



**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 MINOR AMENDMENT TO THE APPROVED PLANNED
DEVELOPMENT AT BAKER CREEK WEST.**

- DOCKET:** ZC 2-18 (Planned Development Amendment)
- REQUEST:** The applicant is requesting a minor amendment of an approved Planned Development (Ordinance No. 5021) to change the numbering of lots within the Baker Creek West subdivision phases to reflect a recent partition of the multifamily development parcel, and to increase the maximum height of the multifamily structures from 35 feet to 39 feet and 7 inches to allow for a more standard roof pitch.
- LOCATION:** The subject site is located at the SE corner of the intersection of NW Hill Road and NW Baker Creek Road and is more specifically described as Tax Lots 200 and 203, Section 18, T. 4 S, W.M.
- ZONING:** R-1 PD & C-3 PD (Single-Family Residential Planned Development & General Commercial Planned Development)
- APPLICANT:** Stafford Development Company, LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** June 14, 2018
- HEARINGS BODY:** McMinnville Planning Director
- DATE & TIME:** July 9, 2018
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Director **APPROVES** the minor amendment to the approved Planned Development (ZC 2-18) **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Department: Heather Richards
Heather Richards, Planning Director

Date: July 9, 2018

APPLICATION SUMMARY:

The applicant is requesting approval of a minor amendment to an approved Planned Development (Ordinance No. 5021). Specifically, the applicant is requesting a change in the numbering of lots within the Baker Creek West subdivision phases to reflect a recent partition of the multifamily development parcel, and the approval of the increase of the maximum height of the multifamily structures from 35 feet to 39 feet and 7 inches to allow for a more standard roof pitch.

The location of the property can be seen below:



CONDITIONS OF APPROVAL:

The following conditions of approval shall be required:

ZC 2-18 is approved subject to the following conditions:

1. That the maximum height of the multiple-family buildings, previously shown to be located on Lot 126 on the Baker Creek West tentative subdivision plan, be 39 feet 7 inches.
2. That all other applicable provisions and conditions of approval of McMinnville Ordinance No. 5021 shall remain in effect and apply to the subject property.

ATTACHMENTS:

1. ZC 2-18 Application and Attachments (on file with Planning Department)

Attachments :

Attachment 1 – Application and Attachments

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 had been received:

- McMinnville Fire Department

Note: a 26' access is required for any buildings over 30 feet in height.

- McMinnville Engineering Department

We have reviewed proposed ZC 2-18, and do not have any comments or concerns.

- NW Natural

NW Natural takes no objection to ZC 2-18 or ZC 3-18 [...].

- Frontier Communications

No conflicts.

FINDINGS OF FACT

1. Stafford Development Company LLC requested a minor amendment to an approved Planned Development (Ordinance No. 5021) to allow for a change in the numbering of lots within the Baker Creek West subdivision phases to reflect a recent partition of the multifamily development parcel, and to allow the increase of the maximum height of the multifamily structures from 35 feet to 39 feet and 7 inches to provide a more standard roof pitch. The subject site is located at SE corner of the intersection of NW Hill Road and NW Baker Creek Road and is more specifically described as Tax Lots 200 and 203, Section 18, T. 4 S, W.M.
2. The subject site is zoned R-1 PD (Single-Family Residential Planned Development) & C-3 PD (General Commercial Planned Development)
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, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
5. Notice of the application was provided by the City of McMinnville to property owners within 100 feet of the subject site, as required by the process described in Section 17.72.110 (Applications–Director’s Review with Notification) of the McMinnville Zoning Ordinance. No public testimony was provided to the Planning Department.

Attachments:

Attachment 1 – Application and Attachments

6. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

McMinnville’s Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 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 prior to the McMinnville Planning Director’s review of the request. All members of the public have access to provide testimony and ask questions during the public review process.

McMinnville’s City Code:

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

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

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

Finding: The original approval of the Planned Development (Ordinance No. 5021) included the approval of a tentative subdivision plan, and also included other conditions of approval that regulated development of lots within the Planned Development area. The developer requested permission to change some components of the tentative subdivision plan prior to building permits. Those proposed changes include a modification in the numbering of lots within the Baker Creek West subdivision phases to reflect a recent partition of the multifamily development parcel, and an increase of the maximum height of the multifamily structures from 35 feet to 39 feet and 7 inches to provide a more standard roof pitch. The Planning Director reviewed the proposed changes and determined that they were minor changes, and therefore processed the application as a minor amendment to the Planned Development.

17.72.110 Applications – Director’s Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- Administrative Variance
 - Classification of an Unlisted Use
 - Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)
 - Large Format Commercial Development (variation to standard)
 - Resident Occupied Short Term Rental
 - Short Term Rental
 - Tentative Partition
 - Tentative Subdivision (up to 10 lots)
 - Three Mile Lane Design Review
 - Transitional Parking Permit
- A. Notice of the request shall be provided to owners of property within 100 feet of the site for which the application is made. For applications involving classification of an unlisted use, the only notification provided shall be that published in a newspaper of general circulation a minimum of 14 (fourteen) days prior to a decision being rendered. Notices for applications listed in Section 17.72.110 shall:
1. Provide a 14 (fourteen) day period for submission of written comments prior to the decision;
 2. State that issues which may provide the basis for an appeal to the Land Use Board of appeals (LUBA) shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 3. List, by commonly used citation, the applicable criteria for the decision;
 4. Set forth the street address or other easily understood geographical reference to the subject property;
 5. State the place, date and time that comments are due;
 6. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 7. Include the name and phone number of a local government contact person;
 8. Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and
 9. Briefly summarize the local decision making process for the land use decision being made.
- B. During the 14 (fourteen) day comment period, a person who has received notice may request a public hearing following the procedure as outlined in Section 17.72.120.
- C. The Director or designee shall make a decision for the above applications within 30 (thirty) days following the close of the 14 (fourteen) day comment period. The Director’s decision may be appealed as outlined in Section 17.72.170. (Ord. 5047 §2, 2108, Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

Finding: While the minor amendment of a Planned Development is not listed as an application that is required to follow the Planning Director’s Review with Notification process, the Planning Director decided to complete a property owner notice given that the Planned Development Amendment application was deemed to be a minor change and therefore subject to a Planning Director decision. A written Notice of Pending Administrative Decision was mailed to property owners within 100 feet of the affected property on June 20, 2018.

Planned Development Requirements:

Attachments:

Attachment 1 – Application and Attachments

The site of the proposed planned development amendment is subject to an approved and binding subdivision plan, which was approved as a Planned Development under Docket AP 1-17 and adopted by Ordinance No. 5021. Specific conditions of approval from the Planned Development apply to this request as follows:

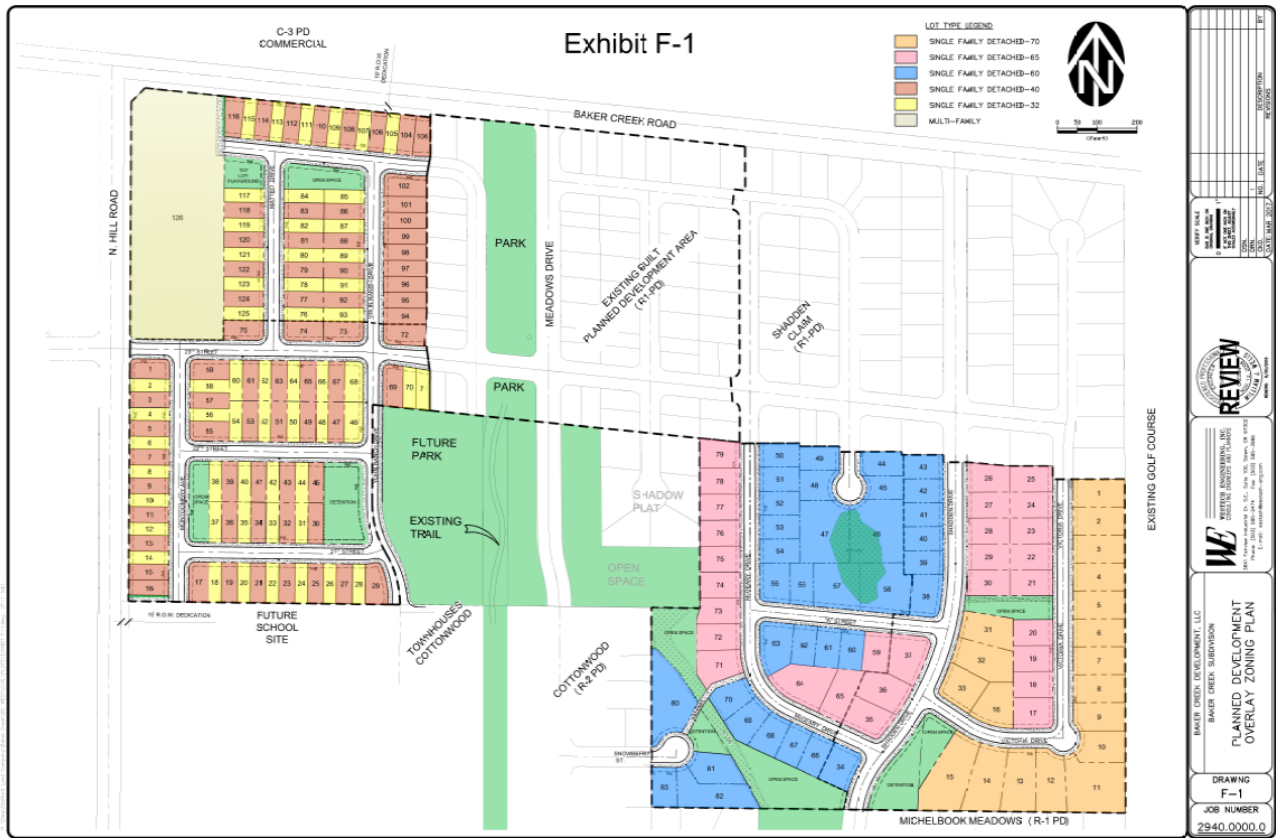
1. That the Baker Creek tentative subdivision plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

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

Finding: The original approval of the Planned Development (Ordinance No. 5021) included the approval of a tentative subdivision plan, and also included other conditions of approval that regulated development of lots within the Planned Development area. The developer requested permission to change some components of the tentative subdivision plan prior to building permits. Those proposed changes include a modification in the numbering of lots within the Baker Creek West subdivision phases to reflect a recent partition of the multifamily development parcel, and an increase of the maximum height of the multifamily structures from 35 feet to 39 feet and 7 inches to provide a more standard roof pitch. The Planning Director reviewed the proposed changes and determined that they were minor changes, and therefore processed the application as a minor amendment to the Planned Development.

The changes to the numbering of lots were deemed minor and are approved, given that the numbering of the lots does not impact the approved tentative subdivision plan for the Planned Development area, and does not change the size of any lot within the tentative subdivision plan. A condition of approval is included to ensure that all applicable provisions and conditions of approval of McMinnville Ordinance No. 5021 shall remain in effect and continue to apply to the subject property.

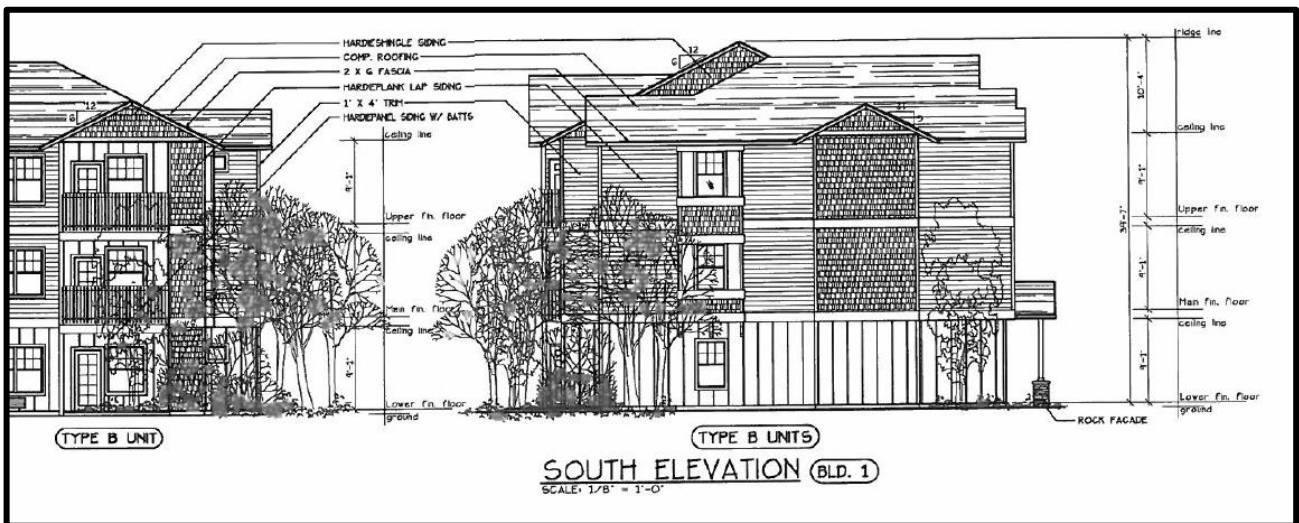
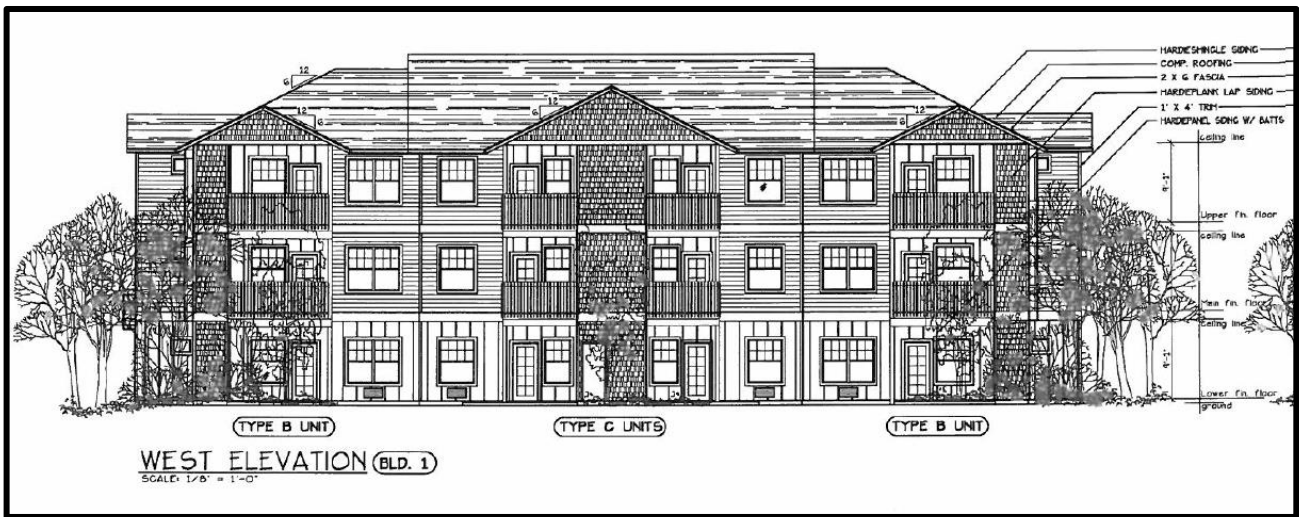
An image of the approved tentative subdivision plan is provided below:



2. That per the applicant’s proposal, the 3.8 acres of land zoned C-3 PD shall be limited to a multi-family unit complex of no more than 70 dwelling units and any supportive services deemed appropriate to serve the multi-family complex. Site plans and building elevations for the proposed multi-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. The multiple-family buildings shall be no more than 35 feet in height and must be nonlinear in design and parking lots must be broken up by landscaping. Prior to the release of building permits, a landscape plan for a minimum of 25 percent of the multiple-family site shall be provided to the Landscape Review Committee for review and approval. In addition, useable open space and a 20-foot wide easement containing a 10-foot wide paved pedestrian connection from Haun Drive to Baker Creek Road to be located within the east edge of this site shall be provided within the development, and streetside landscaping shall be emphasized.

Finding: The applicant requested that the maximum height of the multiple-family buildings be increased from 35 feet in height to 39 feet and 7 inches in height. The applicant provided multiple options for the building elevations, as required in the condition of approval, to be reviewed by the Planning Director. The applicant proposed one option for the multiple-family buildings with a very low pitched roof that would have met the 35 foot height requirement. Another option that was proposed was to provide the exact same building, but with a more typical roof pitch of 6:12, which slightly increased the height of the building by 4 feet and 7 inches.

The proposed building elevations with a 6:12 roof pitch are shown below:



The increase of the building height by 4 feet and 7 inches to a maximum height of 39 feet and 7 inches was found to not be a significant increase, considering that the additional height will be occurring in the sloped roof portion of the buildings. Therefore, the Planning Director found that the additional building height would not have an adverse impact on the existing uses adjacent to the subject site. The applicant has also argued that the 6:12 roof pitch will be more typical on proposed development in the surrounding area, which will create a more consistent development pattern within the Planned Development area.

CD:sjs