



City of McMinnville
Planning Department
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MINUTES

May 18, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Martin Chroust-Masin, and Lori Schanche

Members Absent: Susan Dirks and Erica Thomas

Staff Present: Chuck Darnell – Associate Planner, Spenser Parsons, Beery, Elsner and Hammond – Contract Attorney, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None.

3. Approval of Minutes:

A. April 20, 2017 Work Session

Chair Hall called for action on the Planning Commission minutes from the April 20, 2017 Work Session. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 5-0.

B. April 20, 2017 Meeting

Chair Hall called for action on the Planning Commission minutes from the April 20, 2017 meeting. Commissioner Geary MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 5-0.

4. Public Hearing (Quasi-Judicial)

A. Zone Change (ZC 3/4-17) *(Public Hearing Closed April 20, 2017, Deliberation Only)*

Request: Approval of a zone change from R-2 (Single-Family Residential) to R-4 (Multiple-Family Residential) on approximately two (2) acres of land and a zone change from LDR-9,000 (Low Density Residential – 9,000 Square Foot Minimum) to R-4 (Multiple-Family Residential) on approximately 2.6 acres of land.

Location: 2501 NE Evans Street and 2640 NE Baker Street and more specifically described as Tax Lots 3200 and 3201, Section 16BC, T. 4 S., R. 4 W., W.M.

Applicant: Premier Development, LLC

Chair Hall read the quasi-judicial hearing procedure. The public testimony portion of the hearing was closed on April 20, 2017. Commission deliberation was continued to this meeting to allow staff time to modify the conditions of approval.

Planning Director Heather Richards delivered the staff report. This was a zone change request for two parcels. The Commission reviewed the criteria for the request at the last Commission meeting. There was public testimony in support and some were opposed. The opposition focused on the negative impact to neighboring properties of going to a high density residential zone in proximity to a low density residential zone. The Commission asked staff to evaluate some proposed conditions of approval which were being brought back to the Commission tonight. The project was located between NE Baker and NE Evans. The existing zoning was R-2 and County zoning LDR-9,000 and the request was to change the zoning to R-4, the highest density residential zone.

Planning Director Richards explained that zone changes had to be consistent with the goals and policies in the Comprehensive Plan, had to be orderly and timely, consistent with the pattern of development in the area and be compatible with the neighborhood, and had to be effectively served with municipal utilities and services. When the proposed amendment concerned needed housing as defined in the Comprehensive Plan and State statutes, the criteria for neighborhood compatibility should not apply to the rezoning. There was a housing needs analysis from 2001 that showed the City needed 164 additional acres of R-4 and about 50 acres had been rezoned to R-4. There was a need for more R-4 and that extension did apply.

Planning Director Richards explained that the property was located on a collector, it was not an area of poor drainage, had adequate service from existing facilities, access to public transit, and was not geographically constrained. The one criterion it might not meet was whether it could be buffered from low density residential development. One of the things staff looked at as a potential condition of approval was how to mitigate the transition from high density to low density residential. Within a quarter mile and a half mile of the site, there was existing high density residential and parks. Access would be off of Evans Street, which was a minor collector. The maximum average number of daily trips would be 10,000 trips. The applicant did a traffic impact study and the study did not indicate any operational deficiencies on Evans or the surrounding street network. The public input received included a neighborhood petition with the following concerns: traffic on Evans and Baker Streets, elimination of the County zone which decreased diversity in the area, future multi-family development did not comply with the required buffering, impact to school capacity and classroom size, and an R-4 zone would create a different type of neighborhood with increased traffic.

Planning Director Richards explained that the conditions of approval that would be relevant for any development that would happen on this property as it developed into posing higher density. A public sidewalk on Evans would happen through the building permit process and it was not included as a condition. Condition 1 included land and design for a future bicycle and pedestrian connection to Baker. Baker was currently a County street and was not developed to City standards. If it was developed to City standards in the future, the land would be set aside to be able to make that connection. Commissioner Schanche wanted surety that this would happen, however the Code did not require that type of surety for improvements that were internal to the property and staff was not able to come back with that recommendation as part of the condition. There was concern about vehicular access on Baker, but the City never intended that when the site developed that there would be access on Baker. Not allowing access on Baker was recommended Condition 2. There were two recommendations to mitigate the high density development that was adjacent to low density. Condition 3 stated that for anything built over 35 feet in height, the side yard setback would be increased by one foot for each foot of building height over 35 feet. Condition 4 stated if the property was built as a multi-family development complex, buffering would be provided between the development and low density neighborhood in the form of berms or landscaping. Staff recommended approval of the application with conditions.

Commissioner Schanche was disappointed a walkway could not be required. She wanted to make sure the design included access.

Based on the findings of fact, conclusionary findings, recommended conditions of approval, and materials submitted by the applicant, Commissioner Chroust-Masin MOVED to approve ZC 3/4-17 subject to the staff recommended conditions of approval as amended. SECONDED by Commissioner Geary. The motion CARRIED 5-0.

B. Zoning Text Amendment (G 1-17) (Continued from March 16, 2017 Meeting)

Request: Approval to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

Applicant: City of McMinnville

Chair Hall reopened the public hearing.

Associate Planner Chuck Darnell presented the staff report. He distributed additional testimony that had been received after the packet was sent out. Staff was recommending some amendments based on those comments. These were proposed changes to the landscaping and trees chapters of the City's zoning ordinance. The Landscape Review Committee started looking at the two chapters a few months ago and made some proposed amendments based on current practices and programs. There was a public hearing on March 16 that was continued to tonight to allow staff to analyze the public testimony that had been submitted and to take that information to the Landscape Review Committee for their consideration. Staff looked at all the testimony

that was provided and the information was reviewed by the Landscape Review Committee. The Committee recommended some changes based on that information.

Associate Planner Darnell explained that the broader topics that were proposed for change in the landscaping chapter were: the purpose and intent statement, review and inspection process, and committee bylaws. The changes for the trees chapter were: applicability and when trees were required to follow City standards, review process, street tree planting standards, replacement requirement, and long-term ongoing maintenance of street trees. Changes proposed since the last public hearing included reorganization of the landscaping chapter. It was confusing to have the plan review and submittal process in the chapter prior to knowing when landscaping was required. The suggestion was to move that information to the beginning of the chapter so it was clear when landscaping was required and in which zone and for what use. There was minor reorganization of the purpose and intent objectives.

Associate Planner Darnell explained that there was a broader purpose and intent that was drafted by the Landscape Review Committee. Some of the objectives under letter A had been slightly reorganized to make more sense and be more cohesive. A statement was also added encouraging the use of native plants. There was another suggestion to remove duplication of language in the plan submittal process. This was for a statement explaining that approval would not occur for a building permit until the landscaping was approved. The submittal process was also updated to require only two copies of landscaping plans be submitted. There was another suggestion that detail on trees was not needed when construction or construction access would not be through the drip line of the trees. There were additional features that could be included in the landscaping plans like raised planters. The appeal period would be amended from 5 days to 15 days.

Associate Planner Darnell explained that the changes to the trees chapter included minor changes and clarifications to the text. One was the Downtown Tree Zone was incorrectly spelled and not capitalized throughout the chapter. Also added was the ability of the Landscape Review Committee to allow additional time to replace a tree so trees could be planted in favorable times of year. It was suggested to consolidate all of the language on downtown trees into one section of the Code. All of the language had been moved to a section called Downtown Trees. Regarding tree removal, the requirements for submitting a tree removal application were amended to allow the request for an arborist report for any situation. Another reorganization was combining all the language related to street tree maintenance under the street tree maintenance section.

Associate Planner Darnell then discussed the additional comments received after the packet went out. One was confusion regarding the language relating to when final approval was given and when final inspections were completed. Staff proposed to add in that for any portions of the plan that were not installed, final inspection and/or approval would be postponed. Another proposed amendment was to have the graphic about the allowances for reduced landscaping areas come right after the end of the section regarding these allowances and to add area 1 and area 2 to the graphic because that was how they were described in the Code. It was also suggested to add more objectives to the trees purpose statement. If the Commission approved of these text amendments, they would be taken to the City Council for final approval on June 27.

Patty O'Leary, Yamhill County resident, said there was one statement in Section 17.57.050c about the requirement for stamping final plans. This requirement was nowhere else in the zoning ordinance, and she suggested deleting it.

Associate Planner Darnell said the language described when a landscape plan would be approved and described the City's process for approving the plan. The statement to be removed was "approval of landscaping plans shall be indicated on the plot plans." The chair of the Landscape Review Committee signed the plans, and one was kept by the City and one was provided back to the applicant. Staff did not think it should be changed at this point.

Ms. O'Leary said that was the language she was talking about. It was not included anywhere else in the zoning ordinance.

Commissioner Schanche did not think the wording should be deleted.

Chair Hall closed the public hearing.

Commissioner Chroust-Masin thought staff did a good job on this and was in support.

Commissioner Geary thought it was a much better plan than what was brought to the Commission previously. He was in favor of following Ms. O'Leary's suggestion.

Commissioner Schanche thanked staff and thanked Ms. O'Leary for her help.

Chair Hall gave staff kudos for their work on this. It was needed work so things functioned smoothly and problems were eliminated before they could arise.

Based on the findings of fact, conclusionary findings, recommended conditions for approval, and materials submitted by the City of McMinnville, Commissioner Chroust-Masin MOVED to recommend to the City Council approval of G 1-17 and the zoning text amendments as recommended by staff. SECONDED by Commissioner Butler. The motion CARRIED 5-0.

C. Zoning Text Amendment (G 2-17)

Request: The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions to allow local street grades up to and including fifteen (15) percent.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Planning Director Richards gave the staff report. These were proposed modifications to the residential street grade standards. The Commission would be making a recommendation to the City Council. In recent years there had been more residential development occurring in the west hills. In the process of examining where the City could grow, it was decided that McMinnville's growth would happen on the western side of the City in the hills area because the area was not good for crop growing. As they were continuing to expand in to the hills, there were constraints in terms of development because they were no longer building on flat lands. Because of the steeper slopes, steeper streets were being created. Currently the zoning ordinance limited street

grades to 6% on arterials, 10% on collectors, and 12% on any other streets. It also stated where existing conditions, particularly topography, made it otherwise impractical to provide buildable lots, the Planning Commission could accept steeper grades and sharper curves. Staff thought it would be good to put some parameters on these exceptions.

Planning Director Richards explained that staff had talked to other communities to see what they were doing in terms of steep street grades. It was not unusual for cities to have a 15% or more grade. They also discussed this with partners such as the Fire Department and Engineering Department. Some of the considerations from the Fire Department were fire engines could safely navigate 15% grades in most weather situations, the engines could provide service to grades up to 12% without risking damage to their pumping systems but above the 12% it put undue stress on the pumping systems, fire hoses could be pulled a distance of just over 100 feet, and consequently any street section between 12% and 15% grade could be no longer than 200 feet in length, a street section less than 12% grade must be provided between steeper sections to enable safety equipment operations, and a refuge area less than 12% grade was needed and it needed to be at least 75 feet in length. Staff also talked to the Building Department about what needed to be considered for homes built above 12% grade. They recommended requiring fire sprinkling in homes above 12% grade. The Engineering Department recommended accessibility guidelines for how people navigated intersections, and it was recommended they were not to exceed 5%.

Planning Director Richards explained that public testimony had been received which expressed concerns about how steep streets increased vehicular speeding and attracted skateboarding which were liabilities to the community. She thought there were ways to design the streets to slow down traffic. Staff recommended language be added to this chapter of the zoning ordinance that said grades would not exceed 6% on arterials, 10% on collectors, or 12% on any other streets with the exception that any local street grade exceeding 12% shall be reviewed for approval by the Fire Code Official during a land use application review process. When a local residential street was approved to exceed 12%, the following shall be required: a maximum of 200 feet of roadway length may be allowed with a grade between 12% and 15% for any one section, the roadway grade must reduce to no more than 12% for a minimum of 75 linear feet of roadway length between each section for firefighting operations, fire sprinklers shall be installed in all residential and commercial structures that accessed a road constructed at a grade higher than 12%, and the approval of the fire sprinklers shall be accomplished in accordance with the provisions in the Oregon Revised Statutes. Staff recommended deleting the language that gave the Commission the discretion to increase the grade in land use applications as other partners were comfortable with what the maximum standards were. Staff recommended the Commission recommend approval of these changes to the City Council.

William Decker, McMinnville resident, said staff had done a good job of answering the question of could they go to higher grades than what was in the City code. The real question was should they, and he thought the answer was no. This was based on the current conditions on Horizon Street. He conducted a survey on Horizon, which was a collector street that went above the 10% that it should have been limited to. The neighbors on Horizon experienced traffic that routinely was speeding on the hill. Skateboarders were attracted to the hill as well. There was a website that rated skateboard hills in Yamhill County and this one was in the top ten. There had been many skateboard accidents. It put the City at risk and the homeowners did not appreciate it either.

Robert Galati, McMinnville resident, said the amendment to the grade was consistent with what other cities did. However, the language regarding what the limits were was somewhat ill-defined. He asked where the maximum of 15% and 200 feet were measured from: the point of vertical curvature, beginning or ending point of a vertical curve, point of intersection on a vertical curve, or the point of a vertical curve where the grade going downhill began to exceed 12%? If they had a 200 foot vertical curve, the portion that exceeded 12% could take up 25 or 35 feet of the overall length. If they began the assessment of grade at the end point, and said 200 feet from the end point of the vertical curve, they were really saying they were 225 or 235 feet in length. They needed to clearly identify the impacts of vertical curvature, both crest and sag curves. He thought it would be beneficial if the actual length would be the portion of the road that exceeded the 12%, not on a straight grade but including vertical curvature.

Brad Bassitt, McMinnville resident, asked why homes that had access by a grade greater than 12% needed sprinklers.

Fire Marshal Debbie McDermott answered that Oregon statutes said this was an alternative to allow steeper streets to be built. Commissioner Geary said they were assuming there would be a delayed response from the Fire Department to get there and in inclement weather they might not be able to get there at all.

Mr. Bassitt said he lived on a very flat street and nothing stopped people from speeding. People sped on flat land just as much as sloped land. They should not be limiting what could be built on just because of speeding.

Vickie Gross, McMinnville resident, concurred with Mr. Decker's comments regarding skateboarders. They were on Mt. Mazama Street as well. She had observed skateboards going from the top of the hill at Horizon Drive and Mt. Mazama continuing all the way down Mazama and crossing 2nd Street without regard for the stop sign. They also came down the hill and made a left turn onto Mt. Hood and the visibility for skateboarders was not good on Mt. Hood. They were not using sidewalks, but were using the thoroughfares. She also observed school buses as they had attempted to climb up Mt. Mazama every morning with groaning and grating of the buses. The School District was not consulted in this process. They had a lot of hills that bicyclists used for training. There was a problem with the stop sign on Mt. Mazama and 2nd Street. The bike lane ended at that corner and the traffic continued on 2nd Street as a merged area. The bicyclists that flew down the hills were entering the access points at a higher speed and made it difficult for traffic to observe them.

Howard Aster, McMinnville resident, was in favor of these changes. He had been building homes in McMinnville since 1981. Most of the homes were on flat lots, but as the City grew to the west it was hillier land. This was a good time for the City to pass these amendments as it would help developers build better and safer neighborhoods. Most of the hilly land was poor quality for agriculture which meant that less good quality farmland would be used to build houses on.

Nick Scarla, McMinnville resident, said the land they had to build on would create steep streets. People were speeding on Baker Creek, which was flat. The speeding issue was not relevant. There were skateboarders and bicyclists who would seek out steep streets, and he did not think they should stop a subdivision from coming in because of it. He asked regarding the fire sprinklers, did other cities, like Tigard, require fire sprinklers?

Fire Marshal McDermott said yes, other cities required them over a certain percentage of slope. Other communities had a much larger fire service and the operation needs would not be at the same level. They had to look at the City's operational abilities as well as what their engine manufacturer specs allowed. Those specs stated the steepest maximum the engines could operate was 12%.

Mr. Scarla was not opposed to fire sprinklers, but it might be an issue with affordable housing. The more things that had to be added to a house, the more they lost affordability.

John Dan, McMinnville resident, was in favor of the amendments. He doubted that in inclement weather a fire engine could get up a 10% or 12% grade. Was it due to response time that the fire sprinklers were being required?

Fire Marshal McDermott stated that this winter the fire engines did get stuck due to snow and ice. These conditions and steeper streets were new. They were looking at how to provide the best possible response and ensure people's homes were safe. It would be a slower deployment and the fire sprinklers would help save homes and the people in them.

Mr. Dan asked if it would make more sense to limit the sprinkler requirement to homes that were built on a grade that was steeper than 12% rather than homes that were accessed by a grade steeper than 12%. There might be homes on a flat street that were accessed by a road that was 13% grade and they were required to have sprinklers when it did not seem like it would take much more time to deploy there.

Mike Ard was a professional transportation engineer with 20 years of practice in the field. Regarding the specificity of the tangent point of crest and sag vertical curves, he did not think there was ambiguity in the way the Code was written. It stated that any slope in excess of 12% or between 12% and 15% needed to be no greater than 200 feet long. He thought it was a firm point of demarcation where the 200 foot limits existed. Regarding the sprinklers, he deferred to the Fire Department requirements for their apparatus. There was some ambiguity with saying anything accessed by a road greater than 12% required sprinklers. There were situations where there was a connected street network where a street would be in excess of 12% and an alternative path was available that was less than 12%. The language could be changed to say that if the primary point of access was off of a greater than 12% grade, they might be required to install fire sprinklers even though there was an alternative route available.

Fire Marshal McDermott said that could be clarified if it was any access point or the main access point or if there were alternatives. The straightest route would be the main access point.

Larry Snider, McMinnville resident, lived on Horizon Drive. There were speeders in the neighborhood. The important issue was safety. Someone driving on a flat road could stop a lot faster than someone driving on a 10% to 12% grade. It was not a safe situation. People tended to back out up the hill and then come down the hill. It was difficult to see the traffic when backing out, especially those going at high speed.

Cheryl Nangerom, McMinnville resident, also lived on Horizon Drive. She had some issues regarding the planned development nearby. She was concerned about the traffic coming out onto Horizon Drive down Mt. Mazama to 2nd and no changes were going to be made at the intersection of Hill Road and 2nd and Horizon Drive and no left turn signals were going to be

installed because they thought the traffic would be handled by the streets. Right now 2nd and Hill Road was a problem as a four way stop. Limited intersections in this development and no extra access to a bigger collector would create more traffic problems because of the grade at the intersections.

Chair Hall thought that testimony was more relevant to the next public hearing.

Mark Davis, McMinnville resident, supported the proposed changes for the same reasons Mr. Aster stated.

Commissioner Geary asked if all of Horizon exceeded the maximum slope requirement. City Engineer Mike Bissett said the design grade on Horizon was 12%. He did not know what the Code requirements were at that time or if an exception was given for the slope at the time of development.

Chair Hall closed the public hearing.

Commissioner Schanche thought everything had been looked at carefully. Would the requests for grades greater than 12% come to the Planning Commission?

Planning Director Richards stated any local street grade exceeding 12% would be reviewed for approval by the Fire Code Official.

Commissioner Chroust-Masin was in favor of these amendments. They were running out of flat lands and had to go to the hills. New housing had to go somewhere and it would preserve agricultural land.

Commissioner Geary thought this was headed in the right direction to increase the ability to build out in the hills. However there were enough questions raised and items that needed to be discussed further and he preferred to send it back to staff to review and to make it a more robust document.

Commissioner Chroust-Masin was not opposed to bringing it back to the next meeting.

Commissioner Schanche asked what needed to be further investigated. Commissioner Geary said the issue of where to measure the grade needed to be addressed, they needed to explore the verbiage of alternative routes and the fire sprinkler requirement, and they needed to come up with creative solutions to Fire Department response time and ways to address safety for slopes above 12%.

Chair Hall said there were two types of safety issues that had been brought up, those involving the Fire Department and those involving speeding and skateboarding. They could not change human nature. Speed humps or mobile traffic control devices might be needed, but those issues should be dealt with separately and should not factor into whether or not they approved the amendments. They were trying to address the Fire Department and safety issues through these amendments. He did not think they needed to postpone the decision.

Commissioner Schanche agreed they did not need to postpone it. She thought it had been looked at thoroughly and was in support.

Commissioner Geary stated he was in favor overall, but given the testimony received that night, he thought more due diligence was needed on the issues that were raised.

Commissioner Butler thought a lot of good work had been done. She did not think it needed to be continued. She was in favor of moving forward.

Based on the findings of fact, conclusionary findings, recommended conditions for approval, and materials submitted by the City of McMinnville, Commissioner Schanche MOVED to recommend to the City Council approval of G 2-17 and the zoning text amendments as recommended by staff. SECONDED by Commissioner Butler. The motion PASSED 4-1 with Commissioner Geary opposed.

D. Planned Development Amendment (ZC 6-17)

Request: West Hills Properties, LLC, is requesting approval to amend Planned Development Ordinance No. 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.

Location: The subject site is located generally north of West Second Street, 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.

Applicant: West Hills Properties, LLC

Chair Hall opened the public hearing and read the hearing statement. He asked if there were any objections to the Planning Commission's jurisdiction on this matter. There were none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Chroust-Masin said he knew a lot of people in the audience, however that would not affect his decision.

Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant, any other party involved, or any other source of information outside of staff regarding the subject of this hearing. There was none.

Chair Hall asked if any Commissioner visited the site. Most of them had.

Chair Hall asked if any Commissioner wished to discuss their visit to the subject site. No one did.

Planning Director Richards provided the staff report. This was a zone change request to amend an existing planned development. The site was north of West 2nd Street, west of NW Mt. Mazama Street, and south of NW Fox Ridge Road. The applicant was West Hills Properties, LLC. There was already approval for development on the site, and tonight they were looking at amending the existing decision. It was 164 acres and was approved for development in 2007. The property had been partially developed. Valley's Edge Phase 2 was developed with apartments, a public

park, detention pond, and single family homes, and Valley's Edge Phase 3 was developed with single family homes. The subject of the current planned development amendment request was 132 acres of the original 164 acres. When the applicant went to engineer the subdivisions and looked at street grades and intersections and the 5% they were trying to achieve at the intersections, they found it could not be engineered into the existing topography.

Planning Director Richards explained that the applicant tried to keep most of the plan the same, however they had to eliminate some of the street connections, create longer block circumferences, and increase the number of lots by 40. The total lots of the existing plan were 512, and if the proposed amended plan was approved, it would create 552 lots. The current plan was zoned R-2 PD and the maximum density allowed was six units per acre. The proposed plan would be 4.6 units per acre with net density and 3.7 units per acre with gross density. The minimum lot size was 5,292 square feet and the maximum lot size was 35,000 square feet. The average lot size would be 9,547 square feet. These were larger lot sizes than the average lot size minimum requirement in the R-2 zone. The total number of single family units was 551 units and total multi-family units was 68. The multi-family units had already been built and several of the single family units had already been built as well in the first two phases.

Planning Director Richards explained that some variances had been requested including changing the street grades from 12% to 15% in some sections, changing the block length from 1,802 linear feet to 1,995 linear feet for 31 units, increasing the block circumference for 11 units that would exceed the 1,600 square feet, and a variance for the lot depth to width standard due to the wetlands and topography. For zone changes, the criteria included deciding whether it was a major or minor amendment. There was an increase in housing units by 40 and the internal vehicular circulation network had changed and staff felt it was a major amendment requiring a public hearing process.

Planning Director Richards explained that the criteria for an amendment to an existing planned development included the special physical conditions of the site, whether the resulting development was consistent with the Comprehensive Plan objectives for the area, whether it had adequate access and efficient provision of services to the adjoining areas, whether the plan could be completed in a timely manner, whether the streets were adequate to support the traffic and the development would not overload the streets outside the planned area, whether or not the proposed utility and drainage facilities were adequate, and whether or not noise, air, and water pollutants were mitigated. In terms of being consistent with the Comprehensive Plan, residential land in west McMinnville was limited to an average of six dwelling units per acre except for those within a quarter mile of transit routes where higher density should be encouraged. This application proposed 4.6 units per acre with net density and 3.7 units per acre with gross density and fell under the six units per acre. It qualified as a lower density residential development under R-2 PD and was limited to land shown as developed low density on the buildable lands inventory. It was in an area of only collectors and local streets and an area with geographical constraints.

Commissioner Schanche asked why there was no open space other than the existing park included in this project. Planning Director Richards said the park was part of the planned development and in 2007 the City thought the open space requirement was addressed through the neighborhood park.

Commissioner Schanche said planned developments were not supposed to be used to get out of zoning, and she did not think there was enough open space. She thought it was inconsistent with the Comprehensive Plan objectives because of the open space.

Commissioner Butler agreed, especially when they were adding 40 more units and not any open space.

Planning Director Richards said due to the connectivity issues, the street network system was changed and some connections were removed because of the street grading. They did add some pedestrian connections where the street connectivity had been removed. This was considered a green space.

Commissioner Chroust-Masin asked how large the park was. Planning Director Richards said it was 7 acres.

Zach Pelz, land use planner with AKS Engineering, was representing the applicant. In 2007 this plan was approved. Within the last few years they realized Phase 4 would require significant on-site grading that made it unfeasible to develop as it was approved in 2007. They decided to do a modification to the planned development instead.

Howard Aster, West Hills Development, introduced his development partners who were long time McMinnville residents who raised their families here and loved the community. This land was purchased 45 years ago and was located in the City limits and zoned for residential development. West Hills Properties sold their lots to a variety of small, mostly local home builders and local residents who wanted to choose a builder of their own. Their subdivisions featured a mixture of many talented home designers, contractors, and landscapers. This gave the subdivisions more creativity, uniqueness, and individuality. Most of the people who built in their subdivisions lived in the community. Local builders often bought local materials and hired local subcontractors. There was a demand for entry level housing and it was difficult to find any lots in the City that were affordable. There were older citizens who wished to downsize and build a single story house that was easier to maintain. Their subdivision provided lots that were spacious in size. This request was a revision to their master plan for an improved and safer subdivision.

Barry House was representing himself as a realtor. He had been a realtor in McMinnville for 30 years. He was also one of the principles in this project. The City was terribly short in inventory of available homes and lots. The property had been in the City limits for 45 years.

Commissioner Chroust-Masin asked why the property was not developed until now. Mr. House said the flat, level portion of the property was developed and now they were moving up the hill. They were getting into the rougher land that was harder to develop.

Mr. Pelz discussed the site, which was steep with slopes in excess of 30%. This application was approved in 2007, just before the housing bubble burst and the economy was still recovering. The site was two and a half miles west of where they sat today, at the west end of 2nd Street. There was about 132 acres remaining to be developed and it was zoned R-2. If they developed to the maximum 6 units per acre, they could build 800 homes. The application was more than 30% below what was allowed. The original application protected the drainage channel that ran down the center of the site. The streams on the western half of the site were not considered and

the lots and the streets were laid out inconsiderate of those drainageways. With the slopes, it was a challenge to design the streets, intersections, and lots on the site in a way that satisfied the City's street grade requirements and ADA grading requirements, as well as creating a practical, livable community. He reviewed the 2007 approval that mandated significant on-site grading. It included life cycle housing and with the range of lot and housing sizes it could serve a demand across a wide range of age and income groups in the City.

Mr. Pelz explained that since 2007, there were new ADA requirements that made sure the grades at intersections did not exceed 5%. The ADA requirements for shallower street grades resulted in steeper segments between those intersections that ultimately required removal of some of the intersections and required longer block lanes and circumferences. The variances requested were all related to this ADA requirement. He explained the 2007 lot layout and the existing drainageways on the site. The 2007 layout showed the rear of the lots backing up to the drainage channel, but the western half of the site did not identify the drainageways and it would result in filling in those drainage channels and eliminating them altogether. It would be a significant impact to the natural resource. The new plan was for 552 lots. The idea of life cycle housing promoted housing across a wide range of age and income groups to serve a wide range of demand in the City. They also wanted to promote ADA compliant intersections and street grades. He gave an example of one of the eliminated streets. If it was added back in, it would require West 2nd Street to be over 14% grade to make up for the flattening of the intersection to 5%. West 2nd Street was a collector and they wanted to keep it at 10% or below. The adjustments proposed were only occurring on local streets. The collector street was being kept at or below standard. He showed another example of Road A which would result in a street that was in excess of 30% grade.

Mr. Pelz explained that they had tried to balance the City's objective of promoting connectivity, and in locations where street connections could not be made there were pedestrian connections. There were over 20 acres of protected drainageway and a park. More open space was preserved in the back of the lots that would accommodate habitat and better protection of the drainageways throughout the site. Regarding the criteria, he asked the Commission to keep in mind that they were asking for the Commission's recommendation to approve a modification to an application that was approved in 2007. This was not a new planned development and there was a narrower scope for the decision.

Commissioner Schanche asked about the pedestrian accessways, how did they determine where they should go?

Paul Sellke, project engineer with AKS Engineering, said most of the accessways were located to split up walk lengths and provide connectivity between the longer block lengths that were created through the looped roads. They were centrally located in those areas.

Commissioner Schanche asked what was the typical grade for these walkways and did they all have stairs? What kind of stairs would they be, landscape stairs or concrete with railings? Mr. Sellke replied most would have stairs due to the steepness of the topography. To be accessible to the public, the stairs had to be an all-weather surface and had to be able to last long term.

Commissioner Schanche asked if they were going to put something in so people could wheel their bikes up the stairs? Mr. Sellke said they had discussed including a bike rail. Some of the grades would be 15% to 20%, but some would approach 40%.

Commissioner Schanche asked who would be in charge of maintaining the pedestrian pathways? Mr. Sellke answered it would most likely be done through an HOA.

Commissioner Chroust-Masin said they were worried about ADA intersections, but how did a handicapped person get up the streets when they were so steep?

Commissioner Geary asked how the western drainage slopes were overlooked? Zach replied he presumed what happened was they were overlooked due to the City's Code and that the analysis was required later in the process and not at the preliminary plat stage of the land use application.

Commissioner Chroust-Masin asked about the water supply and steep slopes. Mr. Pelz stated until a new reservoir was built to serve the upper elevations, there was an area that could not develop. That was a condition of the original application in 2007. There were about 250 lots above that line that could not be developed at this time.

Commissioner Schanche was concerned that people would not walk the really long blocks. She would like to see more pedestrian connections. She thought more connections was supported by Policy 77 and Residential Design Policy 81. Mr. Pelz said the policies changed when the topography was the overarching challenge.

Brad Bassitt pointed out this development would bring lots to the City that were much needed. Howard Aster had a long tradition of passing on lots to smaller home builders like he was. He had been able to build homes in the other phases of this project. This development had already been planned and this was only a request for a few changes.

John Dan lived within the development area. Mr. Aster sold a lot to Mr. Dan who then had a builder build his house. He walked down to the park all the time with his children. It was a beautiful park with nice walking paths. He had open fields all around him because development was not finished. There were wild turkeys and deer that walked through his yard. He did buy the lot knowing that development would continue. He thought the proposed changes were consistent with the character of the approved development and the lot sizes were similar. The drainageways were close to his house. It was a forested area until they cut down the trees and that might be why they were not seen before. They showed up when the snow melted, and they were not really visible even when it rained. It was hilly topography. Home values had increased in the last few years, and anyone who wanted an affordable home would have a difficult time. They needed more housing and did not want to take away farmland. They were going to have to build in the hills where there were steeper grades and longer blocks.

Nick Scarla stated this was a planned development already and the discussion should be if the amendments were an enhancement to the plan. He thought they were. There was a need for these lots. He asked the Commission to approve the application.

Rich Decker, McMinnville resident, said currently the work of cutting in the new road included blasting that was occurring in the neighborhood at unknown intervals. It bothered the dogs of the retirees, rattled cupboards, and so on. He asked if the developer could post a 24 hour notice before blasting. Mr. Aster said they had not blasted since October, however more blasting would

need to be done. The contractors had tried to contact people, but obviously not everyone. He was open to suggestions.

Mr. Decker wanted to make sure the builders continued the look and feel of the neighborhood and trees. Chair Hall confirmed that was a requirement.

Scott Schieber, McMinnville resident, asked about the green areas contiguous with the drainageways, were they part of the lots and homeowner property? Zach clarified they would be private conservation easements on the private lots to protect the drainageways in perpetuity. People could not build on those areas, but they had to maintain them.

Mr. Schieber asked about the policy on building cul-de-sacs and if any were going to be built. Planning Director Richards explained the City had a policy that discouraged cul-de-sacs, but they were allowed when the conditions were such that they could not create the connectivity.

Susie Bamer, McMinnville resident, lived at the top of the hill on Horizon and she had to have pumps for the water pressure. Her pressure at the meter was 30 pounds and without the pump there was virtually no pressure. She was concerned about her water pressure being affected by the new homes coming in. She would like something in the record that stated the water situation would be resolved and in place before anything was developed on the top of the hill. As all of these houses were being developed, would they draw down the pressure on her home?

City Engineer Bissett stated there was a line that no one could develop past because there was no water available at this time. A reservoir site had been purchased on Fox Ridge. The plan was to pump from the existing reservoirs to that site and then gravity back down the hill.

Ms. Bamer asked for those houses that were on the pumps, could they use the reservoir in the future and have the pumps taken off their homes. Mr. Aster thought she would be able to remove the pump and feed off the new reservoir. A building permit would not be approved for any of the buildings above the line until the infrastructure was in place.

Rich Decker thanked City staff for their help in understanding this process. His main concern was about the water runoff from the hill. There was a detailed stormwater plan with this application. Over the last year with the beginning of construction, the City had a landslide on 2nd Street and water bubbled up through the stormdrain covers when it rained. Hill Road flooded, one channel had been dug behind the homes on 2nd in order to prevent water from getting in their backyards, there was routed water behind the houses on Mazama, and on the berm that was built for the road every three to five feet there was visible run off between three and six feet deep. There was a problem and they had not sealed off areas with asphalt yet or put houses in. He did not think the water that would come off of this hill was under control. If a house on the hill moved, it would make it so he could not sell his house.

City Engineer Bissett stated that there was a comprehensive stormwater analysis for this development that met the current adopted Stormwater Master Plan. Several of these issues were not related to this development. The drainage along Hill Road would be dealt with through the roadway improvements that the City was currently out to bid for. There was a large detention facility at the bottom of the hill near the park. There would be other stormwater detention in the plan and they were going to keep natural drainage areas open. Geotechnical analysis had been done that determined the landslide was an isolated slide. They had corrected that issue with

drainage improvements and had structurally repaired the house that was damaged. The Building Official had to require geotechnical reports for future development as it proceeded. The current standard was that any lot that had fill had to have a geotechnical report done to demonstrate the fill was suitable for construction of a house. There were several check points to make sure the standards were being met and the house was being built on a suitable location. The applicant had a stormwater erosion permit and the permit was enforced through DEQ. Any issue with run off currently was being handled through the contractor of the project and the stormwater erosion plans they had that the state.

Mr. Aster said further development would help solve some of the drainage issues as the streets would cut off a lot of the drainage from above.

Mr. Decker raised a concern about Loop A road, if there was a fire and the neighborhood needed to empty, it would be difficult for all 120 houses to get out on one street while the fire trucks were trying to get in.

Fire Marshal McDermott thought the roads were wide enough to allow vehicles to come in and out at the same time. As development occurred, there would be less forest land and trees that could catch fire.

Commissioner Chroust-Masin asked if they foresaw any problems with sewer lines on these roads. Mr. Aster said there should not be a problem with sewer and stormwater lines as the topography worked to their favor in providing capacity for these services. They might have to blast to excavate the depth needed for the sewer lines.

The applicant agreed to waive the seven day period to submit final written arguments in support of the application.

Chair Hall closed the public hearing.

Commissioner Chroust-Masin said since this development had already been approved previously, and this was a modification to meet the new criteria, he did not see any reason for denial.

Commissioner Schanche was still concerned about open space. She realized this was an approved plan that was being modified. She thought it was disingenuous to say the drainageways could be considered open space as they were not meant to be accessible to the public. There was no way for the people in this development to get around other than by car. She suggested a condition that had added pedestrian connections.

Commissioner Butler agreed about the connections. They had added 40 more lots and some of that space could have been used to make the development more walkable and pedestrian friendly.

Commissioner Geary also concurred about the open space, however he did not know if they had leverage to make any changes to the existing planned development.

Mr. Aster said the plan was approved with the park as the required open space. There was no flat land to put a park up on the hill. The lots on the hill would have large backyards with creeks.

Commissioner Schanche read the planned development overlay purpose. She did not think this development fit with that purpose regarding open space.

Planning Director Richards said purpose statements were not criteria. They had to find criteria to request more open space than the neighborhood park.

Contract Attorney Spencer Parsons looked at the language of Policy 75 and the way staff was reading the language, the chapter was dealing with how open space was managed and maintained rather than a requirement for dedication of open space.

Mr. Aster said they were open to more pedestrian connections and suggested working with staff on locations. Mr. House said the park was built ahead of the housing. The park was what the City required for open space, and they had fulfilled that. He asked for a recess to work on this issue.

The Commission took a short break as requested.

Mr. Aster said they would be happy to add a condition of approval for more pedestrian walkways between the blocks and providing some space for a City park wherever the City would recommend.

Commissioner Butler asked what the price of the lots would be. Mr. Aster explained there would be bigger lots with CC&Rs for higher end homes, some would be lots for more middle class homes, and some would be common wall duplexes. They would go with what the market asked for. They tried to price lots at what home builders could afford, and yet be able to cover all their construction costs. They would sell most of the lots to other small, local builders and individuals who wanted to build on their own lots.

Commissioner Chroust-Masin asked when he expected this development to be built out. Mr. Aster said it depended on the market. They would try to build a subdivision per year, which was about 40 to 70 lots. It would be slow and controlled growth.

Chair Hall was in favor of approving the application. He asked who would maintain the pedestrian connections and park space. Mr. Aster said the pedestrian connections would be maintained by the Homeowners Association, however he thought the City should maintain the park. He was open to transferring some land to the City for a park, but he did not think they should be responsible for the park.

Chair Hall said if it was a park up on the hill, it was for the benefit of the home owners in that area. It was not a park that would be used by the rest of the City. Mr. Aster said there were many neighborhood parks that were owned by the City.

Commissioner Schanche said she had requested pedestrian connections consistent with Policy 77, Policy 132, and Residential Design Policy 81. She had not brought up parks.

Commissioner Butler said she was talking about open space, not necessarily a playground.

Planning Director Richards said the City's level of service was that every resident had access to a neighborhood park within a half mile of their residence. The City did not have funding to bring on additional parks for maintenance. Mr. House said the existing park was meant to be the park for the entire property. Mr. Aster said they were happy to work with the City to donate land for a park and to put in more pedestrian walkways.

Planning Director Richards said the developer was willing to provide more pedestrian connectivity that would be maintained through an HOA. Staff had language to include that in the motion.

Commissioner Schanche said the streets where she would like connections were: NW Brookshire to NW Canyon Creek Drive, Canyon Creek to Road A, Road A to the west, Road C to Road D, C Loop to Elizabeth, Road E to 2nd, and Road D to the future north.

There was discussion regarding the dedication of open space, since the City would not be able to maintain it. Chair Hall thought because it would benefit that neighborhood, not the rest of the City, it should be maintained by an HOA.

Commissioner Chroust-Masin thought the park would be used by other residents in the City.

Commissioner Butler said because it was in a wooded area and there were creeks in people's backyards, she suggested only requiring the pedestrian connections and not the park.

Based on the findings of fact, conclusionary findings, recommended conditions for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend to the City council approval of ZC 6-17 subject to the staff recommended conditions of approval with an added condition for additional pedestrian connectivity between NW Brookshire and NW Canyon Creek Drive, Canyon Creek to Road A, Road A to the west, Road C to Road D, C Loop to Elizabeth, Road E to 2nd Street, and Road D to the northwest and an added condition requiring the formation of a Homeowners Association for maintenance of the pedestrian walkways. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 5-0.

5. Old/New Business

None.

6. Commissioner Comments

None.

7. Staff Comments

None.

8. Adjournment

Chair Hall adjourned the meeting at 10:45 p.m.



Heather Richards
Secretary