterial streets;*
- iii. Areas that are not subject to development limitations such as topography, flooding, or poor drainage.*
- iv. Areas where the existing facilities have the capacity for additional development;*
- v. Areas within one-quarter mile of existing or planned public transportation; and*
- vi. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

**SUPPORTIVE FACTS AND CONCLUSION:** Plan Policy 71.09 lists factors which must be considered when zoning property for residential uses. Factors are not individual approval standards in and of themselves, but they must be addressed in the findings and the conclusions must demonstrate adequate and thoughtful consideration of the factors.

The City previously approved a portion of Tax Lot 203 to be C-3 PD. That zoning density is not being revised here. The rest of the site is not zoned

R-3 or R-4, however the plan is to develop the site at medium density, 5.83 dwelling units/acre overall, which makes the amended planned development density similar to the majority of lands in McMinnville. The proposal includes small lot single-family detached housing. It also, has medium and larger lots conforming to the underlying zoning (see Table 3.0 on Exhibit F-3). The original Shadden Claim Phase II & Phase III was 26.65 acres and was approved for 168 dwelling units. This created an overall density of 6.3 units per acre. This is greater than the 6.0 standard set forth in the Comprehensive Plan Policy 71.01, but is also within the 4-8 dwelling units per acre stated in this policy. This policy is met.

**3. Policy 71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:**

- i. The density of development in areas historically zoned for medium and high density development;*
- ii. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;*
- iii. The capacity of the services;*
- iv. The distance to existing or planned public transit;*
- v. The distance to neighborhood or general commercial centers; and*
- vi. The distance from public open space.*

**SUPPORTIVE FACTS AND CONCLUSION:** Plan Policy 71.10 list factors which must be considered when zoning property for medium density residential uses. Factors are not individual approval standards in and of themselves, but they must be addressed in the findings and the conclusions must demonstrate adequate and thoughtful consideration of the factors. The existing planned development area has had its current C-3 PD and R-1 PD overlay zoning on it for over twenty years. The approved planned development plan (see Exhibit 'O') shows medium density of 6.3 DU/Acre (see Table 3.0 in Exhibit F-3). South of the land added to the planned development with this proposal is Cottonwood Subdivision, which was developed over ten years ago, at medium densities. It has an R-2 PD overlay zone. Thus, the properties of this project are in an area historically zoned for medium density. As part of this proposal, the Applicant is adding 30.83 acres to the planned development, and is proposing 335 dwelling units for the overall 57.48 acres, including the 57 built dwelling units in the Shadden Claim Phase II (recorded as Shadden Claim 1<sup>st</sup> & 2<sup>nd</sup> Additions). This comes to a total density of 5.83 dwelling units per acre, medium density per definition in Plan Policy 71.09 above. The site is relatively flat, and the only established low density residential is on the east and south boundary of the BCE phases, and standard rear yard setbacks provide appropriate buffering. Services with capacity to the land are stubbed to all of the phases. Baker Creek Rd and Hill Rd are adjacent and could be future public transit routes as development creates

demand for them to be planned. The distance to property zoned for commercial and open space is less than a quarter mile.

1. The proposal will provide for overall density of 5.83 units per acre, in keeping with the plan for a medium density range for the majority of McMinnville. The medium density range is 4-8 units per acre, so the proposal is actually on the low end of that range at 5.83.
2. The proposed Planned Development has direct access to Hill Road (designated minor arterial street) via 23<sup>rd</sup> Street, and to Baker Creek Road (designated minor arterial street) via Shadden Drive and via 23<sup>rd</sup> Street to Meadows Drive.
3. Other than designated wetlands, the area within the proposed Planned Development is not subject to development limitations. The topography is relatively flat (1 – 2% slopes) and has no risk of landslide susceptibility (see Exhibit ‘E’). There are no existing floodplain or floodway boundaries located on the subject properties as designed on the Federal Emergency Management Agency’s (FEMA) floodplain maps. Identified wetlands and significant vegetation on the site will be protected (see Exhibit ‘G’, ‘H’ and ‘F-3’).
4. The existing sanitary sewer facilities in the area have the capacity for this amended Planned Development/Subdivision as the overall density (5.83 units per acre) is less than the 6 units per acre allowed.
5. The subject properties are not currently within one-quarter mile of an existing public transportation system as the nearest bus route is located on Baker Street approximately 3 miles away. As the population in the area of the proposed Planned Development and within the vacant undeveloped properties within the Urban Growth Boundary that are located to the north and west of the subject properties increases, the necessary demand will occur to provide for future planned transit service on these two minor arterial streets (Baker Creek Road and North Hill Road) serving the area. This factor can be potentially met in the future.
6. An existing future school site is located to the immediate south of the western portions of the subject properties on a 10.91-acre site located adjacent to North Hill Road on the west, NW Cottonwood Drive to the south, and NW Yohn Ranch Drive to the east. A 5.73-acre future park site is located to the northeast of the school site accessible by Yohn Ranch Drive. An existing golf course (Michelbook Country Club) is located to the east of the eastern portion of the proposed Planned Development.
7. None of the smaller lots within the proposed Planned Development/Subdivision abut low density residential areas. All of the

lots on the BCE phases abutting existing low density parcels are large lots meeting the underlying low density subdivision setback requirements (see Exhibit 'H'). All of the proposed housing units throughout the proposed Planned Development will meet the minimum rear yard setback of 20 feet.

- 4. Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:**
- i. Areas which are not committed to low or medium density development;*
  - ii. Areas which can be buffered by topography, landscaping, collector or arterial streets, or inventing land uses from low density residential areas in order to maximize the privacy of established low density residential.*
  - iii. Areas which have direct access from a major collector or arterial street;*
  - iv. Areas which are not subject to development limitations;*
  - v. Areas where the existing facilities have the capacity for additional development;*
  - vi. Areas within a one-half mile wide corridor center on existing or planned public transit routes;*
  - vii. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*
  - viii. Areas adjacent to either private or public permanent open space.*

**SUPPORTIVE FACTS:** Plan Policies 71.13 list factors which must be considered when zoning property for high density residential uses. Factors are not individual approval standards in and of themselves, but they must be addressed in the findings and the conclusions must demonstrate adequate and thoughtful consideration of the factors. In this case, the only land that is proposed for high density residential uses is found on the 3.8 acre portion of Tax Lot 203. This high density residential use was previously approved as part of Ordinance #4626 and Ordinance #4506, and is not being revisited here.

**SUPPORTIVE CONCLUSIONS:** The proposal will provide for a Planned Development with a wider range of single family detached housing types and lots than is found in a standard subdivision, while maintaining development at medium density range overall, 5.83 dwelling units an acre. This development pattern fits the area and the proposed density is appropriate. Amenities such a public park, a school, a neighborhood commercial center and a private golf club are within walking distance (see Exhibit P-1). These Policies have been met.

**C. Planned Development Policies:**

1. ***Policy 72.00: Planned unit 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.***

**SUPPORTIVE FINDING:** Plan Policy 72.00 is worded in an aspirational manner and is therefore not a mandatory approval standard for this case. Nonetheless, the proposal does provide significant social, economic and environmental benefits.

The proposal is for the primary purpose of providing for needed housing as that term is defined in statewide planning Goal 10, cost effective and efficient single family detached units.

The primary social benefit to the community provided by this development is the provision of adequate housing at a variety of price levels in close proximity to schools and parks. The residents of the proposed Planned Development have ready access to a designated neighborhood commercial site, a school site, an existing and future park site, and an existing private golf course. The increase in population density in this northwest part of town will ensure the critical mass is met to make a future commercial center a reality on the north side of Baker Creek Rd, adjacent to the project.

The primary economic benefit to the community in providing a pipeline of buildable lands is the assurance of an adequate supply of needed housing, consistent with Statewide Goal 10. If the City does not provide a steady pipeline of buildable lots, the demand for housing will outpace the supply, which leads to price increases. Price increases, in turn, makes both owner occupied and rental housing less affordable, which is contrary to Statewide Planning Goal 10.

The primary environmental benefits to the community provided by this development is the preservation of wetland, open space, and the planned and likely preservation of the tree grove on the BCE property (see Exhibit 'F-3'). Preservation of the trees in this grove is contingent upon an Arborist's conclusion that the trees are not a safety risk to the public.

**SUPPORTIVE CONCLUSION:** The proposal will allow the construction of a Planned Development that will provide for a variety of detached single family homes with a variety of housing costs to the citizens of McMinnville. This Policy has been met.

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

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** Plan Policy 73.00 is worded in an aspirational manner and is therefore not a mandatory approval standard for this case. Nonetheless, the proposal will provide for



208 new single family residential homes on individual lots of various sizes. It will also offer up to 70 multi-family dwelling units. It will provide both homes that will be affordable to the residents of the City with moderate incomes, and well as a mid-range homes and a few homes at the higher-end of the residential price spectrum. (see Exhibit ‘F-1’ and ‘F-2’) This Policy has been met.

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

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 74.00 uses mandatory language and is therefore a mandatory approval standard for this case. Identified wetlands and significant vegetation on the site will either be protected open space in tracts or conservation easements, which will appear on the face of the plat and in the CC&Rs recorded with the plat (see Exhibit ‘E’, Exhibit ‘F-3’, and Exhibit ‘H’). This Policy has been met.

4. ***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 homeowner’s association, assessment district, or escrow fund will be required to maintain the common area.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 75.00 uses mandatory language and is therefore a mandatory approval standard for this case. Land will be dedicated to common open space through the concurrent Planned Development Overlay and Subdivision applications. The common open space will serve the future residents by managing storm water from their lots and will include pedestrian paths to shorten walking distances, where possible. The maintenance of the common space will be secured in CC&R’s referenced on the plat, and will be provided for through a yet to be formed homeowner’s association. This Policy has been met and can be ensured by conditions of approval for the Planned Development Overlay.

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

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 76.00 uses mandatory language and is therefore a mandatory approval standard for this case. The existing public park within the planned development is within reasonable walking distance of all of the planned development (see Exhibit P-1). The planned new City public park, although not within the planned development, is readily accessible to all occupants of the proposed Planned Development/Subdivision via 23<sup>rd</sup> Street. In addition to new public walkways, the new private active open spaces within the planned development are conveniently located for all residents (see

Exhibit 'F-3'). The future school will likely serve as an additional recreation facility and community center, once built, although outside the planned development. Public and private sidewalks will link all of the housing units to both the public and the private common open space areas. This Policy has been met.

6. ***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.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 77.00 uses mandatory language and is therefore a mandatory approval standard for this case. The new street system proposed provides access points to the planned development while maintaining the most efficient use of the land for density and the provision of usable open space. For the safety of pedestrians and residents, the proposed street design seeks to reduce automobile speeds within the development by way of a standard 28-foot wide paved street width with guest automobile parking on both sides and a 14-foot wide queued travel lane. The proposed paired driveways, will provide ample space for queuing of through traffic in addition to on-street parking (see Site Plan exhibit and Exhibit 'F-3', for on-street parking, Table 2.0 for the Parking Summary).

The pedestrian usability is provided within the proposed right-of-way with four-foot wide planter strips separating the paved street and the five-foot wide public sidewalk. Additional private paths and sidewalks are proposed throughout the development for pedestrian access at appropriate mid-block locations, where feasible.

This Policy has been met and can be ensured by conditions of approval for the concurrent Planned Development Overlay and Subdivision applications.

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

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 78.00 uses mandatory language and is therefore a mandatory approval standard for this case. The proposed new onsite streets will align with all existing street intersections and street stubs, and are therefore compatible with the circulation patterns of adjoining properties. This Policy has been met.

### **C. Residential Design Policies**

1. ***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 policies enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. In no case shall densities greater than those allowed by the zoning classification be allowed, except where specifically provided in the zoning ordinance.*

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 79.00 uses mandatory language and is therefore a mandatory approval standard for this case. The proposal allows for an overall density of 335 dwelling units in the amended planned development, this is one less dwelling unit overall allowed by the underlying zones (see table 3.0 in Exhibit ‘F-3’). This is also less than the maximum total density of 345 units allowed by the comprehensive plan (57.48 acres x 6 DU/Acre=345 DU). This Policy can be met as proposed and can be ensured by conditions of approval for the concurrent Zone Change, Planned Development Overlay and Subdivision applications.

- 2. 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 possible.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 80.00 uses mandatory language and is therefore a mandatory approval standard for this case. Identified wetlands and significant vegetation on the site will be protected either in separate open space tracts (see Exhibit ‘E’ and ‘F-3’) or in a conservation easement (see lots 46, 47, 57 and 58). The subject property is relatively flat (with 1–2% slopes) and has no risk of landslide susceptibility (see Exhibit ‘E’). This Policy has been met.

- 3. 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.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 81.00 is worded in an aspirational manner and is therefore not a mandatory approval standard for this case. The concurrent proposed Planned Development/Subdivision will provide necessary street improvements including the provision of curbs, gutter, sidewalks and planter strips on all of the streets within the proposed development. The necessary linkage for pedestrians in this area to the school property, park, commercial area and the private open spaces has been met.

- 4. Policy 82.00: The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** Plan Policy 82.00 uses mandatory language and is therefore a mandatory approval standard

for this case. The subject properties are bounded on the north by Baker Creek Road and on the west by Hill Road, as well as stubbed streets from adjacent existing development. The development potential of adjacent properties is not affected by the proposal, all adjacent developable properties have public street access already and the connectivity of existing stubbed streets accomplished by the proposal will improve local traffic circulation patterns and enhance the potential for development of adjacent properties. This policy has been met.

5. ***Policy 83.00: The City of McMinnville shall review the design of residential developments to insure site orientation that preserve the potential for future utilization of solar energy.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** Plan Policy 83.00 uses mandatory language and is therefore a mandatory approval standard for this case. As a part of the concurrent Planned Development Overlay and Subdivision applications, the utilization of solar energy was taken into consideration. In consideration of the shape of the parcel, the unit types, their locations, orientation and designs, some of the units may be positioned for optimal solar access. All of the units have been designed to provide for passive solar gain and sunny interior spaces. Our unique planned development approach to small lot development, whereby dwellings are not attached, allows for the placement of windows on all four sides of the structure. Solar panel application on structures will be an option of future home owners, but is not included in this proposal. This policy has been met.

#### **D. Low-cost Housing Development Policies**

1. ***Policy 84.00: Multiple-family, low-cost housing (subsidized) shall be dispersed throughout the community by appropriate zoning to avoid inundating any one area with a concentration of this type of housing.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 84.00 uses mandatory language and is therefore a mandatory approval standard for this case. However, the policy is not applicable because the applicant is not proposing to build subsidized housing. Subsidized housing is usually provided through The HOME Investments Partnerships Program (HOME) or the National Housing Trust Fund (HTF). Neither of those programs is being used by the applicant. Nonetheless, the retention of the existing C-3 PD zoned area designated for multi-family on the lot in the NW part of the BCW phases at the SE corner of the intersection of Hill Road and Baker Creek Road is intended to provide for lower cost “workforce” rental housing. It is, however, market rate housing as opposed to subsidized housing. At 20 units per acre this area of the site could provide a maximum of 76 dwelling units, as the original planned development overlay approval called for, yet would likely result in less after improvements like parking and landscaping are designed for the site upon future building permit application of the C-3 PD zoned

property. This is why the applicant is only allocating to the multi-family Lot 126 in the BCW, which is already zoned for that purpose, 70 dwelling units maximum. This policy is met by existing zoning.

**E. Multiple-family Development Policies**

1. **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.**

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 90.00 uses aspirational language and is therefore not a mandatory approval standard for this case. Two of the subject properties, Tax Lot 200 and 203 (see Exhibit ‘B’), are located adjacent to minor arterial streets (Hill Road and Baker Creek Road), and located within a one-quarter mile of a commercial site, located on the north side of Baker Creek Road across from the site. While there is no existing or planned public transit route to this area, the fact that the site is located within a one-half mile corridor of two minor arterial streets provides for a high possibility that transit service could be available in the future. This Policy has been met to the extent possible at this time. (see Exhibit ‘P-1’)

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

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 92.00 uses aspirational language and is therefore not a mandatory approval standard for this case. *See also* response above to Policy 90.00.

3. **Policy 92.02: High Density housing developments shall, as far as possible, located within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.**

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 92.02 uses aspirational language and is therefore not a mandatory approval standard for this case. There is property zoned for a commercial node located on the north side of Baker Creek Road across from the site, less than a ½ mile away. Higher density housing may influence the provision of transit service in the future. The subject properties are also within a ½ mile of a future school site and an existing public park (Powerline Trail) and a new public park expected in 2017 that the City is currently designing. This Policy has been met.

**F. Urban Policies**

1. **Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent will all proposed residential development. Services shall include, but not be limited to:**

- a. *Sanitary sewer collections and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- b. *Storm sewer and drainage facilities (as required).*
- c. *Streets within the development and providing access to the development, improved to city standards (as required).*
- d. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).*

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 99.00 uses mandatory language and is therefore a mandatory approval standard for this case. All urban services (sanitary sewer, water, storm drainage) are available to serve the development of the subject properties. City Staff have received comments from service providers in response to this application, and City water and light (electricity service) is available upon completion of an extension agreement. Upon development, all public services will be extended to the lots in conformance with City Standards from adjacent stubbed streets to the site. These Policies have been met and can be ensured by conditions of approval for the concurrent Planned Development Overlay and Subdivision applications.

**G. Lot Sales Policy**

- 1. *Policy 99.10: The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the city planning staff shall develop a formula to be applied to medium and large size subdivisions, that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.*

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 99.10 is a directive to staff and is therefore not an approval standard. Nonetheless, staff has, in turn, developed an informal policy of requiring the applicant to market an undetermined number of individual lots to the general public for a period of six months beginning after preliminary Plat approval. Based on its meeting with staff, the applicant has agreed to market 25% of the lots to the general public for a period of six months after preliminary plat approval. A condition of approval can be imposed to ensure follow through on this issue. This Policy will be met.

**SUPPORTIVE FINDING AND CONCLUSION:** This Goal and related Policies above will be met by the approval of the requested proposal.

- 4. **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.**

**A. Growth Management Policies, Streets**

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

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 117.00 may or may not use mandatory language; however, the applicant will assume that it is a mandatory approval standard for this case. The concurrent Planned Development Overlay and Subdivision applications show that each proposed lot is easily accessible (see Site Plan Exhibits and Exhibit 'F-3'). This Policy has been met.

2. **Policy 118.00: The City of McMinnville shall encourage development of roads that include the following design factors:**
  - a. **Minimal adverse effects on, and advantageous utilization of, natural features of the land.**
  - b. **Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.**
  - c. **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.**
  - d. **Consideration given to Complete Streets, in consideration of all modes of transportation.**
  - e. **Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through street exist.**

**SUPPORTIVE FINDING AND CONCLUSION:**

Plan Policy 118.00 uses aspirational language and is therefore not a mandatory approval standard for this case. However, the applicant meets the intent of the policy as follows: All of the proposed streets within the proposed Planned Development will be constructed to City Standards (street improvement, curbs, gutters and sidewalks) within a right-of-way of 50 feet as part of the concurrent Subdivision application. The site is flat so there will be minimal cut and fill and natural features are preserved to the greatest extent possible with no streets crossing major wetland areas, which does result in some cul-de-sacs where necessary. Circulation will be improved by completing gaps in the existing street network. This Policy has been met.

3. **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.**
4. **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.**
5. **Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:**
  - a. **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.

**b. Major, minor collectors**

- 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.
- As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.

**c. 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.
- Off-street parking should be encouraged wherever possible.
- Landscaping should be encouraged along public rights-of-way.

**SUPPORTIVE FINDINGS AND CONCLUSIONS:**

Plan Policies 121.00 and 122.00 use aspirational language and are therefore not mandatory approval standards for this case. However, the applicant meets the intent of these two policies as follows: Access to the minor arterial streets (Hill Road and Baker Creek Road) are provided at 23<sup>rd</sup> Street, an extension of an existing east-west street, and via existing intersections at Meadow Drive and Shadden Drive (see Exhibit ‘F’). The proposed streets within the site are local streets designed to minimize through traffic and primarily to serve only the proposed development. The proposed streets within the concurrent development will be built with curbs and gutters in accordance with City Standards. In addition, 18 ft. of ROW will be provided adjacent to Hill Road and additional 18 ft. of ROW will be provided adjacent to Baker Creek Road in accordance with the City minor arterial standards. The proposal meets the requirements of these Policies.

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

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** Plan Policy 123.00 is a directive to the City Council and staff and is not an approval standard for this case. As part of the development of the subject properties, the proposed streets within the proposed Planned Development/Subdivision will be developed to City Standards. This Policy can be met.



## **B. Parking Policies**

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

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 126.00 uses mandatory language and is therefore a mandatory approval standard for this case. In accordance with the McMinnville Zoning Ordinance, two (2) off-street parking spaces are required per single family detached lot of less than four bedrooms. Four (4) off-street spaces will be provided on lots with two car garages for each single-family residence, two in the garage and two in front of the garage in the driveway (see Parking summary table on Exhibit 'F-3'). Off-street parking and loading will be provided for the commercial (multi-family) lot at the time of building permit for the multi-family dwellings. This Policy can be met at the time of development and can be ensured by a condition of approval. The proposal provides two points of access to the commercial lot to facilitate access to parking and loading facilities in the future.

- 2. 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.**

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 127.00 uses aspirational language and is therefore not a mandatory approval standard for this case. At the time of development of the subject property, off-street parking will be provided as required by the McMinnville Zoning Ordinance. All lots in the proposal allow for two car garages and two off-street parking spaces in the garages, including proposed small lot and large lots, which will encourage and enable off-street parking meeting the intent of this Policy. This Policy can be met at the time of development of each lot.

**SUPPORTIVE FINDING AND CONCLUSION:** The development of the subject properties meets the Goal and pertaining Policies addressed above for the development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

- 5. 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.**

## **A. Sanitary Sewer System Policies**

1. ***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.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 136.00 uses mandatory language and is therefore a mandatory approval standard for this case. At the time of development of the subject properties, public sanitary sewer will be provided to each of the created lots. This Policy can be met at the time of development.

2. ***Policy 139.00: The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:***
  - a. ***Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.***
  - b. ***Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.***
  - c. ***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.***
  - d. ***Extensions will implement applicable goals and policies of the comprehensive plan.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 139.00 uses mandatory language and is therefore a mandatory approval standard for this case. At the time of development of the subject properties, public sanitary sewer will be provided to each of the created lots. This Policy can be met at the time of development.

3. ***Policy 141.00: 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 drainage system, or to natural drainage ways, where required.***

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policy 141.00 uses mandatory language and is therefore a mandatory approval standard for this case. The proposal will ensure that all development within the Planned Development/Subdivision is connected to separate storm and sanitary sewers at the time of development. This Policy can be met and ensured at the time of development

#### ***B. Storm Drainage Policies***

1. ***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.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** Plan Policy 142.00 uses mandatory language and is therefore a mandatory approval standard for this case. Public storm drainage services will be provided to the

subject properties with the construction of the new public streets and establishment of the private tracts. Construction of public stormwater systems, detention areas and connections to the existing storm drain facilities will occur at the time of development. Through the construction of and approved storm collection system constructed to City standards there will be no significant adverse impacts to the quality of water or land as a result of this proposal. This Policy can be met and ensured at the time of development.

### **C. Water Policies**

1. **Policy 144.00: The City of McMinnville, through the City Water and Light Department shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.**
2. **Policy 145.00: The City of McMinnville, recognizing the City Water and Light Department as the agency responsible for water services, shall extend water services within the framework below:**
  - a. **Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.**
  - b. **Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.**
  - c. **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.**
  - d. **Applicable policies for extending water services, as developed by the City Water and Light Department, are adhered to.**
3. **Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.**

**SUPPORTIVE FINDING AND CONCLUSION:** Plan Policies 144.00 through 146.00 use mandatory language and are therefore mandatory approval standards for this case. Plan Policy 147.00 is a policy directive to City Staff. Public water facilities are currently available in existing city streets adjacent to the proposed Planned Development/Subdivision and are of sufficient size to be extended to serve the proposed development. All policies of the Water and Light Department for the coordinated provision of extension of existing public services will be followed. In response to this application Water and Light indicated to staff an extension agreement is required. These Policies can be met and can be ensured with conditions of approval.

### **D. Water and Sewer – Land Development Criteria Policy**

1. ***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:***
  - a. ***Sufficient municipal water system supply, storage and distribution facilities, as determined by the City Water and Light Department, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.***
  - b. ***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.***
  - c. ***Sufficient water and sewer system personnel and resources, as determined by the Water and Light Department and City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.***
  - d. ***Federal, state, and local water and waste water quality standards can be adhered to.***
  - e. ***Applicable policies of the Water and Light Department and the City relating to water and sewer systems, respectively, are adhered to.***

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** Plan Policy 151.00 uses mandatory language and is therefore a mandatory approval standard for this case. Though the City's own requirements of notification, all private utilities and City Departments are notified of the proposed Zone Change with concurrent Planned Development Overlay and Subdivision applications. Public sewer and water are already provided to the subject properties in the adjacent existing streets. Extensions and connections to the sanitary sewer and water facilities will be required at the time of development of the subject properties. The City treats sewage to meet the applicable standards for environmental quality. Through the use of the public collection and treatment facilities there will be no sewage discharges from the property directly to a water body or into the ground.

Based on these factors and considerations there will be no significant adverse impacts to the quantity or quality of water or sanitary sewer services to the area or to the city. This Policy has been met.

***E. Police and Fire Protection – Land Development Criteria Policy***

1. ***Policy 153.00: The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.***
2. ***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 annexation, subdivision proposals, and other major land use decisions.***

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** Plan Policy 153.00 is a directive to staff. Plan Policy 155.00 uses mandatory language and is therefore a mandatory approval standard for this case. Though the City's own requirements of notification, the Fire and Police Departments will be notified

of the proposal. Existing Police and Fire facilities are adequate to serve the proposed development. These Policies has been met.

**6. 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.**

**A. Parks and Recreation Policies**

1. **Policy 165.00: The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.**
2. **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.**
3. **Policy 168.00: Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.**
4. **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.**

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** Plan Policy 165.00 is a directive to staff and is not a mandatory approval standard for this case. Plan Policy 167.00 uses aspirational language and is therefore not a mandatory approval standard for this case. Plan Policies 168.00 and 169.00 use mandatory language and are therefore mandatory approval standard for this case. The proposal will provide for private open space that protects wetlands and significant vegetation, and provide for storm water detention areas (see Exhibit ‘E’ and Exhibit ‘F-3’). The subject properties contain no scenic areas. The proposal supports the Goal to provide recreation facilities and open space for the enjoyment of the citizens of the community. This Policy has been met by the provision of private open space within the proposed development.

**7. Goal VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.**

**A. Energy Policies**

1. **Policy 171.00: The City shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.**
2. **Policy 173.00: The City of McMinnville shall coordinate with the City Water and Light Department and the various private suppliers of energy in this area in making future land use decisions.**
3. **Policy 177.00: The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** Policy 171.00 uses non-binding language that sets no standard for approval, and is therefore not a mandatory approval standard for this case. Plan Policies 173.00 and 177.00 are directives to staff and are not mandatory approval standards for this case. Through the City's own requirements of notification, the City Water and Light Department will be notified, so the City can coordinate with it and other providers. These Policies can be met.

**8. Goal VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.**

**A. Energy Policies**

1. ***Policy 178.00: The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.***
2. ***Policy 179.00: The City of McMinnville shall amend pertinent ordinances to allow for design techniques which increase the efficient utilization of land and energy. Areas to examine shall include, but not be limited to:***
3. ***The zoning ordinance requirements, including density, lot areas, and setbacks to increase utilizable space in lots, while maintaining health and safety standards.***
  - a. ***The geographic placement of various uses (commercial, industrial, residential) on the Comprehensive Plan Map to encourage energy-efficient locations.***
  - b. ***The zoning ordinance and planned development provisions to allow for cluster developments, individually owned, common-wall dwellings, and other design techniques that increase utilizable space and offer energy savings.***
  - c. ***The subdivision and zoning ordinances to encourage energy-efficient design such as proper landscaping for solar heating and cooling, solar orientation of dwellings and other site design considerations.***
  - d. ***The building codes to encourage energy-efficient residential, commercial and industrial building design and construction techniques.***
4. ***The City of McMinnville supports local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce heat gain, lower energy consumption, and lessen pollutant output.***

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** Plan Policy 178.00 uses aspirational language and is therefore not a mandatory approval standard for this case. Plan Policy 179.00 sets forth policy direction for the development of zoning ordinances, and is not an approval standard for a Zoning map amendment.

The proposal will provide for a development that is intended to reduce urban sprawl by providing a higher density single family housing development, but of a high quality that will enhance the livability of the families living within each of the homes. The purpose of the Planned Development is to create an urban environment of single family residences that are not totally dependent upon the automobile but gives each residence private space while providing common open space and access to a neighborhood commercial facility, a school facility and a public park within easy walking distance. The detached single family housing units that will be constructed on the proposed

residential lots will be designed to meet or exceed the building code requirements for energy efficiency currently in effect. The location of the site adjacent to two minor arterial routes (Hill Road and Baker Creek Road), and the possible future availability of public transit and bicycle transportation to the area, make the development highly accessible and serves to reduce the energy needed to reach the home sites within the development. These factors result in the future housing sites being consistent with the energy conservation requirements of this Goal and implementing Policies.

9. **Goal IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO INSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.**

**B. General Development Policies**

1. **Policy 183.00: The City of McMinnville with the cooperation of Yamhill County shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those within the City limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.**
2. **Policy 184.00: The City of McMinnville shall establish a comprehensive plan map designating allowed uses within the McMinnville Urban Growth Boundary. Land uses allowed under the specific designations shall be set forth in Volume I of the McMinnville Comprehensive Plan, Chapter IX.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** Plan Policies 183.00 and 184.00 set forth policy direction for the development of zoning ordinances, and is not an approval standard for Zone Changes. The subject properties lie within the urban growth boundary, and have not been designated as reserve area. The subject properties are within the city limits of McMinnville, are currently vacant and therefore are classified as “Urbanizable” land. The proposal will fulfill the Goals and Policies of the McMinnville Comprehensive Plan and will provide the mechanism for the development of the subject property to urban densities. The proposal is in conformance with these policies.

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

**A. Policies**

1. **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.*

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** Plan Policy 188.00 sets forth policy direction for the development of zoning ordinances, and is not an approval standard for a Zone Changes. This policy is met by the zoning ordinance and is not affected by the proposal.

**SUPPORTIVE FINDING AND CONCLUSION:** The proposal will expand the degree of flexibility of the type of development that can occur on the subject properties. The proposal is consistent with the applicable Commercial, Residential, Transportation, Community Facilities and Services, Energy, Urbanization, and Citizen Involvement Goals and Policies listed in the Comprehensive Plan. For these reasons the proposal is consistent with the intent and methodology of the Plan and satisfies this Criterion A.