



City of McMinnville
Planning Department
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MINUTES

January 19, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Martin Chroust-Masin, Charles Hillestad, Lori Schanche, and Erica Thomas

Members Absent: Commissioners Jack Morgan, Nanette Pirisky, and John Tiedge

Staff Present: Mike Bisset – City Engineer, Chuck Darnell – Associate Planner, Ron Pomeroy – Principal Planner, Heather Richards – Planning Director, and Sarah Sullivan – Permit Technician

1. Call to Order

Planning Director Heather Richards called the meeting to order at 6:44 p.m.

2. Swearing in New Planning Commissioner

Planning Director Heather Richards swore in Lori Schanche as the city's newest Planning Commissioner. Lori spoke a little about herself and thanked the City for the opportunity to serve on the Planning Commission.

3. Election of Officers

Planning Director Heather Richards opened the floor to nominations for the position of Planning Commission Chair. Commissioner Geary nominated Commissioner Hall for the position of Chair. No other commissioners were nominated for chair. Commissioner Hillestad nominated Commissioner Geary for the position of Vice-Chair. No other commissioners were nominated for Vice-Chair. Commissioner Geary nominated Planning Director Heather Richards for the position of Secretary. Commissioner Geary MOVED to close the floor to nominations and elect the current slate of officers to the positions of Chair, Vice-Chair, and Secretary. SECONDED by Commissioner Hillestad. Motion PASSED unanimously.

4. Citizen Comments

None

5. Approval of Minutes: November 17, 2016

Chair Hall called for action on the Planning Commission minutes from the November 17, 2016 meeting. Commissioner Schanche abstained for voting, as she was not present at that meeting. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented, SECONDED by Commissioner Hillestad. Motion PASSED with one abstention.

6. Public Hearing (Quasi Judicial): Conditional Use & Variance (CU 8-16 & VR 2-16 – McMinnville High School Expansion) (Continued from the November 17, 2016 Planning Commission meeting.)

Request: McMinnville School District is requesting approval of a conditional use permit to allow for a change in the use of the existing McMinnville High School site to accommodate a new vocational technical school, expanded athletic facilities, field improvements, and new parking areas. The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district.

Location: 615 NE 15th Street and is more specifically described as Tax Lots 2600 & 3000, Section 16CA, T. 4 S., R. 4 W., W.M, and Tax Lot 1590, Section 16CC, T. 4 S., R. 4 W., W.M.

Applicant: McMinnville School District #40

Chair Hall explained the reasoning for the continued public hearing and the request of the school district application.

Chair Hall continued the public hearing at 6:55 p.m. He called for abstentions, objection to jurisdiction, and disclosures. There were none. Chair Hall asked Commissioner Schanche if she reviewed the application material and listened to the testimony received from the November 17, 2016 hearing. Commissioner Schanche said she did and that she wished to participate in the hearing discussion and decision. Chair Hall asked if the commissioners had visited the site. All commissioners present said they did.

Chair Hall asked for the staff report and recommendations.

Associate Planner Chuck Darnell explained he would present the same PowerPoint and presentation to the Commissioners from the November 17, 2016 hearing.

Mr. Darnell gave a brief explanation of the history of the high school site, the current configuration of the campus, the proposed expansion areas, and the zoning of the surrounding residential area. He explained that there have been a number of additions and remodels to the campus over the years. Mr. Darnell also stated that this addition would be funded by the 89 million dollar bond measure that was approved by voters.

Mr. Darnell explained the conditional use request and the criteria required to recommend approval. He stated that the addition to the campus would include a new technology center, expanding the athletic facility, modifications to the field house, improvements to Baker Field, and the expansion of the parking lot.

Mr. Darnell stated that the School District has developed some mitigation efforts to help with the project's impact on the surrounding neighborhoods. One of those improvements includes putting the stadium lights as well as the lights at Baker Field on a shut-off timer. He described other

efforts that the School District incorporated into the project to mitigate impacts, including providing additional parking on-site, removing nonconforming structures, improving circulation within the site, and buffering newly developed portions of the site from surrounding properties. He also stated that the school has held a number of community meetings and established student outreach clean-up efforts, such as leaf pick up and trash removal.

Mr. Darnell gave a brief explanation of the variance request, which would allow the construction of the athletic facility to be at a height of 53 ½ feet. He explained that in an R-2 zone the maximum height allowance is 35 feet, but that there is an exception if certain setback requirements can be met. Mr. Darnell stated that based on the existing footprint of the campus and the location of the athletic facility, there would be no option to increase the setback because the existing footprint is nonconforming and was constructed prior to the adoption of the zoning ordinance. He also noted that the athletic facility would be setback 79 feet, which meets the intent of the ordinance.

Mr. Darnell also explained that the design of the athletic facility was such that the shed roof line decreases in height as it moves through the property toward 17th street.

Mr. Darnell concluded his presentation by explaining that due to cost and building code requirements there have been proposed changes to the façade of Technology Center and the relocation of the restroom facilities at Baker Field and the addition of restrooms to the field house. He noted the architectural changes to the Technology Center include the removal of all of the upper level windows but alternate siding material and signage would soften the façade. Mr. Darnell notes that the proposed changes still meet the requirements of the review criteria.

Mr. Darnell stated that staff recommends approval of both the conditional use and variance requests with the conditions of approval noted in the staff report.

Chair Hall asked if there were any questions for Mr. Darnell.

Commissioner Chroust-Masin asked if the height variance was to the roofline or the top of the equipment.

Mr. Darnell stated that the request is to the roofline and that the code doesn't apply to equipment set on the roof.

Chair Hall asked if there were any other questions for Mr. Darnell. There were none.

Chair Hall asked the applicant to present their request.

Peter Keenan, Facilities Manager McMinnville School District introduced himself. Mr. Keenan stated that staff presented their proposal well and had no other comments.

Ben Schonberger, with Winterbrook Planning, stated their firm designed the expansion project. Mr. Schonberger briefly explained the design process along with a history of the high school campus and the number of renovations that have occurred over the years. He explained the placement of the new facilities and the benefit of having all the school programs on one campus. Mr. Schonberger explained the reasoning behind the façade changes to the VoTech building, as well as the other improvements that would benefit the area, for example energy efficient lighting along with the stadium lights being placed on a timer. He also noted the outreach programs and neighborhood meetings the school district held to involve and educate the surrounding neighbors with the design proposal.

Mr. Shonberger explained that a traffic analysis was conducted and that the additional buildings would not have a negative impact the flow of traffic or intersections.

Per a request from the November hearing, Mr. Schonberger showed an interior floor and elevation layout of the new athletic facilities, explaining the need for the height variance. He also noted that the new athletic facility would be located approximately 80 (eighty) feet from the property line.

Chair Hall asked if there were any question for the applicant.

Commissioner Chroust-Masin asked how far the athletic facility would cast a shadow in the winter months.

Mark Nordean, DOW Architects, answered that the shadow cast would extend just passed NE 17th Street and that it wouldn't hit residences.

Commissioner Chroust-Masin asked what the construction timeline would be for completion.

Cheryl Pen, Project Manager with Cornerstone, explained that project would be completed in phases and that the final completion would be August of 2018.

Chair Hall asked if there were any other questions for the applicant. There were none.

Chair Hall asked if any member of the audience would like to speak in favor of the application.

There were none.

Chair Hall asked if any member of the audience would like to speak in opposition of the application.

There were none.

Chair Hall asked if there were any other questions or testimony from public agencies regarding the application.

There were none.

Chair Hall asked if the applicant wished to waive the seven (7) day period.

The applicant agreed to waive the seven (7) day period.

Chair Hall closed the public hearing at 7:36 p.m.

Chair Hall asked if the commissioners wished to discuss the application request.

All commissioners agreed the proposal met the conditional use and variance criteria. No further discussion occurred.

Commissioner Geary MOVED to APPROVE the McMinnville School District's application for a conditional use permit (CU 8-16) and variance request (VR 2-16) per the Findings of Fact,

Decision, Conditions of Approval, and Conclusionary Findings in Exhibit A. SECONDED by Commissioner Hillestad. The motion PASSED unanimously.

Chair Hall called a five (5) minute break.

7. Public Hearing (Quasi Judicial): Zone Change, Planned Development Amendment, & Subdivision (ZC 1-16, ZC 2-16 & S 3-16 – Baker Creek Development, LLC) (Continued from the November 17, 2016 Planning Commission meeting.)

Request: 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 9.4 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 23 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 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 is requesting 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.

Location: 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.

Applicant: Baker Creek Development, LLC

Chair Hall opened the continued public hearing at 7:47 p.m. and explained the application request along with the reasoning for the hearing being continued from the November 17, 2016 hearing date. Chair Hall called for abstentions, objection to jurisdiction, and disclosures. Commissioner Hillestad stated that he was friends with one of the parties that submitted written testimony, but that would not affect his decision. Chair Hall asked Commissioner Schanche if she reviewed the application material and listened to the testimony received from the November 17, 2016 hearing. Commissioner Schanche said she did and that she wished to participate in the hearing discussion and decision. Chair Hall asked if the commissioners had visited the site. All commissioners present said they did.

Chair Hall asked for the staff report and recommendations.

Principal Planner Ron Pomeroy thanked the Commission and started his presentation by explaining that a few modifications had been made to the conditions of approval since the staff report was delivered. Mr. Pomeroy read the three modified conditions (numbers 37, 38, and 41) of approval in Exhibit A into the record.

Mr. Pomeroy entered into the record an email received from the Hayes Family along with staff's response, noting it as Attachment 24 to Exhibit A.

Commissioner Chroust-Masin asked Mr. Pomeroy if the property was still in the city since part of it had a county zone. Mr. Pomeroy answered yes that all the property was within the city limits.

Commissioner Chroust-Masin asked how the wetland identified in the applicant's proposal was going to be mitigated.

Mr. Pomeroy said it was unknown at this time. He said the applicant would be required to do a wetland identification analysis and then it would be up to the Division of State Lands (DSL) to determine if mitigation was required or if the wetland could be mitigated offsite. Mr. Pomeroy noted that the study is a required condition of approval.

Mr. Pomeroy gave a summary of the site history from the original Shadden Claim subdivision approval, including the 3 phase development and how the application ties into amending the existing Planned Development. He noted that Shadden Claim 1st and 2nd Additions were constructed, but the rest of the proposal along with the multi-family development were never constructed. Mr. Pomeroy said that approximately half the original planned development is vacant land and still subject to the original planned development ordinance 4696. The applicant proposes to adding land area to the Ordinance 4626 planned development and residentially develop the vacant portions. Mr. Pomeroy explained the size and locations of the area to be added to the development and the proposed density for each area: Baker Creek West (BCW) and Baker Creek East (BCE). The total size of the expanded planned development area would be approximately 57 acres with approximately 44 acres being further developed with residential uses.

Mr. Pomeroy explained the existing zoning for the property and that the zone change requests and planned development amendments would be recommendations from the Planning Commission to the City Council.

Mr. Pomeroy explained the goals and policies that must be met by the applicant. He provided a PowerPoint to help illustrate each of the goals and policies and how the application met the specific criteria.

Mr. Pomeroy stated that the development would be able to be served adequately with city services, such as water, power, storm and sewer. He noted the Hill Road was scheduled to be improved as part of the transportation bond that was recently passed by the voters. Mr. Pomeroy also explained that the commercially zoned portion of the proposal was specific to multi-family development and that future commercial development would occur on approximately 12 acres to the north of the Baker Creek Road/Hill Road intersection; this designation was approved through Council action in 1996.

Mr. Pomeroy explained the subdivision request of the proposal. He said that the BCW development would have approximate 130 single family residences and a 65 unit apartment complex. This development would occur on approximately 21.5 acres with the average lot size being approximately 4,000 square feet. He said that staff recommends adding a private park (tot lot) and pedestrian pathways within this area.

Mr. Pomeroy then explained that BCE would be constructed on approximately 23 acres, with 83 single-family residential lots averaging approximately 8,000 square feet in size. This development would have four (4) open spaces, two (2) storm water detention areas, and pedestrian pathways.

Mr. Pomeroy provided a visual layout of the subdivision plans. Mr. Pomeroy also explained the setback modification requests and which areas they pertained too. He gave examples of other subdivisions that have been granted setback variances by the Planning Commission; for example the Autumn Ridge Subdivision and the zero lot line for garages in the Bungalows at Chegwyn Village development. Mr. Pomeroy also mentioned a number of developments that are specific the single-family attached development, like Pemberly Townhomes, Cottonwood 2nd Addition, and Craftsman Landing.

Mr. Pomeroy provided examples of similar development from the city of Sherwood.

Mr. Pomeroy explained the written testimony received prior to the hearing and noted that most of the concerns related to traffic and city services. He stated that those concerns were addressed in the staff report.

Mr. Pomeroy noted some of the conditions of approval for the development, including the inclusion of the prior conditions of approval for Shadden Claim 1st and 2nd Addition. He stated no new conditions would apply to the developed portions of Shadden Claim 1st and 2nd Addition. Mr. Pomeroy listed some of the conditions of approval for new development such as the creation of a Home Owner's Association, CC&R's, and the design of a pattern book, which would include designs of homes, materials, paint colors, etc.

Mr. Pomeroy concluded by stating staff recommends approval of the subdivision request with the conditions listed and the findings of fact in Exhibit A, and that, should the Planning Commission support the requested zone changes, the Planning Commission would recommend approval to the City Council.

Chair Hall asked if there were any questions for staff.

Commissioner Chroust-Masin asked if there was an inventory of the multi-family parcels and if addition multi-family development could be required as a condition.

Mr. Pomeroy stated that there is not such a list, but that the number would be very small and that more multi-family land is needed. He also explained that staff can encourage more multi-family use, but that staff doesn't have the ability to require it.

Commissioner Hillestad asked why the multi-family section was a relatively small area in regards to the whole development.

Mr. Pomeroy explained that dating back to 1991, when the city originally adopted the commercial area, it was approximately 5 acres in size. Then in 1996 the council approved the proposal to move the 5 acres of commercial land to the north side of Baker Creek Road and increase the size to approximately 12 acres and to modify the commercial portion on the SE corner of Baker Creek Road and Hill road to approximately 3.8 acres of commercial land, deemed only for multi-family use.

Commissioner Schanche stated that the proposal seems to meet the goals and policies required, but she is concerned with small lot sizes.

Planning Director Richards explained the residential density requirements of 6-units per acre and how this proposal met those standards.

Commissioner Hillestad asked what considerations were giving to Hill Road, 2nd Street, and Baker Creek Road in regards to the additional traffic generated.

Mr. Pomeroy explained that Hill Road and Baker Creek Road were arterial streets and could accommodate the additional traffic load. He also stated the Hill Road was scheduled to be improved as part of the Transportation Bond project package.

Ms. Richards explained that the Transportation Plan was developed to ensure that the street network could accommodate the expansion of uses on the west side.

City Engineer Mike Bisset stated that Conditions 10 and 11 of the subdivision approval require the dedication of additional right-of-way to accommodate the improvements to Hill Road. He stated that both Hill Road and Baker Creek Road would be able to handle the added capacity generated by the development.

Chair Hall asked if there were any other questions for staff.

There were none.

Chair Hall asked the applicant to present their application request.

Gordon Root with Stafford Land Development Company introduced himself and thanked the Commission for the opportunity to speak. He said Baker Creek Development was formed to purchase the property and that Stafford Land would be developing it with homes and also selling some of the vacant lots to others.

Mr. Root explained the need for residential development and gave examples in Silverton, Molalla, Forest Grove, and Scappoose. He stated that they researched the community, land inventory, and the type of development that is needed. Based on that information he said a mixed type/density development would benefit the residents of McMinnville the most. Mr. Root said that the type of homes would fit into the ABC (affordability, balance, and choice) category of homes. Mr. Root said that most high-density developments consist of townhomes. BCW will allow for the higher density without the attached structures. He explained that the homes with the smallest setbacks will alternate so the distance between structures is 8 feet.

Mr. Root stated that the BCW homes would be a good fit for first time home buyers based on the size and price point. He also said that many people want low maintenance home in terms of yard upkeep. Mr. Gordon said that BCE is more traditional in size therefore the two developments give options for all home buyers.

Mr. Root briefly spoke about the multi-family development and also indicated that, while not part of this development proposal, the property to the north of Baker Creek Road would have multi-family as well. He said that multi-family piece would be development to house seniors.

Mr. Root also confirmed the right-of-way area to be dedicated for the future Hill Road improvements.

Morgan Will, Baker Creek Development, introduced himself and explained the proposal. Mr. Will showed a PowerPoint to help illustrate his key points. Mr. Will talked about the different developments and how the density requirements were met. He mentioned that all the homes in BCW would be constructed with two-car garages and driveways. Mr. Will said that they reason for BCW being close to Hill Road was to allow for the higher density area to be close to public transit. He also said they wanted to have the higher density area closer to the future school site and the adjacent public park that is scheduled to be constructed in 2017.

Mr. Will explained the purpose of the setback variance, noting that the structures with the smallest setback would be staggered so that there would be a minimum of 8 feet between structures. He

also stated that this is a minimum and some may be constructed with a larger setback. Mr. Will said that the rear yard setback for all of the single-family lots would remain at 20 (twenty) feet.

Mr. Will spoke about the open spaces and pedestrian pathways within each of the proposed development areas. He stated that the multi-family development would have two access points and a pedestrian pathway directly to Baker Creek Road. Mr. Will also stated that there would be a newly constructed city park adjacent to the Baker Creek West development. He said there would be some inactive open space, which is for storm water detention, but that there would be connectively paths from the development to the south of Baker Creek East over the natural drainage area. Mr. Will said there would be a total of four open spaces.

Mr. Will showed a number of home plans that would fit within the BCW development. He noted that the driveways would be paired, so off-street parking would be staggered along the street frontage.

Mr. Will clarified they phases of the developments differently that what was proposed within the application materials. Baker Creek East and West would each be proposed to be developed in two phases with the multi-family parcel being constructed as a separate phase.

Mr. Will then addressed the question asked earlier about the multi-family development. He stated that the original approval was for 65 units. He said the requirements state the design cannot be linear and it will need to meet all the site requirements. Mr. Will said the units could be two or three story.

Chair Hall asked if there were any questions for the applicant.

Commissioner Chroust-Masin asked if they utilized green construction techniques.

Mr. Root said they built green energy homes and their homes received the energy trust of Oregon score.

Commissioner Geary confirmed with Ms. Richards that the new city park was irrelevant to the open space requirements of the development.

Ms. Richards said that the City's only level of service requirements for parks and open space was identified in the Parks Master Plan, as a park within ½ mile of every residence. The new city park meets that level of service for this development. However, due to the amount of density in BCW, staff is recommending an additional 6000 square foot park to serve that neighborhood specifically. This park would be owned and maintained by the Home Owner's Association. Commissioner Geary also confirmed the development to the north of Baker Creek Road is also irrelevant to this development.

Ms. Richards confirmed that the commercial acreage north of Baker Creek Road was not part of these land-use applications.

Commissioner Chroust-Masin asked if there was a concern that the new city park did not have any parking spaces.

Ms. Richards explained that the code doesn't require parking for neighborhood parks.

Commissioner Schanche asked for clarification regarding the number of phases for construction, indicating two phase for BCW and two phase for BCE.

Mr. Root said that was correct.

Commissioner Schanche asked what the selling price would be for the smaller lots.

Mr. Root said that the price point would be around \$240,000.

Commissioner Schanche asked if the applicant would submit revised plans showing the street trees and asked where the 6,000 square foot small park was located.

Mr. Will explained that the multi-family piece, lot 131, would be part of the Baker Creek West subdivision. He also noted that the pedestrian pathway would be part of the improvements of the subdivision. Mr. Will said the street tree condition applies and that the trees along Baker Creek Road will remain and become the responsibility of the home owners association. The street trees on the interior streets will be placed in accordance with the tree ordinance requirement.

Commissioner Hillestad wanted clarification that the driveways within BCW would be paired but that there would still be landscaping between the two.

Mr. Will said yes, the driveways are paired with landscape separating them. He said this helps to also provide better efficiencies for off-street parking locations.

Commission Chroust-Masin noted the number of conditions of approval and asked the applicant if they approved of them all.

Mr. Will said they support and accept all the conditions of approval.

Chair Hall asked if there were any more questions for the applicant.

Commissioner Schanche asked about the open space and the usage of it.

Mr. Will stated that amount of open space throughout the developments, indicating that some of it was considered inactive, therefore not usable to the public. He also said they were looking to add a small playground area on the multi-family parcel.

Chair Hall thanked the applicant for their testimony and called for a five (5) minute recess.

Chair Hall reconvened the meeting and asked if any member of the audience would like to speak in favor of the proposal.

David Haun said he's lived in McMinnville for a year and supports the proposed development. He said the city is in need of building sites. Mr. Haun said any new development is good for the city and provides economic benefits to our community. He also said this is a great development that offers affordable housing for young first time home buyers.

Chair Hall asked if any other members of the audience would like to speak in favor of the proposal.

There were none.

Chair Hall asked if any member of the audience would like to speak in opposition of the proposal.

Manuel Abt stated that he's lived in the Shadden Claim subdivision for the last 10 years. He read a prepared statement, noting that he didn't have any opposition to the zone change from a county zone to a city zone. He stated his objection is to the rezone and reduced setbacks and that the development will cause overcrowding of the area. Mr. Abt said he was concerned the developer would not have vested interest in McMinnville after the development is complete. He also stated that the Shadden Claim Home Owner's Association currently maintains the strip of right-of-way off of Baker Creek Road.

Chair Hall asked if there were any questions for Mr. Abt.

There were none.

Susan Dirks, lives off Doral Street, stated she understands the need for high density development, but her main concern was the lack of usable open space. She stated the detention area should not be considered open space. Ms. Dirks said that a 6,000 square foot "tot lot" is not sufficient to serve 195 families. She said that the applications may meet the zoning requirements since there is a new city park proposed in the area, but she encourages the applicant to look at adding more usable green space and pedestrian pathways. Ms. Dirks also asked the Commission to hold off making a decision until the applicant put in writing what the phased development may entail.

Chair Hall asked if there were any questions for Ms. Dirks.

There were none.

Carrisa Holms, 1921 NW Haun Drive, agreed with what the others mentioned about the small and reduced setbacks being an issue. She read a statement for the Commissioners, stating that she understands that BCW meets the requirements of the comprehensive plan goals while providing affordable housing and increased revenue through building permits and property taxes.

Ms. Holms addressed the infrastructure and parking. She stated that with the number of new lots, the average two car households, small parcels sizes, fire hydrant locations, that the number of on-street parking is greatly reduced. Her concern is that people will park in the Shadden Claim neighborhood. She stated this can become a problem with the appraisals of homes.

Ms. Holms said that high density developments, while providing affordable housing, become mostly rental communities. Ms. Holms is concerned that the sense of community will be lost because there is less ownership to keep the neighborhood livable.

Ms. Holms last point was the charm of McMinnville. She stated the many people come to McMinnville to visit and relocate because of its charm and small town community environment. Her concern is that a high density development will take away from the charm of McMinnville, turning our town into another Beaverton, Hillsboro, or other suburb of Portland with rows and rows of housing. She asked the Commission to evaluate the concerns presented and decide if they want McMinnville to continue to be the unique community within wine country.

Chair Hall asked if there were any questions for Ms. Holms.

There were none.

Roger Goodwin, resident of Shadden Claim, asked the Commission to keep the hearing open so that there would be sufficient time to examine the new information added to the staff report. Mr. Goodwin stated that he feels that the application doesn't comply with the comprehensive plan. He feels that the application is misleading because they are using all of Shadden Claim to meet the density requirements. Mr. Goodwin said he felt that the plan also doesn't follow the original plan of Shadden Claim, and that the size of the property is not large enough for the number of lots. Mr. Goodwin shared his concern about parking as well, also noting that the applicant was asking for a variance on the majority of the lots. He asked the Commissioners to investigate the proposal more thoroughly before a decision was made.

Chair Hall asked if there were any questions for Mr. Goodwin.

There were none.

Jeff Hayes, 1866 NW 23rd Street, stated he had four (4) items to address. He said that he has no objections to the area being developed, that he's has lived in the area for 18 years and knew that eventually it would be. His concern is the size of the development, stating that BCW had 50 percent more lots than BCE, with only a couple of acres difference. Mr. Hayes said that on-street parking will be issue, because the paired driveways take some of the parking opportunities away, and the 18 foot garage width makes it hard to park two cars inside. He said that the answer he received regarding that concern was that the police handle parking violations and nuisances. He felt this was dismissive and irresponsible of staff and was a way to shift the responsibility of parking violations to others. Mr. Hayes expressed that the issued to be handled before the development occurs.

Mr. Hayes said his second point is that including Shadden Claim 2nd Addition in the application is misleading, and that since the properties aren't directly connected that they should be looked at as separate proposals.

Mr. Hayes questioned the condition that the City should be a part of the Home Owner's Association and CC&R's. Mr. Hayes asked how that would be possible because it would require the city to become part of a corporation. He said that would be conflict of interest and doesn't think that condition should be part of the approval.

Mr. Hayes' last point was on Exhibit A page 4, condition 7e, speaking to the dedication of parklands by VJ2. He then read the condition and question how VJ2 could give lien rights to someone else's property. Mr. Hayes said the VJ2 has nothing to do with the Shadden Claim Home Owner's Association. Mr. Hayes asked that the last two points he made be seriously examined because he feels there are some legal concerns with them.

Chair Hall asked if there were any questions for Mr. Hayes.

There were none.

Patty O'Leary, 2325 SW Homer Ross Loop, said she had a couple of questions and comments. She asked for clarification on the height allowance for the multi-family tract.

Mr. Pomeroy said that multi-family use in a C-3 zone follow the requirements of the R-4 zone, which is a maximum building height of 60 feet. With the adoption of 4626 allowed for a building height of 65 feet.

Ms. O'Leary said she thought it was interesting that Ordinance 4506 said that height restriction was 35 feet. She mentioned the allowance of the school being granted a variance to allow the construction of a 53 foot tall building in a residential zone. Ms. O'Leary asked that modifications be made to the height allowance to bring it down, since the application indicated it would only be building 3-story units. Her questions was does it need to have the potential to be 65 feet high?

Ms. O'Leary referred to a letter she submitted and the conditional use allowance of a high density multi-family complex in a C-3 zone.

Chair Hall asked if there were any questions for Ms. O'Leary.

There were none.

Chair Hall asked the audience if any member that testified had questions they would like the Chair to ask the applicant.

There were none.

Chair Hall asked if there were any additional testimony from public agencies.

There were none.

Chair Hall asked if the applicant wished to respond to any testimony received.

Mr. Root responded to the "green space" concern and said that one of the things that appealed to them with this area was the amount of green space available, the linear park, the new city park, the play area when the new school is construction, and the amount of open space provided within the development.

Mr. Root responded to the "phasing" questions and stated that they would like to construct half of the West and half of the East developments concurrently and that the rest would constructed as demand required.

Mr. Root spoke about the width of the smaller lots, specific to garage width, indicating that all the lots allow for an 18 foot wide garage opening which is standard for two vehicles and the driveway widths are larger.

Mr. Root answered the rental concern, saying he felt the marketing of the homes would be such that they would become owner occupied homes. He stated that there is a demand for smaller lots, which is why they have the two different development areas, allowing them to provide a product for all consumers.

Mr. Root spoke about the concern of high density development and explained that the other alternative is a townhome development. He said that the detached construction was a higher demand and allowed for more green space around the residence.

Mr. Root explained that they are not VJ2 and assumes that the condition for the City to be part of the HOA is to be able to enforce the maintenance of the greenway areas.

Mr. Will explained the reasoning behind amending the existing Shadden Claim development into this proposal. He said that was because a portion of the property they purchased is part of the original development, but that it was never developed. He said that while this calculation allows for a balance of density, the existing conditions still apply only to Shadden Claim, and the new conditions are just for the new development.

Mr. Will spoke about the existing greenway and the additional open space that would be included in the developments. Overall there will be approximately 4.46 acres of open space within the property boundary of the development, including the pedestrian pathway through Shadden Claim. He clarified that the new city park is not part of the open space for their proposal. He stated they are working with the Park staff and will complete Yohn Ranch Drive first so the new city park can be constructed in 2017.

Mr. Will explained the layouts of the lots and the reason for the requested variances to the setbacks. He said that the zoning ordinance encourages Planned Developments and the most of the developments in area have a variance of some kind, either average lot sizes or a variance to setbacks. Mr. Will said that all the lots will have standard rear yard setbacks and the most of the lots are longer in depth. He also said the lot sizes vary throughout the development to break up the design.

Mr. Will concluded by stating the mix of the density and lot sizes is to accommodate all buyers and future home owners.

Chair Hall asked if the Commissioners had any other questions.

Commissioner Chroust-Masin asked about the types of open space, passive and active.

Mr. Will explained that some of the open green space would be for storm water detention and not usable by the public, but there would be green space for picnics and walking paths through and across the passive spaces. He also mentioned that all the lots have usable back yards, which take away the need for more active open space. Mr. Will also reiterated that there will be a new city park constructed adjacent to the neighborhood.

Chair Hall asked if there were any other questions for the applicant.

There were none.

Chair Hall asked those that testified if they wished the meeting to be continued to provide additional testimony.

There were two members that said yes.

Chair Hall explained to the Commissioner's they had a few options conclude the meeting: they could close the public hearing, continue the hearing, or hold the record open to written testimony.

Ms. Richards clarified that they could close the hearing and make a decision, or hold the record open for seven (7) days to written testimony only or continue the hearing to a date specific.

There was discussion among the Commissioners to decide if they wished to close the public hearing and make a decision, continue the public hearing, or hold the record open.

Chair Hall polled the Commissioners and it was decided to close the public hearing, but to leave the record open for seven (7) days to receive written public testimony.

The Chair declared the public hearing was closed at 10:44 p.m., written testimony allowed to be submitted for seven (7) days, until 5:00 p.m. January 26, 2017, to only those who had already provided public testimony.

Note: After the meeting, staff conferred with legal counsel about the allowance for the record to be open for written testimony only from those present at the meeting. It was concluded that the record would remain open for written testimony from anyone, and that the term would be expanded by seven days to allow the city to correct the record and provide notice in the local newspaper. The record was left open to 5:00 pm February 2, 2017.

8. Old/New Business

- Strategic Planning - Postponed

9. Commissioner Comments

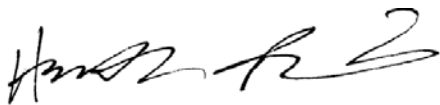
None

10. Staff Comments

None

11. Adjournment

Commissioner Hillestad MOVED to adjourn the meeting; SECONDED by Commissioner Thomas. Motion PASSED unanimously and Chair Stassens adjourned the meeting at 10:45 p.m.



Heather Richards
Secretary