

ORDINANCE NO. 5024

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4868 TO ALLOW EXCEPTIONS TO CURRENT STREET GRADE, BLOCK LENGTH, BLOCK CIRCUMFERENCE AND LOT DEPTH TO WIDTH STANDARDS AND TO AMEND AN APPROVED RESIDENTIAL SUBDIVISION AND PHASING PLAN ON APPROXIMATELY 132 ACRES OF LAND.

RECITALS:

The subject site is located north of NW Redmond Hill Road, west of NW Mt. Mazama Street and south of NW Fox Ridge Road and is more specifically described as Tax Lot 801 Section 24, T. 4 S., R. 5 W., W.M.; and

The Planning Department received application ZC 6-17 on April 5, 2017, and deemed it complete on April 11, 2017. The first public hearing before the McMinnville Planning Commission was held on May 18, 2017, after due notice had been provided in the local newspaper on May 9, 2017, and written notice had been mailed to property owners within 300 feet of the affected property. At the May 18, 2017, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission voted unanimously to recommend approval of ZC 6-17 to the McMinnville City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the zone change review criteria listed in Section 17.74.020 and Planned Development Amendment review criteria listed in Section 17.74.070 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A for ZC 6-17; and
2. That the Conditions of Approval as documented in Exhibit A for ZC 6-17 are as follows:
 1. That the planned development overlay shall require the following setbacks:
 - A. Development of the multi-family lot and single-family lots within the Northridge subdivision shall be to standard R-4 zone setbacks.
 - B. Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.

C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

2. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.
3. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

4. That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:
 - A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
 - B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
 - C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In

addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.

- D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.
 - E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.
- 5. Prior to the issuance of the 290th building permit for the master planned development, the developer shall complete the installation of left-turn-lane improvements, meeting the City's and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.
 - 6. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure).
 - 7. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
 - A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
 - B. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

- 8. That condition of approval number 10 of S 13-06 is supplanted as follows: "The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars)

associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat."

9. That condition of approval numbers 14, 15 and 16 of S 13-06 is supplanted as follows: "Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2nd Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets."
 10. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
 11. That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.
 12. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of Phase 4.
 13. That Planned Development Ordinance No. 4868 is repealed in its entirety.
3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 13th day of June 2017, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



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

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT REQUEST (ZC 6-17), TAX LOT 801, SECTION 25, T.4 S., R. 5 W., W.M., LOCATED GENERALLY NORTH OF REDMOND HILL ROAD AND WEST OF MT. MAZAMA AND SOUTH OF FOX RIDGE ROAD.

DOCKET: ZC 6-17

REQUEST: West Hills Properties, LLC, has submitted an application requesting approval of a Planned Development Amendment (ZC 6-17) to an existing multi-phase residential subdivision master plan. The proposed modifications are summarized as follows:

Street Grade – The applicant is requesting approval to exceed the maximum grade of 12% for local residential streets.

Lot Depth to Width Standard – The applicant is requesting approval to exceed the lot depth to width standard of 2 to 1 that is not ordinarily exceeded.

Block Length – The applicant is requesting approval to exceed the maximum block length of 400 feet.

Block Circumference – The applicant is requesting approval to exceed the maximum block circumference of 1,600 feet.

As part of this Planned Development amendment application the applicant is also requesting approval of an amended subdivision layout and phasing plan that would also increase by 40 the number of residential lots in the multi-phase development plan.

LOCATION: Tax Lot 801, Section 24, T.4 S., R. 5 W., W.M.

ZONING: The subject site's current zoning is R-2 PD

APPLICANT: West Hills Properties, LLC
2300 SW 2nd Street, Suite B
McMinnville, OR 97128

STAFF: Ron Pomeroy, Principal Planner

DECISION

Based on the findings and conclusions, the Planning Commission recommends that the City Council **APPROVE** zone change ZC 6-17 **subject to the conditions of approval provided in this document.**

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

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

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

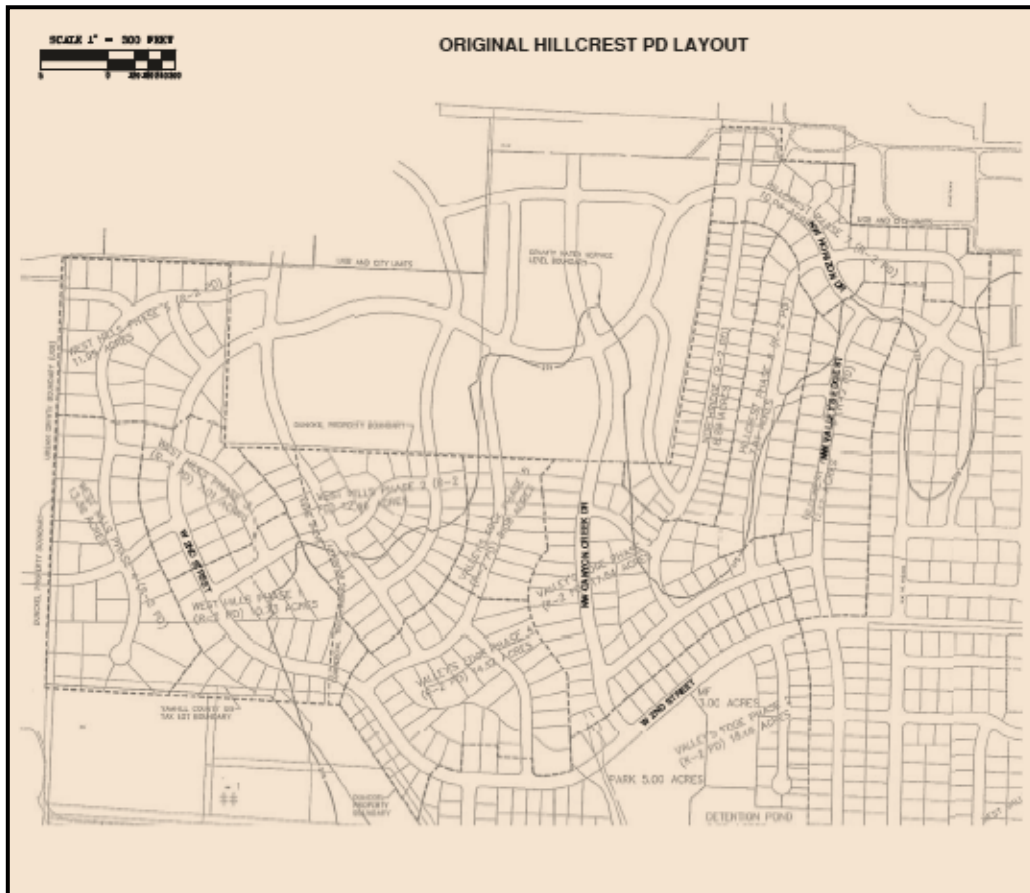
APPLICATION SUMMARY:

The applicant is requesting approval to amend Planned Development Ordinance 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also requested is approval to amend an approved residential subdivision and phasing plan on approximately 132 acres of land.

This request is to amend a Planned Development approved on April 24, 2007, when the McMinnville City Council adopted Ordinance No. 4868 for a zone change request from an R-1 (Single-Family Residential) zone to an R-2 PD (Single-Family Residential Planned Development) zone on a parcel of land approximately 164 acres in size. At the same time a phased subdivision request for approximately 4.0 acres of multifamily housing, 7.2 acres for park and storm water detention, and approximately 153 acres of residential housing (441 single-family detached residences, 50 single-family attached residences and 60 apartment units) was approved. It is the modification of this Ordinance and its implications to the attendant phased subdivision that is the subject of this Planned Development Amendment application.

Since that time, portions of that phased subdivision plan (referred to as the Hillcrest Planned Development) have been developed including the public park and storm water detention facility, multiple-family residential apartment complex and the Valley's Edge Phases 2 and 3 of the phased development plan. The remaining 132 acres of the original 164-acre multi-phase plan are the subject of this current zone change request.

For the benefit of context for the Commission, the originally approved (2007) conceptual subdivision plan for this site is provided below:



The proposed conceptual subdivision plan for this site is provided below:



CONDITIONS OF APPROVAL:

The following conditions of approval shall be required to ensure that the proposal is compliant with the City of McMinnville’s Comprehensive Plan and Zoning Ordinance:

- 14. That the planned development overlay shall require the following setbacks:
 - A. Development of the multi-family lot and single-family lots within the Northridge subdivision shall be to standard R-4 zone setbacks.
 - B. Lots within the Valley’s Edge Phase 2 subdivision shall be to a standard R-3 zone setback.
 - C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be

reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

15. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.
16. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

17. That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:
 - A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
 - B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
 - C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.
 - D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.
 - E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.
18. Prior to the issuance of the 290th building permit for the master planned development, the developer shall complete the installation of left-turn-lane improvements, meeting the City's

and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.

19. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure).
20. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
 - A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
 - C. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

21. That condition of approval number 10 of S 13-06 is supplanted as follows: "The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat."
22. That condition of approval numbers 14, 15 and 16 of S 13-06 is supplanted as follows: "Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2nd Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets."
23. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
24. That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW

Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.

25. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of Phase 4.
26. That Planned Development Ordinance No. 4868 is repealed in its entirety.

ATTACHMENTS:

1. ZC 6-17 Application and Attachments (*on file*)
2. Public Notices (*on file*)
3. McMinnville Ord. No. 4868 (*on file*)
4. Geotech Report by GeoPacific for West Hills Properties dated May 19, 2016 (*on file*)
5. Public Testimony Received (*on file*)
6. Planning Commission, May 18, 2017 Meeting Minutes (*on file*)
7. Memo from AKS Engineering and Forestry, dated May 30, 2017 (*on file*)

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments have been received.

McMinnville Engineering Department

- The applicant is proposing to construct the extensions of 2nd Street and Horizon Drive to the minor collector standard contained in the Transportation System Plan (TSP). Per the adopted 2010 TSP, all remaining streets (including the extensions of 2nd Street and Horizon Drive) within the development area can be constructed to the local residential street standard. Conditions 14, 15, and 16 of the existing subdivision approval for ZC18-06/S13-06 should be modified to reflect that the remaining streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.
- Condition 10 of the existing subdivision approval for ZC18-06/S13-06 should be modified to read:
 10. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- The requested street grade and block length exceptions are acceptable to the Engineering Department.
- The submitted Preliminary Stormwater Management Memo is acceptable to the Engineering Department.
- The submitted Traffic Analysis Update Memo acceptable to the Engineering Department.

McMinnville Fire Department

- 1) **GRADE:** Average road grade shall not exceed 12% except that any grade exceeding 12% shall be approved by the Fire Code Official (*during land use application*). No road grade shall exceed 15%.
- 2) When approved to exceed 12% grade, the following condition shall apply:
 - a) A maximum of 200 feet of road length may be allowed with a grade between 12% to 15% in any one section. The roadway must then level out below 12% for a minimum of length of 75 feet for firefighting operations.
 - b) Fire sprinklers shall be installed in any residential or commercial structure that is built on or whose access road is constructed to a grade of 12% or greater. The approval of fire sprinklers as an alternate means of fire safety shall be accomplished in accordance with the provisions of ORS 455.610(6) – (Low Rise Residential Dwelling Code).

McMinnville Water & Light

MW&L has no comments on this application.

McMinnville Parks Department

After reviewing the material about the planned development changes, I do not find any changes that impact the neighborhood park detention area (2.77 acres). I imagine the park will receive a greater volume of water over time as hard surfaces are more fully developed and the neighborhood is complete. However, that is what was intended with the detention capacity within the park. We shall see if the original calculations were accurate. But there are no concerning issues relative to anticipated impacts to the park of immediate surrounds with the proposed plans.

FINDINGS OF FACT

1. West Hills Development, LLC, has submitted a Planned Development Amendment request (ZC 6-17) requesting approval to amend Planned Development Ordinance 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also requested is approval to amend an approved residential subdivision and phasing plan on approximately 132 acres of land. The property is located generally north of Redmond Hill Road and West of Mt. Mazama and South of Fox Ridge Road and is more specifically described as Tax Lot 801, Section 24, T. 4 S., R. 5 W., W.M.
2. The site is currently zoned R-2 PD (Single-Family Residential Planned Development) and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

The applicant provided findings for a wide range of Comprehensive Plan goals and policies, many of which were found to not apply to the request as the submitted application was for review of an approved Planned Development. However, all of the applicant's findings are incorporated herein as they were provided in the application. Staff concurs with the applicable findings provided by the applicant and offers the following additional findings.

Comprehensive Plan Volume I –

Chapter V. Housing and Residential Development – Land Use Controls

Planned Developments:

“The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area’s future residents. [...] As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.) [...] It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required.

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

Additional Design Considerations:

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

2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. Planned developments can preserve large open areas for open space by clustering development in smaller areas. [...]
5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.”

Finding: Based on materials submitted by the applicant this proposal meets the intent of this portion of Volume I of the Comprehensive Plan relative to park space, open space and the provision of bike paths. Following the 2007 Planned Development approval for this site, the applicant worked with the McMinnville Parks Department to achieve the approximately 7-acre public park incorporating a functioning storm water facility sited along the major access into this development area. Additionally, the applicant has mapped the drainage ravines that carry storm runoff and traverse and meander throughout the site. The revised phased subdivision plan has aligned these natural drainageways with the common rear property lines of residential lots as much as practicable to allow their protection through restrictive easements to be maintained through homeowners associations to be created commensurate with the platting of subdivision phases. Additionally, the applicant has proposed the platting of six access tracts to serve as pedestrian connections at cul-de-sac and mid-block locations to enhance pedestrian connections through the topographically challenging hillside development area. Bikeways shall be provided as required by the adopted 2010 McMinnville Transportation System Plan (TSP).

In addition to that provided by the applicant, the following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are also applicable to this request:

Comprehensive Plan Volume II –

Chapter V. Housing and Residential Development

Westside Density 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 of trade-offs shall be allowed and encouraged.
- 71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:
1. The density of development in areas historically zoned for medium and high density development;
 2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
 3. The capacity of the services;
 4. The distance to existing or planned public transit;
 5. The distance to neighborhood or general commercial centers; and
 6. The distance from public open space.

Finding: Policies 71.01 and 71.10 are met by this proposal in that the development site is located on the west side of the city, proposed less than an average of the six dwelling units per acres and is located outside of existing or planned transit corridors as demonstrated by Figure 5-6 of the adopted McMinnville Public Transit Plan (below). The multiple-family component of the approved 2007 Planned Development for this area has already been constructed in a manner that dispersed this more dense type of development within the west hills area. Public open space has already been provide and developed as a public park adjacent to the multiple-family residential development. Additionally, this development site is adjacent to areas similarly zoned R-2 PD and developed accordingly with medium density residential development. While distance to neighborhood or general Commercial centers is not as critical to medium density residential development as it is to residential development of much higher densities, a neighborhood serving professional and commercial center exists eastward from this site along W 2nd Street which is the main roadway that will traverse the subject site.

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

- 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.
- 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.
- 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.
- 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

Finding: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while less than the underlying R-2 zone, can be allowed through the review and approval of the requested modification of the previously approved planned development zoning designation. While maximum density under the opportunity presented by the R-2 zone is not occurring with this proposal, it is important to note that, due to the topographic constraints and regulatory requirements applicable to this site, the applicant has achieved re-phasing plan that accommodates an additional 40 residential lots above that which was previously approved for this site in 2007. The proposed amended street layout demonstrates connection with the existing surrounding street network and preserves the development potential of other adjacent land. Other areas within the development are proposed to be connected by pedestrian pathways increasing opportunities for off-street pedestrian mobility. In addition, given the physical dimensions of the site, streets have been oriented to create opportunities for solar access as practicable.

Lot Sales 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.

Finding: Policy 99.10 shall be satisfied by Condition of Approval #10.

Streets

Policies:

- 118.00 The City of McMinnville shall encourage development of roads that include the

following design factors:

1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

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

Finding: Goal VI 1 and Policies 117.00, 118.00, and 119.00 are satisfied by this proposal in that the each of the proposed lots will abut public streets developed to City standards with adequate capacity to safely accommodate the expected trip generation from this development. Residential streets proposed within the development will connect at intersections except for the proposed cul-de-sac streets due to the presence topographical and water course constraints. The proposed street design will utilize connections to adjacent street stubs and have minimal adverse effects on the natural features of the land. In addition, street grades shall be designed in cooperation with the McMinnville Engineering and Fire Departments as reflected in the conditions of this Decision Document.

Bike Paths

Policies:

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

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

Finding: Policies 132.00 and 132.15 are satisfied by this proposal in that the applicant proposes additional pedestrian pathways providing mid-block connections within the subdivision in situations where unique topography and steep water courses prevent other public connections. While the terrain makes the provision of separated bikeways challenging, public streets will be constructed to City standards to provide the opportunity for bicycle connections through this development area and beyond as required by the McMinnville TSP.

Supportive of General Land Use Plan Designations and Development Patterns

Policies:

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

Finding: Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the land use designation of the site and urban development patterns within the surrounding area.

Circulation

Policies:

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

1. Pedestrian circulation,
2. Enhancement of emergency vehicle access,
3. Reduction of emergency vehicle response times,
4. Reduction of speeds in neighborhoods, and
5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics. (Ord. 4922, February 23, 2010)

132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)

132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)

132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

Finding: Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this proposal in that the proposed street pattern provides a safe and efficient network of residential streets to serve the proposed and adjacent existing residential neighborhoods. The cul-de-sac streets are proposed in response to the noted existence of topographic and environmental constraints. The proposed street system is also designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the requirements of the McMinnville TSP and provision of additional private pedestrian pathways. Vehicular access points to the adjacent street system comply with this policy and

promote safe street connectivity to the surrounding transportation network.

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.

Sanitary Sewer System

Policies:

- 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:
1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.
 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized
 4. Extensions will implement applicable goals and policies of the comprehensive plan.

Storm Drainage

Policies:

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

Water System

Policies:

- 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:
1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.

2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.
3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;
4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

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

Water and Sewer – Land Development Criteria

Policies:

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

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and waste water quality standards can be adhered to.
5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

Finding: Goal VII 1 and Policies 139.00, 142.00, 143.00.20, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Police and Fire Protection

Policies:

- 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.
- 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this request. The concerns raised by the McMinnville Fire Department have been addressed with proposed modifications to street grade designs represented in the conditions of this Decision Document sufficient to ensure safe and efficient emergency access to protection to each lot.

Open Space

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

Finding: Policies 167.00, 168.00 and 169.00 are satisfied in that, in addition to the approximately 7-acre public park and adjacent storm water detention facility located along the north side of W 2nd Street, the applicant proposes to provide open spaces in the form of preserved drainage greenways that traverse the development area. These areas shall be maintained by a Home Owners Association according to CC&Rs as required by the 2007 Planning Commission subdivision approval that shall be recorded following approval of the Planning Director. The applicant is also proposing an additional storm water detention area near the southern edge (downhill side) of the development site to accommodate natural run-off which shall be designed and maintained in compliance with City requirements.

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

Policies:

- 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.
- 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.

Finding: Goal VIII 1 is satisfied in that the City of McMinnville will continue coordinate with the various suppliers of energy and energy transmission systems commensurate

with proposed developments. No such concerns were raised during the review of this proposal.

Energy Conservation

Policies:

- 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Finding: Policy 178.00 is satisfied in that the applicant's proposal has utilized density averaging through the Planned Development process to achieve a mix of residential lot sizes, along with the developed multiple-family component, in addition to the proposed single-family attached and detached residential dwelling opportunities achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

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

Policies:

- 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.

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

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.

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

Planned Developments:

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.

Finding: Section 17.51.010 is satisfied by the request in that the applicant proposes a development plan to provide for single-family detached and detached lots. City policies noted above speak to proposing lower density than that allowed by the underlying zone due to unique circumstances or limitations on specific sites. In this instance, the development site is very challenging due to the steep and varied topography as well as the natural drainage ravines that traverse the site. These features combined make the provision of public streets and the creation of buildable lots challenging. However, the applicant has proposed modifying the existing approved phased development plan in a way that attains a greater number of residential building lots while identifying and protecting additional natural resources to a greater extent than was approved in the 2007 Planned Development approval. Specifically dedicated pedestrian walkway connections are also proposed for further enhance connectivity and circulation throughout the various phases of this Planned Development.

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).

Finding: Section 17.51.020 (A-B) are satisfied by the request in that the applicant proposes a development type (single-family attached and detached residential) consistent with the residential zoning indicated on the comprehensive plan map and zoning map. This proposed amendment to the existing planned development approval for this site complies with Sub B of this standard.

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal (or in this case, an amendment to a previously approved Planned Development) is submitted for consideration:

- 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 (as amended by Ordinance No. 4242, April 5, 1983);
- (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.

Finding: Section 17.51.030 (C) is satisfied by the request in that the design objective of this proposal is to fulfill the City's policy direction to residential development commensurate with the underlying zone given topographic and environmental constraints. The applicant has indicated that this proposal can be completed in a reasonable period of time as long as the economy does not experience another drastic downturn that recently slowed down the development of other phases of this previously approved plan. The proposed street network is adequate to support anticipated traffic which can also be supported by the surrounding existing street network. Public facilities have the capacity to adequately serve the proposed development and there are no indications that the proposal will have an adverse effect due to pollutants or noise on surrounding areas or the City as a whole.

Review Criteria:

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- 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.

Finding: The requirements of Section 17.74.070 are met by this major modification to an existing planned development for the reasons enumerated in the finding provided for the Section 17.51.030(C) requirements provided above. In addition, the applicant has determined the ability to increase the number of single-family lots while providing additional environmental protections to existing drainageways. The proposed Planned Development amendment also offers a partially reconfigured local street system that, while providing access to each proposed lot, meets acceptable Fire Department standards while employing grades that, for shorter distances, exceed standard grade limitations. The applicant has proposed an innovative approach to increasing density while ensuring public safety and enhancing environmental protection.

2. Ordinance No. 4868 is applicable to this request and is noted in Attachment 4 of this Decision Document.

Finding: The subject request generally complies with the requirements of Ordinance 4868 as the proposal seeks to modify the Planned Development (zone change) approved by this ordinance. As a practical matter of administration, should this request be approved, Ordinance 4868 will be repealed and replaced with the ordinance enacting the approval of this request. Most of the elements of Ordinance 4868 will remain in addition to new conditions reflecting the modifications to the phased development plan proposed by the applicant. This newly enacted ordinance will also serve to continue the Planning Commission's 2007 approval of the phased subdivision plan as amended (S 13-06) in the same manner that Ordinance 4868 enabled that phased subdivision plan.

RP:sjs