



City of McMinnville
Planning Department
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STAFF REPORT

DATE: April 25, 2017
TO: Mayor and City Councilors
FROM: Ron Pomeroy, Principal Planner
SUBJECT: **Ordinance No. 5021 – AP 1-17** (Appeal of Planning Commission denial of ZC 1-16, ZC 2-16 and S 3-16, Baker Creek Development Zone Change, Planned Development Amendment and Tentative Subdivision Plan)

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is the consideration of Ordinance No. 5021 (Attachment A to this Staff Report), an ordinance approving a zone change, planned development amendment and tentative subdivision plan for Baker Creek Development, as an appeal of the Planning Commission's denial of these land-use applications.

On February 16, 2017, the McMinnville Planning Commission voted to recommend to the McMinnville City Council that the Baker Creek Development LLC application for a zone change (ZC 1-16), planned development amendment (ZC 2-16) and tentative subdivision plan (S 3-16) be denied. Which, per the McMinnville Zoning Ordinance, Section 17.72.130(5)(b) halts any further proceedings on the application unless the applicant chooses to appeal the Planning Commission decision to the City Council. On March 13, 2017, the applicant filed an appeal of the Planning Commission decision.

Per the McMinnville Zoning Ordinance, Section 17.72.180, if an appeal is filed, the City Council shall hold a public hearing on the appeal. The public hearing is considered a "de novo" hearing and affords the applicant the right to submit new evidence and argument and to raise new issues to the City Council for consideration.

However, Baker Creek Development, LLC chose to keep their proposal essentially the same making a few adjustments to address the concerns that they heard from the Planning Commission and the public who opposed the proposal during the Planning Commission public hearing.

This staff report will outline those concerns, the basis for the Planning Commission vote to recommend denial, and the changes that Baker Creek Development, LLC made to address those concerns.

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Planning staff recommended approval of the applications to the Planning Commission based upon the fact that, with the proposed Conditions of Approval, the applications met the goals and policies of the McMinnville Comprehensive Plan and the code criteria of the McMinnville Zoning Ordinance. (Please see Attachment B to this staff report for the February 16, 2017 Planning Commission staff report). Planning staff still recommends approval of the applications and subsequently the appeal for the same reasons. Staff's evaluation and "The Findings of Fact, Conclusionary Findings and Conditions of Approval are all outlined in Exhibit A of Ordinance No. 5021 as the draft Decision Document for the City Council to consider. The Applicant's application, supplemental materials and the public testimony received are also outlined in Exhibit A of Ordinance 5021 as attachments to the Decision Document.

Background:

Summary of Process: Baker Creek Development, LLC, submitted an application on August 29, 2016, requesting approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet, or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. Concurrently, the applicant also requested approval of a tentative phased subdivision plan on approximately 40 acres of land that, if approved, would provide for the construction of 213 single-family homes and one multiple-family development. The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

These applications were submitted as one overall package and were deemed complete by the Planning Department on September 29, 2016.

Since this was a significant new development in McMinnville, property owner notices were sent to property owners within a 1000' radius of the proposed site.

The first public hearing before the McMinnville Planning Commission was held on November 17, 2016. As new substantive information had been submitted to the Planning Department by the applicant prior to the November 17th public meeting, the hearing was opened and immediately continued to the December 15, 2016 Planning Commission meeting to afford sufficient time for staff and the public to review the material prior to the issuance of a staff report and findings document and prior to the receipt of oral testimony. Unfortunately, due to inclement weather, the Commission's December 15th public meeting was cancelled and rescheduled for January 19, 2017. At the January 19th meeting, the Commission conducted a public hearing on this proposal and elected to close the public hearing but keep the written record open until 5:00 p.m. February 2, 2017 for receipt of additional written testimony. The applicant provided their written rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. At their meeting on February 16, 2017, the Planning Commission deliberated and voted unanimously to recommend denial of the applicant's proposal. Specifically, the Planning Commission voted to deny ZC 1-16 and ZC 2-16 including the proposed amendment of Planned Development Ordinance No. 4626. This action by the Planning Commission was also a de-facto denial of the tentative phased subdivision plan S 3-16. Following this denial decision, an appeal period was provided until 5:00 p.m., March 13, 2017. The applicant filed an appeal of the Planning Commission's denial on March 13, 2017.

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Summary of Testimony and Commission Action - The land use proposal submitted by Baker Creek Development, LLC, that was publicly reviewed and denied by the McMinnville Planning Commission on February 16, 2017 was, essentially, for the purpose of developing 44.36 acres of vacant land with 213 single-family detached residences and 65 apartment units. This development was proposed to occur within an existing 26.8 acre Planned Development boundary that was requested to be expanded by an additional 30.83 acres to accommodate the proposed development.

Much of the public testimony received concerned the adequacy of public facilities to serve the new development – ie storm drainage and future potential transportation impacts on the surrounding street network. Per Oregon state law, all cities must plan for the infrastructure needed to support full development of all land within the urban growth boundary, so transportation, wastewater and water infrastructure had all been adequately planned in advance to support the proposed development, including the appropriate mechanisms to pay for the increased capacity needed. For those infrastructure needs that were not already addressed in the City’s twenty-year public facility plans, conditions of approval were drafted and included in the Decision Document to address those specific concerns.

There were additional common themes evident in testimony that related to questions of density of housing, size of lots, housing types proposed, and adequate provision of pedestrian connections, parks and open space. Recommended conditions of approval in the Decision Document reflected some of those concerns by requiring the provision of an additional private mini-park to be located in the more dense western portion of the proposed development, and by requiring a variety of housing design such that no same home design could be built adjacent to another, including both sides of the street. An additional recommended condition also required the creation of a Pattern Book for residential design addressing the quality and type of exterior materials, front porches and entry areas for each residence, as well as sample exterior colors, and design details for roof materials and exterior doors and windows to help ensure the quality of neighborhood development that McMinnville enjoys.

There was also significant testimony relative to social justice issues, such as assumed income levels that the development would attract, home ownership versus rental properties, and police capacity to respond to potential issues associated with the development. These are social issues and not typically codified by land –use regulations.

Following the receipt of all testimony, the Planning Commission’s comments prior to their denial of the proposal noted that the application requested several variances on standard zoning requirements relative to lot size and yard setbacks as part of the planned development amendment, and that, on balance, failed to warrant the requested departure from these standard zoning requirements with additional value-added amenities in the neighborhood and community. Although Planning Commissioners did not cite specific code criteria for their denial they did indicate their concerns with the lot sizes, off-street and on-street parking, open space, and pedestrian connectivity. (Please see the minutes from the February 16, 2017, Planning Commission meeting as Attachment C to this staff report.) Comments shared by the Commission were reflected in the February 24, 2017, Planning Commission decision letter informing the applicant of the Commission’s denial of their application stating:

“The Planning Commission determined that your application failed to meet the purpose of a Planned Development as described in Section 17.51.010 of the McMinnville Zoning Ordinance. Specifically, the Commission found that the proposal failed to facilitate a

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desirable aesthetic and efficient use of open space, to create sufficient private common open spaces, to use a creative approach in land development, and to demonstrate special objectives which the proposal would satisfy. Therefore, the Commission determined that the proposal did not meet the necessary criteria in Section 17.51.030(C) and did not warrant a departure from the standard regulation requirements.”

However, significantly, Section 17.51.010 of the McMinnville Zoning Ordinance is a purpose statement and not specific code criteria used to evaluate proposals. It is reflective of the intent of the code and should be used for context in which to apply code criteria. But when the proposal is evaluated against the code criteria of the McMinnville Zoning Ordinance and the goals and policies of the McMinnville Comprehensive Plan it is compliant with the specific criteria of a zone change, and planned development amendment. (Please see the Decision Document Conclusionary Findings, Exhibit A of Ordinance No. 5021 – Attachment A to this staff report).

Discussion:

As this appeal action establishes a de novo hearing before the Council, the applicant has utilized the opportunity to modify the proposal to respond to the Planning Commission concerns and the public testimony in opposition to the project. This staff report and the Decision Document presented as Exhibit A of Ordinance No. 5021 address the modified proposal provided as part of the appeal application.

Hearing the overall prevailing concern about the need for more open space, the applicant added two new mini-parks to the western portion of the development. They have also illustrated how off-street parking is accommodated and meets the criteria of off-street parking in the McMinnville Zoning Ordinance in the same manner as every other residential development in McMinnville. Additionally, the applicant has provided more information about the targeted demographics that the project will serve, as well as several representative housing products to alleviate concerns of quality product.

This appeal by Baker Creek Development, LLC, of the Planning Commission’s denial referenced above seeks approval of a zone change from EF-80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.61 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. A table provided below summarizes the requested setback adjustments. Concurrently, the applicant is requesting approval of a modified tentative four-phase residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 208 single-family homes and the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units on a total of 44.36 acres of land.

This staff report will provide a high-level synopsis of the application and more detailed information can be found in the Decision Document.

The graphics provided below illustrate the existing zoning designations of the subject site and surrounding area and the resulting zoning pattern should the Council uphold the applicant’s appeal and approved the requested zone changes.

Attachments:

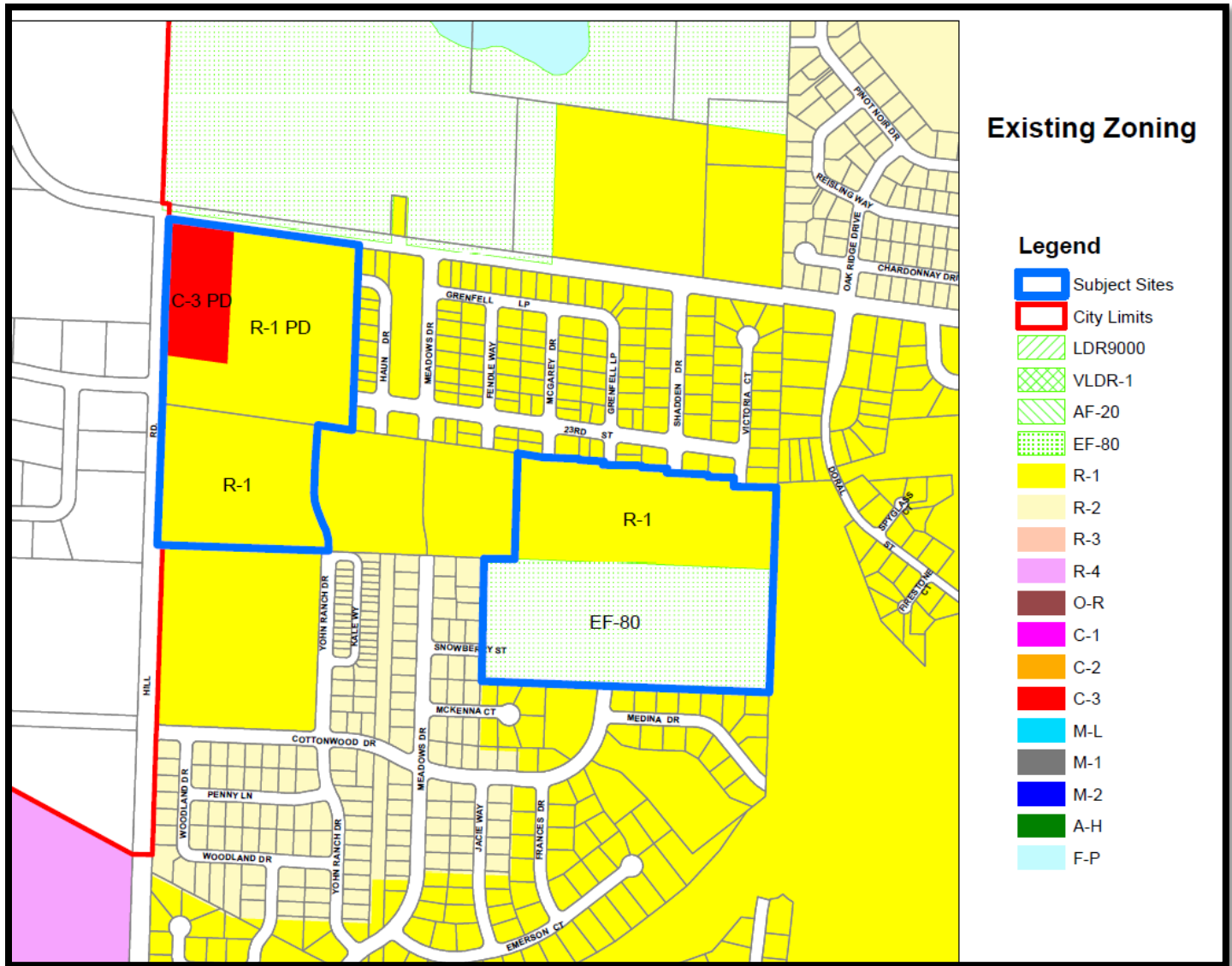
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Current Zoning



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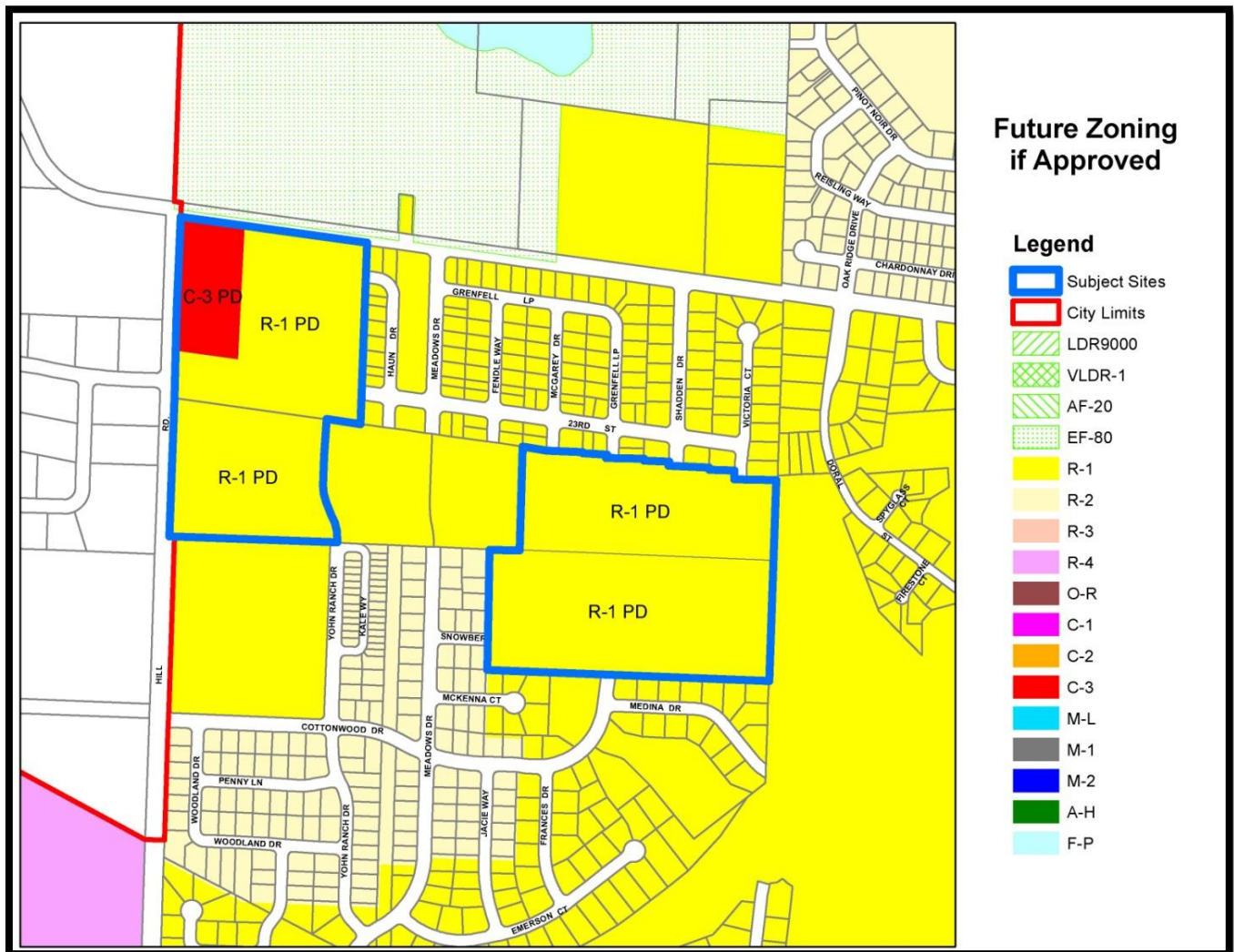
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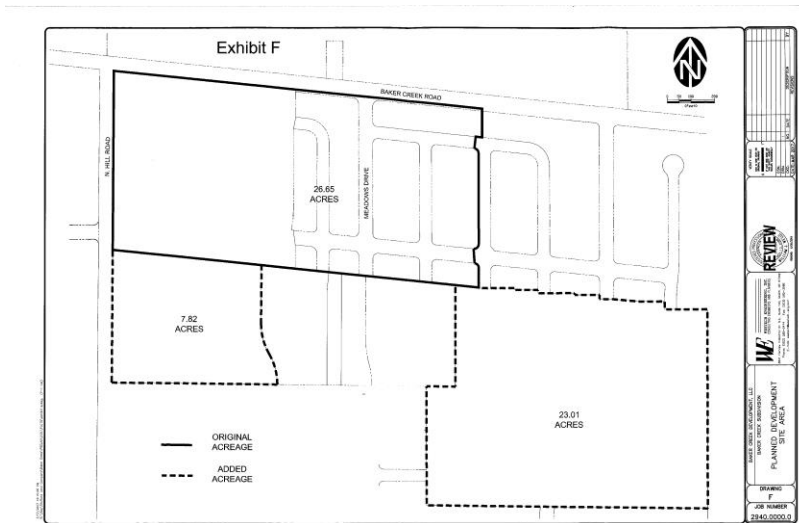
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Future Zoning if Approved



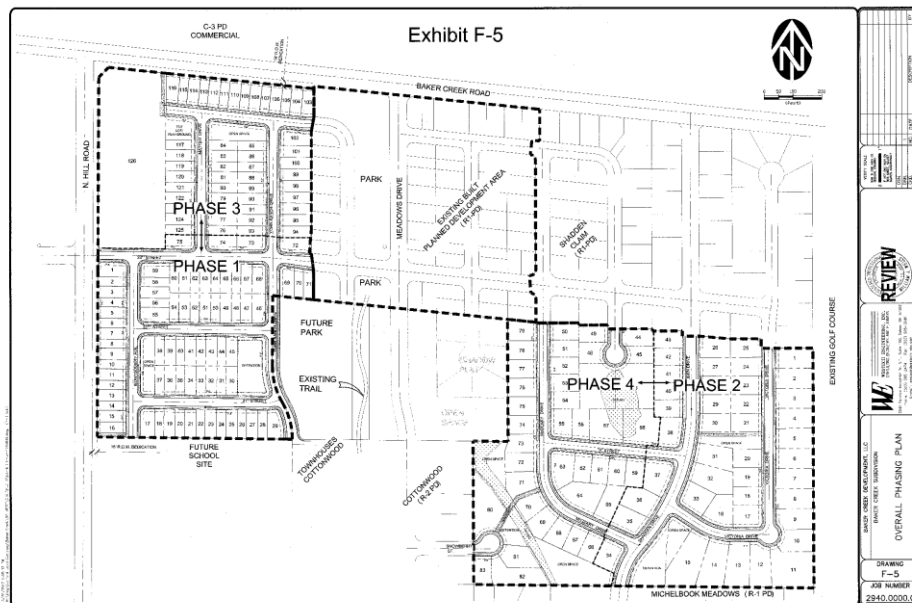
The applicant is also proposing to amend the existing planned development ordinance (Ordinance 4626) that currently governs a portion of the area proposed for residential development in a number of ways including an expansion of the boundary of the existing planned development to include the approximately 30.83 acres that are the subject of the zone change requests noted above. The two areas to be added to the existing planned development overlay are shown in the graphic below and identified as 7.82 acres in size and 23.01 acres in size (totaling 30.83 acres); this graphic is also identified as Exhibit F in the applicant’s submittal.

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Approval of the requested modifications to Ordinance 4626 would also provide for lot size averaging over the proposed expanded planned development area and a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 7.5 feet, 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet.

The applicant is proposing a four phased subdivision plan on approximately 44.36 acres of land that, if approved, would provide for the construction of 208 single-family homes the construction of 70 multiple-family dwellings on one lot yielding a total of 278 proposed residential dwelling units. This residential development plan is proposed to occur in four-phases as demonstrated in Exhibit F-5 of the applicant's submittal, a copy of which is provided below for your reference.



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The applicant has devised unique labels for each of five types of proposed single-family lots that correspond to the minimum widths of the lots. The table below provides a summary of those lot types and their respective characteristics.

Lot Types - Proposed Setback and Lot Size Adjustments

Lot Type	Setbacks	Minimum Lot Size	Minimum Building Envelope Width	Number of Lots	Percent of Total Lots
SFD-70 (Meets all R-1 standards)	Front - 20 feet Rear - 20 feet Interior Side - 10 feet Exterior Side Yard - 20 feet	9,000 sq. ft.	50 feet	19	16.8%
SFD-65	Front - 20 feet Rear - 20 feet Interior Side - 7.5 feet Exterior Side Yard - 20 feet	6,463 sq. ft.	50 feet	29	13.9%
SFD-60	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 20 feet	5,683 sq. ft.	50 feet	35	9.1%
SFD-40	Front - 15 feet Rear - 20 feet Interior Side - 5 feet Exterior Side Yard - 15 feet	4,000 sq. ft.	30 feet	69	33.2%
SFD-32	Front - 15 feet Rear - 20 feet Interior Side - 3 feet Exterior Side Yard - 15 feet	3,200 sq. ft.	26 feet	56	26.9%

A copy of the proposed tentative subdivision plan showing the locations of the various proposed lot types is included in the applicant's submittal as Exhibit F-1 and is provided below for your reference.

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The applicant has provided a detailed narrative and numerous exhibits to support their appeal request of the previously denied land use requests. To aid the Council in review of this material, it is beneficial to initially consider the Baker Creek East (BCE) and Baker Creek West (BCW) portions of this proposal separately. This will allow staff to discuss the design of these two distinct portions of the proposal independently in order to provide additional clarity to the various elements of the proposal. Following this, the discussion of the residential density and Planned Development aspects of the proposal will address the project in total.

It is also instructive to note that, while this appeal is a *de novo* hearing of a modified proposal by the applicant, there remain occasional phrasing references in the applicant’s submittal that are remnants of the prior proposal that was denied by the Commission. An example of this occasional circumstance is the reference on page 15 of the applicant’s Exhibit C referring to R-3 and R-4 Modified lots; terminology that is not relevant in this current application or review.

Baker Creek East (BCE)

Phases 2 and 4 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek East (BCE). The applicant proposes the platting of 83 single-family residential lots ranging from 5,683 square feet to 21,050 square feet in size on 23.01-acres of land yielding an average lot size of approximately 8,598 square feet.

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Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCE) the phasing in this graphic is incorrect. According to the phasing plan proposed throughout the balance of the application, Phase 1 below accurately corresponds to Phase 2 of the correct phasing plan, and Phase 2 as shown below accurately corresponds to Phase 4 of the correct phasing plan. Staff understands this matter to be only a text error on this graphic.

This matter regarding different phasing numbers from that represented on the applicant’s Phasing Plan (Exhibit F-5), is also present in the discussion of BCW below. These seemingly alternate phase numbers were communicated to the applicant as was a request for clarity. Their response is found in the application supplemental materials, Attachment 2 of this Decision Document, a letter from Gordon Root, dated April 17, 2017, with the relevant portion indicating that providing different phase numbers was intentional on the part of the applicant the purpose described below:

“The purpose of Exhibit F-5 is to show how the overall phasing of the project will go. It is correct in that we’ll move forward with BCW’s southern phase first. We’ll likely move forward with BCE’s eastern phase second, and/or concurrently. BCW’s northerly phase will follow in third place, with the westerly phase of BCE fourth, as shown on the graphic.

The preliminary plats Exhibits G and H (Sheets PL-1 through PL-4) and Exhibits G-1a and H-1a (Sheets SP-A and SP-B) reflect how they will be recorded with the County Surveyor. We anticipate BCW will record as Baker Creek West Phase 1 and Baker Creek West Phase 2, while BCE will record as Baker Creek East Phase 1 and Baker Creek East Phase 2.

The above wording on how we think they will record is reflected in the plats and site plans, where Exhibit F-5 is intended to demonstrate to the City how the phases will be programmed.”



The 83 single-family lots are proposed to be one of three styles and are referenced by the applicant as SFD-70 (Single Family Development-70), SFD-65 (Single Family Development-65) and SFD-60 (Single Family Development-60). As noted above and on the applicant’s Exhibit F-3, Table 5, the

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SFD-70 lots would meet all minimum requirements of the R-1 zone including 10-foot side yard setbacks. SFD-70 lots will also have a minimum lot width of 70 feet. Of the 83 proposed single-family lots in BCE, 19 are identified by the applicant as SFD-70 (11% of the proposed lots in BCE). The applicant states that the proposed SFD-70 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-70 lots is approximately 10,951 square feet in size. For comparison, this average lot size exceeds the minimum 9,000 square foot lot size required in the R-1 (Single-Family Residential) zone.

The applicant's submittal also provides that the SFD-65 lots are those lots proposed to be at least 6,463 square feet in size with 7.5-foot side yard setbacks and a minimum lot width of 65 feet. Of the 83 proposed single-family lots in BCE, 29 are identified by the applicant as SFD-65 (35% of the proposed lots in BCE). The applicant states that the proposed SFD-65 lots would provide a minimum building envelope width of 50 feet and that the average lot size of the SFD-65 lots is will be 7,432 square feet. For comparison, this average lot size more closely compares to, and is some 432 square feet larger than, the 7,000 square foot minimum lot size required in the R-2 (Single-Family Residential) zone.

Exhibit F-3, Table 5 also shows that SFD-60 lots are those lots proposed to be at least 5,683 square feet in size. SFD-60 lots are proposed to provide 5-foot side yard setbacks and a minimum lot width of 60 feet. Staff notes that four of the proposed SFD-60 lots are very large in comparison due to the location of probable wetlands being located on those lots (Lots 46, 47, 57 and 58) in addition to the uniquely configured lots 80 and 82; this is clearly depicted on drawing PL-3 of the applicant's Exhibit H. Of the 83 proposed single-family lots in BCE, 35 are identified by the applicant as SFD-60 (42% of the proposed lots in BCE). The applicant's narrative also states that the proposed SFD-60 lots would provide a minimum building envelope width of 50 feet. The average lot size of the SFD-60 lots is stated to be 8,287 square feet. Without inclusion of the uniquely configured lots noted above, the average size of the SFD-60 Lots would be comparable to the 6,000 square foot minimum lot size requirement for a residential lot in the R-3 (Two-Family Residential) zone.

The average lot size of all residential lots in BCE, combined, is 8,598 square feet in size; about 402 square feet smaller than a minimum sized standard R-1 zoned lot. Due to open space, on-site storm water detention tracts and identified wetland areas, the average residential density of the BCE portion of the proposal is 3.61 dwelling units per net acre which is less than the 4.8 dwelling units per net acre that is the maximum residential dwelling unit density for R-1 zoned land; a net acre of land consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets.

Access to BCE is proposed to be provided by the southerly extensions of NW Victoria Drive, Shadden Drive, McGeary Drive and Mahala Way, the easterly extension of Snowberry Street and the creation of a new east-west local street proposed to connect McGeary Drive to Shadden Drive identified as "A" Street in the applicant's submittal. Mahala Way and Snowberry Street are proposed to terminate with cul-de-sacs within this portion of the development. All streets would be public streets within BCE and are proposed to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips) with the exception of Shadden Drive which will be developed with a 36-foot wide paved section within a 60-foot right-of-way. In addition, the applicant also proposes three open space tracts and two on-site storm water detention areas. A pedestrian walkway is proposed to cross near the midsection of the area identified by the applicant on drawing

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PL-3 as Tract A Detention and as Tract A Open Space providing a pedestrian connection between the Snowberry Court cul-de-sac and McGearry Drive; there also appears to be a linear wetland area separating the Tract A Detention from Tract A Open space areas. Similarly, an additional similar pedestrian pathway is provided mid-block connecting NW Shadden Drive with NW Victoria Drive. This pathway is identified on the applicant's Attachment H-1, drawing SP-4 in an area simply identified as Open Space. This "open space" area is separately identified as Tract C Open Space on the applicant's Exhibit H, drawing PL-4.

Table 1.0 of the applicant's Exhibit F-3 provides an open space summary for both BCE and BCW. A review of this Table shows a total of 49,198 square feet (1.13 acres) of open space for BCW and 95,920 square feet (2.20 acres) of open space for BCE. These total acreage figures include storm water detention ponds, public walkways, a Mini Park/Playground and what is identified by the applicant as Passive Open Space and Active Open Space. It is instructive to note that the proposed storm water detention ponds are included as part of the open space calculations as are wetland area(s) which are however not uniquely identified as an open space type. Had additional clarity been provided by the applicant a clear picture of specific open space types and acreages could have been provided to the Council for review.

Baker Creek West (BCW)

Phases 1 and 3 of the proposed phased subdivision plan are referred to by the applicant as Baker Creek West (BCW). The applicant proposes the platting of 125 single-family residential lots ranging from 3,200 square feet to 5,769 square feet in size with an average lot size of 3,847 square feet; about 1,153 square feet (or 23%) smaller than a minimum sized R-4 single family lot which is 5,000 square feet. Also proposed is a future multiple-family development on a 3.8-acre lot (Lot number 126).

Please note that the phasing plan identified as F-5 above is the correct phasing plan for this proposal. While the graphic below accurately depicts the subdivision proposal for this portion of the development (BCW) the phasing in this graphic as explained by the applicant, above, is intended to show the subdivision phase names that would be assigned when the subdivision phases record, not the order in which the phases will record. For purposes of understand the order of how the subdivision phases will be constructed, the phasing plan identified as Exhibit F-5 remains accurate. According to the phasing plan proposed throughout the balance of the application, Phase 1 below accurately aligns with the actual Phase 1 of the phasing plan, while Phase 2 as shown below accurately corresponds to Phase 3 of the correct phasing plan. Staff understands this matter to be only a text error on this graphic.

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The 125 single-family lots are proposed to be one of two lot types identified by the applicant as SFD-40 (Single Family Development-40) and SFD-32 (Single Family Development-32). As noted above and on page 15 of Exhibit C and Table 5 of Exhibit F-3 of the applicant’s submitted materials, the SFD-40 lots are those lots proposed to be at least 4,000 square feet in size with 5-foot side yard setbacks and a minimum lot width of 40-feet. Of the 125 proposed single-family lots in BCW, 56 are identified by the applicant as SFD-40 lots (45% of the proposed lots in BCW). The applicant states that the proposed SFD-40 lots would provide a minimum building envelope width of 30 feet. The average lot size of the SFD-40 lots is 4,262 square feet. For comparison, this average lot size is about 1,738 square feet smaller than the 6,000 square foot minimum lot size for a standard single-family lot in the R-3 (medium density) zone and 738 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone.

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Table 5 of the applicant's Exhibit F-3 states that the SFD-32 lots are those lots proposed to be at least 3,200 square feet in size with 3-foot side yard setbacks and having a minimum lot width of 32 feet. Of the 125 proposed single-family lots in BCW, 69 are identified by the applicant as SFD-32 lots (55% of the proposed lots in BCW). The applicant's narrative also states that the proposed SFD-32 lots would provide a minimum building envelope width of 26 feet. The average lot size of the SFD-32 lots is 3,333 square feet. For comparison, this average lot size is about 1,667 square feet smaller than the 5,000 square foot minimum lot size for a standard single-family lot in the R-4 (Multiple-Family Residential) zone; or approximately 67% of the size of a 5,000 square foot lot.

Access to BCW would be provided by the westerly extensions of NW Haun Drive and NW 23rd Street and the northerly extension NW Yohn Ranch Drive. New north-south oriented local streets identified by the applicant as Matteo Drive and Montgomery Avenue as well as the creation of new east-west oriented local streets identified by the applicant as NW 21st and NW 22nd Streets are also proposed. NW Haun Drive is proposed to provide direct vehicular access to the multiple-family site (proposed lot 126) located in the northwestern corner of Phase 3 of the proposed development. NW Montgomery Drive is proposed to provide a street stub to the northern edge of adjacent property to the south currently owned by McMinnville School District 40 to provide future public street access that that site. All streets within BCW are proposed to be public streets to be constructed to local residential street standards (28-foot wide paved section within a 50-foot right-of-way to include five-foot wide sidewalks and five-foot wide curbside planter strips). The applicant also proposes one on-site storm water detention area to be located west of NW Yohn Ranch Drive. Please refer to the applicant's Exhibit F-1 and Exhibit G, drawing PL-2 for additional detail.

The previously mentioned multiple-family site (proposed lot 126) is 3.8-acres in size and more clearly depicted on Exhibit G, drawing PL-1. This site is zoned C-3 PD (General Commercial, Planned Development) and identified to allow for multiple-family development by Ord. No. 4626. It is instructive to note that a companion subdivision tentative plan was also approved by the Planning Commission in 1996 as part of the land use proposal that resulted in the adoption of Ord. No. 4626. That subdivision approval (S 2-96) limited the multiple-family site to a maximum residential density of 20 units per acre. A portion of this subdivision plan was constructed as Shadden Claim 1st and 2nd Additions, but the undeveloped balance of the tentative plan approval has long since expired. This is relevant context in that the condition of approval of S 2-96 (Subdivision proposal for VJ2 Development approved by the Planning Commission on May 9, 1996) wherein condition of approval number 19 limiting density on the multiple-family site to a maximum density of 20-units per acre has also expired. Although, while that previous condition would have limited construction to no more than 76 multiple-family residential units on that site, the applicant proposes construction of only 70 multiple-family units in this current proposal; for context, this is a reduction of 6 proposed units from that previous, yet no longer valid, approval limit.

General Discussion of Overall Development Proposal

Essentially, the applicant is requesting approval to modify a twenty-year old partially developed Planned Development tentative subdivision plan with a new tentative subdivision plan on a larger geographic footprint. The following observations are grouped into distinct topics to aid the Council in its review.

PRELIMINARY NOTES

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- Section 17.53.105(A) of the McMinnville Zoning Ordinance states that “the depth of lot shall not ordinarily exceed two times the average width.” Of the 125 proposed lots in BCW, all except for perhaps 12 of the lots exceed this standard. While the operative phrase in this standard is “shall not *ordinarily* exceed,” 113 of the lots (90% of BCW and 54% of the total development site; BCW and BCE combined) exceed this standard. However, with the applicant’s proposal to expand and modify the existing Planned Development it is possible for the City to support accommodation of this lot design should the overall development concept successfully meet or exceed the applicable land use policies and approval criteria of a planned development.

It was previously noted that wetlands are shown on lots 46, 47, 57 and 58 of BCE and potentially identified within the Tract C area shown on Exhibit H, drawing PL-3 of the applicant’s submittal. Prior to platting, a wetland quality assessment will be required to determine if preservation of either or both of these areas are necessary. If protection is necessary, a wetland delineation will be required prior to platting to ensure protection and that a usable building footprint remains on each of the affected residential lots as addressed in recommended condition of approval number 27.

RESIDENTIAL DENSITY

Due to concerns related to sanitary sewer drainage basin flow capacities, the City Council acted in 1979 to limit the average residential density of McMinnville’s west side (west of Hwy 99W, Adams Street, and South Baker Street) to a maximum of six dwelling units per net acre. This residential density limitation remains in force. Residential densities exceeding the six dwelling units per acre maximum were typically reviewed and approved as part of larger development proposals with overall densities averaging six dwelling units or less over the project site. This west side density limitation is also memorialized in Comprehensive Plan Policy 71.01.

The applicant is proposing the platting of 208 single-family residential lots and one 3.8-acre multiple-family residential lot to contain 70 multiple-family dwelling units on a combined area total of approximately 44.35 acres of land. This would be achieved, in part, by approval of a modification of Ordinance 4626 to increase the size of the existing planned development area from 26.65 acres to 57.48 acres in size by adding 30.83 contiguous acres to the original size. Page 15 of Exhibit C of the applicant’s submittal states that, if approved, this development proposal would result in a total of 335 dwelling units located within the expanded planned development area. This total is comprised of 70 proposed multiple-family units, 208 proposed single-family detached units, 31 existing single-family detached units, and 26 existing attached duplex townhouses. The applicant also provides additional information relative to residential density in Table 3.0 of Exhibit F-3 Table of applicant’s submittal. Staff has summarized this data in the table below:

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Residential Dwelling Units and Average Density	
Subdivision Name	Number of Residences
Shadden Claim First Addition	11
Shadden Claim Second Addition	46
Proposed BCE Lots	83
Proposed BCW Lots	125
Proposed Multiple-Family Units	70
Total Number of Dwelling Units	335
Total Number of Acres for Expanded PD	57.48
Average Residential Density per Acre	5.8

While there are two “halves” of the development proposal (BCE and BCW) for discussion sake, the proposed residential density needs to be evaluated and considered as it pertains to the entire planned development site rather than distinct sub-areas within the overlay. With that in mind, the proposed overall residential density of 5.8 dwelling units per acre for the expanded planned development area is slightly less than the maximum allowable residential density of 6 dwelling units per acre for McMinnville’s west side. While this calculation is part of the required density analysis, it is not the whole story. The other important and necessary question regarding density is how the proposed residential density complies with the density allowance of the underlying zones of the proposal (R-1 and C-3).

The underlying zone of this development area is R-1 (Single-Family Residential) which, through a minimum lot size requirement of 9,000 square feet, allows a maximum residential density of 4.84 dwelling units per acre. At a proposed average residential density of 5.8 residential units per acre, this density maximum would clearly be exceeded. However, it is important to note that McMinnville Comprehensive Plan Policy 79.00 states, in part, “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. [...] *Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.*” [Emphasis added]

OPEN SPACE

As part of the proposal, the applicant provides an open space summary table listed as Table 1.0 of Exhibit F-3 in the applicant’s submittal. This table states that there are 86,070 square feet (1.98 acres) of existing open space within the combined area of the Shadden Claim 1st and 2nd Addition subdivisions. While the applicant includes this open space as part of the overall open space calculation for the expanded planned development area, it is instructive to note that the 1.98 acres of open space provided as part of the Shadden Claim 2nd Addition subdivision was dedicated to the City in lieu of park System Development Charges (SDCs) and today exists under public ownership as part of the Westside Bicycle and Pedestrian Linear Path.

In Table 1.0, the applicant also includes as open space the areas to be designated as on-site storm water detention ponds as part of the open space calculation. This is evident in the figures provided in Table 1.0 and in comparing Table 1.0 to the various Tracts identified on Drawings PL-3 and PL-4 of the applicant’s Exhibit H where the active open space and storm water areas have been combined together

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in the calculations provided. The land area identified for use as on-site storm water detention and filtration use in Table 1.0 totals 43,251 square feet which is an area just under one acre in size. While the applicant includes this in the open space calculation for the proposal, the City does not include storm water detention facilities as open space as they are specifically designed to serve as components of the City's storm water management system in lieu of construction of alternative storm water catchment and conveyance systems. These facilities are not a valid part of open space calculations (either passive or active) to serve the recreation needs of a neighborhood or community.

The graphic exhibits submitted by the applicant provide combined land area calculations of open spaces and adjacent storm water detention areas in BCE. Table 1.0 is the one location that provides separate calculations of these areas. For BCE, Table 1.0 identifies Active Open Space Area B as 8,280 square feet in size. This open space is located adjacent to storm water detention Tract B located at the proposed intersection of Victoria Court and Shadden Drive. Table 1.0 also identifies Passive Open Space C (North and South) as being 49,538 square feet in size. Passive Open Space C (North and South) appears to be some portion of the 58,437 square foot area identified as Tract C of Drawing PL-3 of the applicant's Exhibit H and, from viewing other graphics also provided in the application, seems to include a sizable wetland area and/or a storm water detention area. This area is generally located between Snowberry Court and McGeary Drive. As no other information has been provided addressing this potential wetland area, staff has drafted a condition of approval to require a wetland quality assessment of this location and, if warranted, a wetland delineation survey and suitable protection of this area from the adjacent open spaces, pedestrian pathway and storm water detention pond. Should this identified wetland area require protection through fencing or other barrier technique, one of the effects would be to make the north open space portion of this tract inaccessible to the neighborhood except through backyard access from lots 71, 72 and 73.

Tract A Open Space of BCE is depicted on Drawing PL-4 of Exhibit H and corresponds to the area identified as Public Walkway Area A on Table 1.0 of Exhibit F-3 and is noted to be 11,691 square feet in size. Tract A is proposed to be located between Shadden Drive and Victoria Drive. In sum, it appears that the applicant is actually proposing to provide around 69,509 square feet (about 1.6 acres) of open space with the 23.01 acre area of BCE (some 6.9 percent of BCE). Table 1.0 provided by the applicant provides an open space percentage of 9.57 percent of the site however staff does not support that calculation.

The open space areas are easier to define in BCW as none of them are proposed to be located adjacent to storm water detention facilities. There are three open spaces proposed as part of BCW. Tract D Open Space as identified on Drawing PL-1 of the applicant's Exhibit G corresponds to the Tot Lot/Playground listed in Table 1.0. This area is identified by the applicant as an active play area 7,516 square feet in size, located at the proposed intersection of Matteo Drive and Haun Drive and is to be improved with permanent play equipment; the applicant provides an example of play equipment that could be realized for this Tot Lot in Exhibit P-1 of their submittal.

Open Space Tract C as also identified on Drawing PL-1 is to be located as the northern "end cap" of the block bordered by Matteo Drive to the west, Yohn Ranch Drive to the east and Haun Drive to the north. This Tract is shown to be 11,393 square feet in size and corresponds to Active Open Space B on Table 1.0 of Exhibit F-3. The third open space is of similar "end cap" location, is proposed to be 10,097 square feet in size and bordered to the south by 21st Street, to the north by 22nd Street and Montgomery Drive to the west. Tract B Open Space corresponds to Active Open Space A on Table 1.0. The applicant's Table 1.0 provides a figure of 49,198 square feet of open space for BCW. However, when the 20,192 square foot storm water detention facility is removed from the calculation, a

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total of 29,006 square feet (0.67 acres) remain in actual open space available for active use of nearby residents.

Staff calculates the total amount of open space (non-detention area) for the proposed four phase residential development to be 98,515 square feet (about 2.3 acres); the future disposition of the unresolved potential wetland area notwithstanding. As the open space provided in the Shadden Claim 1st and 2nd Addition residential subdivisions is publically owned and maintained, this open space figure of 2.3 acres remains constant for the entire 57.63 area of the proposed expanded Planned Development boundary. It is understood that the applicant has provided a different approach to considering and calculating open space. However staff has unpacked this information into its various elements as far as possible given the level of detail provided and is confident that the total amount of private usable open space for this 57.63 acre area remains at approximately 2.3 acres (about 4 percent of the proposed Planned Development area).

While still addressing the topic of open space, it is also interesting to note that overall representation of "open" spaces for the planned development and surrounding area that is depicted in green on the full-color Exhibit F-1 and could have the effect of being unintentionally misleading. The same green color is applied to the applicant's proposed open spaces, storm water detention ponds and public pedestrian pathway connections and wetlands, as well as the linear Westside Bicycle and Pedestrian park system, and the future public barrier free park to be constructed in the near future, as well as to land not owned by the applicant but yet identified as open space due to the applicant's shadow plat design shown adjacent to the west edge of BCE. Staff suggests that this graphic, either intentionally or unintentionally, may seem to imply more land being represented as "open" space that would actually exist. However, technically, while most of these green colored spaces are labeled as noted above, the color green is not found in the legend of this graphic.

STORM WATER DETENTION AREAS

In comments provided in the Decision Document (Exhibit A of Ordinance No. 5021) by the McMinnville Engineering Department, the proposed plans indicate that site storm drainage will be collected and conveyed to several storm detention facilities. Of particular note, it appears that the detention and wetland areas identified in BCE would likely follow the area topography and drain toward the wetland area identified as Tract "A" of the Michelbook Meadows subdivision adjacent to and south of BCE. In this instance, additional flow would be directed through that system. The proposed storm water facilities shall be sized in accordance with the City's Storm Drainage Master Plan, and maintenance of the vegetation and landscaping within the detention areas shall be the responsibility of the Home Owner's Association (HOA). The developer shall submit a maintenance plan for the detention areas to the City for review and approval prior to the recording of the subdivision plat. Conditions of approval are provided by the Engineering department relative to storm water systems and requirements to ensure adequate flow conveyance through the subject site and into surrounding systems.

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PEDESTRIAN CONNECTIONS

Pedestrian connections in the form of public sidewalks are required as part of public street design standards adopted in the McMinnville Transportation System Plan (TSP, 2010). As noted below, public sidewalks will be required along both sides of all public streets should the proposed tentative subdivision plan be approved by the Council upholding the applicant's appeal. This is an appropriate requirement for much of the development that occurs locally. However when a planned development is proposed an additional level of importance is placed on pedestrian connections.

Comprehensive Plan Policy 77.00 states "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." The pedestrian pathways mentioned here are in addition the required public sidewalks referenced above. The applicant provides graphic representation of additional pedestrian pathway connections. These proposed pathway connections are all represented on Exhibit F-5, Drawing PL-1. The pedestrian pathway connections can be seen located within the northeastern corner of lot 126, and also along the south side of lot 16 of BCE, and also between Snowberry Street and McGeary Drive and between Shadden Drive and Victoria Drive of BCE. However, the only reference to the proposed widths of these pathways is the notation of a 20-foot wide easement to be located within lot 126 connecting Haun Drive to Baker Creek Road. With no other information being provided relative to easement width, or pathway surface material or width, these elements will be addressed through recommended conditions of approval provided in the Decision Document attached to this staff report.

STREETSCAPE

Architectural Street Appeal

The applicant has provided some examples of proposed types of residential front facades. These residential examples can be seen most readily on Exhibit F-2 of the applicant's submittal. This graphic provides examples of general building envelopes and garage orientation for each of the five Lot Types devised by the applicant. These are examples only and as part of one of the Conditions of Approval, the applicant will need to provide an Architectural Pattern Book that will need to be approved by the Planning Director. The Architectural Pattern Book will need to show how the applicant is using design, materials and architectural elements to create a pedestrian scale neighborhood.

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

In addition, there is a proposed condition of approval to mitigate similar style homes in the project by stipulating that no building of the same elevation, or reverse elevation, will be built on adjacent lots or the three lots located directly across the street.

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On-Street Parking

Per the McMinnville Zoning Ordinance, every single family dwelling unit must provide a garage and driveway to accommodate two vehicles. This is intended to accommodate off-street parking needs for the individual household. On-street parking is intended for the occasional visitor and guest in the neighborhood and not as proprietary household parking. Therefore, the McMinnville Zoning Ordinance only addresses off-street parking requirements. Every single family dwelling unit must comply with the code's parking requirements. The applicant's proposal meets this code criteria. However, since many households have more than two cars, the applicant has proposed to "pair" driveways where feasible in order to maximize on street parking opportunities, especially in those areas with narrow lots. By alternating the garage placement (left or right side) on every other home, driveways can be "paired" close to each other resulting in longer continuous on-street parking opportunities.

In addition, each single-family detached residence in BCW will be provided with a two-car garage and a two-car driveway. This will provide four on-site parking spaces for each residence where only two on-site parking spaces are required per single-family residence by the McMinnville Zoning Ordinance. This design approach actually provides double the minimum parking spaces required for each single-family residence. While lots in the BCE portion of the development will all be wider than those in BCW, the applicant proposes to provide all residences with either four or six on-site parking spaces (some residences designed for lots identifies as SFD-70 will achieve on-site parking by providing three car garages with triple-wide driveways).

Street Trees

The McMinnville Zoning Ordinance requires that a street tree planting plan be submitted to and reviewed by the Landscape Review Committee as a condition of approval for residential subdivision development. The standards require street tree spacing of between 20 (twenty) and 40 (forty) feet apart dependent on the mature branching width of the approved tree(s). Given the limited street tree planting opportunities provided by the lotting pattern proposed in BCW, the opportunity to achieve the desired tree cover and tree-lined streets will be less than optimal. It is not uncommon for street tree placement to be a bit more challenging in higher density residential neighborhoods. However, the lot widths proposed in BCW make it especially difficult to achieve the required street tree spacing standards.

The pairing of driveways would provide some opportunity for better placement of street trees, but some planting strip areas will not be large enough to allow for the planting of street trees while meeting the necessary street tree planting standards. For example, in areas between the lots identified as SFD-40 and SFD-32, there will be only eight (8) feet between driveways, as shown in Exhibit G-1 on Drawings SP-1 and SP-2. The McMinnville Zoning Ordinance normally requires street trees to be planted at least five (5) feet from the edge of a driveway, which could not be achieved in these narrower areas between driveways in BCW. The McMinnville Zoning Ordinance does allow for that five (5) foot distance to be reduced. In order to allow a reduction and achieve the tree-lined street effect, the street tree species selected for these areas must be a species with a deeper root system and additional planting standards may be required, as determined by the Landscape Review Committee. In addition to driveways, there will be required setbacks for street trees from street lights, fire hydrants, and other public and private utilities, which will further limit the ability to achieve tree-lined streets in BCW. A condition of approval has been recommended by staff to address this.

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Housing Affordability, Diversity and Variety

Exhibit C of the applicant's submittal includes a section beginning on page 9 that provides data and information relative to the Greater Portland Metropolitan Statistical Area (MSA) which includes Columbia, Washington, Multnomah, Clackamas and Yamhill Counties. Also provided is information relative to home sale prices and wages for Yamhill County and the individual cities within the county including McMinnville. While this information is informative, interesting and perhaps accurate, it does not speak specifically to land use criteria the Council must use to render a decision in the case of this appeal with the exception of Comprehensive Plan Goal V 1, and Policies 58.00 and 59.00 which shall be addressed in Exhibit A attached to this staff report.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Council Options:

1. **REMAND** the appeal application to the Planning Commission to a specific date and time for receipt of additional public testimony, deliberation and recommendation.
2. **CLOSE THE PUBLIC HEARING** and **APPROVE** the application, per the decision document provided which include the findings of fact, conclusionary findings, and conditions of approval, by **ADOPTING ORDINANCE NO. 5021** effecting the proposed zone change, planned development amendment and tentative subdivision plan.
3. **CONTINUE THE PUBLIC HEARING** on the appeal application to a specific date and time.
4. **CLOSE THE PUBLIC HEARING** on the appeal application, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
5. **CLOSE THE PUBLIC HEARING, DENY** the applications, providing findings of fact based upon specific code criteria for the denial in the motion to deny.

Recommendation/Suggested Motion:

Based on the findings described above, and the more detailed findings of fact and conclusionary findings provided in the decision documents for each land use application, the Planning Commission recommended approval of the comprehensive plan amendment and zone change requests to the City Council.

Staff recommends that the Council adopt Ordinance No. 5021 finding in favor of the applicant's appeal (AP 1-17), which would approve the application for a zone change, planned development amendment and tentative subdivision plan.as the proposal meets the policies of the McMinnville Comprehensive Plan and the criteria of the McMinnville Zoning Ordinance.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5021.”

RP:sjs

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