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# Planning Commission McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street February 21, 2019

#### 5:30 PM Work Session 6:30 PM Regular Meeting

Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.

If you wish to address Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."

Commission Members	Agenda Items
Roger Hall, Chair  Lori Schanche, Vice-Chair  Erin Butler  Martin Chroust-Masin  Susan Dirks  Christopher Knapp  Gary Langenwalter  Roger Lizut  Amanda Perron	<ol> <li>5:30 PM - WORK SESSION – CONFERENCE ROOM</li> <li>Call to Order</li> <li>Discussion Items         <ul> <li>A. Work Session: Great Neighborhood Principles Project Update (Work Session Exhibit 1)</li> </ul> </li> <li>Adjournment</li> </ol>

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

\*Please note that these documents are also on the City's website, <a href="www.mcminnvilleoregon.gov">www.mcminnvilleoregon.gov</a>. You may also request a copy from the Planning Department.



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Commission Members	Agenda Items					
Roger Hall, Chair	6:30 PM – REGULAR MEETING - COUNCIL CHAMBERS					
	1. Call to Order					
Lori Schanche,	2. Citizen Comments					
Vice-Chair	3. Approval of Minutes					
Erin Butler	November 15, 2018 Work Session Minutes - (Exhibit 1a)					
Martin Chroust-Masin	<ul> <li>December 20, 2018 Work Session Minutes - (Exhibit 1b)</li> </ul>					
	<ul> <li>December 20, 2018 Planning Commission Minutes - (Exhibit 1c)</li> </ul>					
Susan Dirks	January 17, 2019 Work Session Minutes - (Exhibit 1d)					
Christopher Knapp	<ul> <li>January 17, 2019 Planning Commission Minutes - (Exhibit 1e)</li> </ul>					
Gary Langenwalter	4. Public Hearings					
Roger Lizut	A. Planned Development Amendment (PDA 2-18) and Subdivision (S 2-18) - (Exhibit 2)					
Amanda Perron	Request: Approval to amend Planned Development Ordinance 4990 to vary the underlying R-4 PD zone by reducing the average lot size from 5,000 square feet to 2,925 square feet and reducing the side yard setback from five (5) feet to three (3) feet, allowing the development of an alley-loaded 28 lot subdivision, which would replace a similarly sized multi-family development that was planned for the lot, as previously approved under the "Overall Plan" submitted February 9, 2012.					

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Location: The subject site is zoned R-4 PD (Multiple Family Residential Planned Development) and is located at the northwest corner of NW McDonald Lane and NE Peyton Lane. It is more specifically described as Tax Lot 2100 and 2104, Section 9, T.4 S., R. 4 W., W.M.

Applicant: Alan Ruden

- 5. Commissioner/Committee Member Comments
- 6. Staff Comments
- 7. Adjournment

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### **WORK SESSION EXHIBIT 1 - STAFF REPORT**

**DATE:** February 21, 2019

TO: McMinnville Planning Commission FROM: Chuck Darnell, Senior Planner

**SUBJECT:** Great Neighborhood Principles Project Update

#### **Report in Brief:**

The purpose of this discussion item is to provide an update on the City of McMinnville Planning Department's Great Neighborhood Principles project. Staff will provide a detailed update during a presentation at the work session meeting, which will focus on the recommendation from the Great Neighborhood Principles Project Advisory Committee (PAC). The PAC's recommendation is to adopt Comprehensive Plan text amendments to incorporate the Great Neighborhood Principles into the McMinnville Comprehensive Plan.

#### **Background:**

The McMinnville Planning Commission's 2017-2019 Work Plan included the Great Neighborhood Principles (GNP) project as a long-range planning work product. The purpose of the GNP project was to define what makes a great neighborhood in McMinnville, and to identify and describe specific principles (which also could be referred to as elements or characteristics) that should be achieved in every neighborhood. The GNP will ensure that new development and redevelopment, as it occurs, creates places and neighborhoods that are livable, healthy, social, safe, and vibrant for all residents of McMinnville. The GNP were intended to be adopted into the City's Comprehensive Plan to guide future development, and also to be used to guide future development code updates establishing more detailed requirements to achieve and implement the GNP.

Staff initiated the GNP project in August 2018 by forming a Project Advisory Committee (PAC) and Technical Advisory Committee (TAC) to provide guidance for staff and to oversee the completion of the project. Four PAC meetings were held between September 2018 and January 2019 to oversee the project process. The first meeting was a kick-off meeting in September 2018, introducing the PAC members to the project and providing an opportunity for small-group discussion and idea sharing on potential GNPs. The second meeting was held in October 2018 and focused on the PAC review and approval of the public engagement plan for the GNP project.

The public engagement portion of the project was then completed during October and November of 2018. In order to solicit as much public input as possible, staff and the PAC decided on a variety of formats for information sharing and public engagement, including social media posts, social media polls, an online survey, placement of hard copies of the survey in various locations around the city, a public open house, and presentations to service organizations in McMinnville. The survey was the

Attachments:

Attachment A: Existing Introduction of Comprehensive Plan

Attachment B: Urbanization Chapter of Comprehensive Plan

Attachment C: PAC Recommended Comprehensive Plan Text Amendments for Great Neighborhood Principles

most successful method in generating public input and feedback on the project. Overall, 334 survey responses were provided. Of those responses, 292 were provided online in English, 5 were provided online in Spanish, and 37 were provided as hard copies in English.

Following the public engagement process, the PAC met for their third meeting in December 2018 to review the survey results and other public engagement results, and identified key takeaways from the survey results to incorporate into the GNPs. The PAC then directed staff to draft Comprehensive Plan text amendments that would incorporate the GNPs into the Comprehensive Plan, and to bring those draft text amendments back to the PAC for review.

Staff prepared and presented draft Comprehensive Plan text amendments to the PAC at their January 2019 meeting. The PAC reviewed the draft amendments, and with a few minor edits, recommended that they be forwarded on to the Planning Commission for review and consideration.

#### **Discussion:**

The City is proposing, based on the Project Advisory Committee's recommendation, to amend the McMinnville Comprehensive Plan by adding the Great Neighborhood Principles (GNPs) to the existing Urbanization chapter (Chapter IX). The Urbanization chapter was determined by staff to be the section of the Comprehensive Plan that would be best suited for the inclusion of the GNPs. The Urbanization chapter includes goals and policies related to the land use planning framework that guides the City's planning program. It includes sections on "Urban Growth Boundary", "General Development Pattern", and "Land Use Development Tools". The GNPs are proposed to be added at the end of the Urbanization chapter in a new section proposed to be titled "Great Neighborhood Principles", which would fall under the overarching Goal IX 2, which is "To establish a land use planning framework for application of the goals, policies, and proposals of the McMinnville Comprehensive Plan".

In regards to the structure of the existing Comprehensive Plan, the Plan is organized into a format that includes Goals, Policies, and Proposals. Each of those are described in the introduction of the Comprehensive Plan as follows:

GOALS: are the broadly-based statements intended to set forth the general principles on which all future land use decisions will be made. Goals carry the full force of the authority of the City of McMinnville and are therefore mandated.

POLICIES: are the more precise and limited statements intended to further define the goals. These statements also carry the full force of the authority of the City of McMinnville and are therefore mandated.

PROPOSALS: are the possible courses of action available to the City to implement the goals and policies. These proposals are not mandated; however, examination of the proposals shall be undertaken in relation to all applicable land use requests.

The introduction of the Comprehensive Plan further explains how Goals, Policies, and Proposals will be applied to land use decisions as follows:

"The implementation of these goal, policy, and proposal statements shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements

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is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements. These ordinances and measures are included in Volume III of the McMinnville Comprehensive Plan."

The GNPs have therefore been drafted as a set of policies and proposals, to fit within the existing format of the McMinnville Comprehensive Plan. The version of the Comprehensive Plan text amendments that was reviewed and recommended by the PAC on January 15, 2019, is attached to this staff report. These Comprehensive Plan text amendments include proposed Policies 187.10, 187.20, and 187.30, which introduce and describe the purpose and function of the GNPs. Proposed Policy 187.40 then lists the GNPs, which are proposed to be as follows:

- Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
- Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
- 3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
- 4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.
- 5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.
- Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.
- 7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.
- 8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.
- 9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.
- 10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.
- 11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.
- 12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.
- 13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have: [...]

Each GNP is followed by language that is intended to provide more specific direction on how to achieve each individual principle. This language that provides direction on achieving each principle was drafted largely out of feedback provided throughout the public outreach process, and during dialogues and discussions with the Project Advisory Committee. Staff will provide a more detailed presentation on each of the GNPs and their supporting language during the work session meeting.

Also included in the proposed Comprehensive Plan amendments are Proposals that guide future courses of action that the City could undertake to further develop and implement the GNPs. These Proposals are

Attachment A: Existing Introduction of Comprehensive Plan

Attachment B: Urbanization Chapter of Comprehensive Plan

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proposed to be included as Proposals 40.00 – 46.00, and describe more specific planning processes and development code requirements that should be drafted and adopted by the City to ensure that the GNPs are implemented during development and redevelopment projects. As discussed above, the GNPs are proposed to be Policies, so they are drafted to be somewhat high-level statements. Each principle includes some more specific language to provide direction on how to achieve each principle. As described in the introduction of the Comprehensive Plan, the Policies "carry the full force of the authority of the City of McMinnville and are therefore mandated." The introduction of the Comprehensive Plan further states that the Policies "shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request". However, because the Policies are higher level statements, there could be some discretion or disagreement in exactly how those Policies are applied to individual development projects. The Proposals, specifically those that will result in further definition in development code updates, will provide an opportunity for the City to better describe the specific requirements that will be applied to development projects to ensure that the GNPs are being implemented as intended. The development code updates included in the Proposals will be undertaken by staff, and will be drafted through dialogues with the Planning Commission and City Council in future work sessions and public hearings. Again, staff will provide a more detailed presentation on each of the Proposals during the work session meeting.

#### **Fiscal Impact:**

None.

#### **Recommendation/Suggested Motion:**

No specific motion is required at this time. If there are not any major issues identified by the Planning Commission, staff intends to bring the GNP Comprehensive Plan text amendments to the Planning Commission for formal review and consideration during a public hearing at the March 21, 2019 Planning Commission meeting.

CD:hr

Attachment B: Urbanization Chapter of Comprehensive Plan

#### McMINNVILLE COMPREHENSIVE PLAN

McMinnville's Comprehensive Plan has been divided into three interrelated volumes. Volume I, providing the background information, is both the narrative of and supporting documentation for the goals and policies developed by the community. It is a reference resource that can be used to interpret the intent of the goal and policy statements. Volume II contains the actual goal and policy statements. These statements are the culmination of the research, inventories, and projections of Volume I and reflect the directives expressed through the citizen involvement process in adopting the plan. All future land use decisions must conform to the applicable goals and policies of this volume. Volume III consists of the implementing ordinances and measures created to carry out the goals and policies of the plan. Principle among these are the comprehensive plan and zoning maps, the annexation, zoning and land division ordinances, and the planned development overlays placed on areas of special significance.

#### **VOLUME II GOALS AND POLICIES**

Volume II, Goals and Policies, contains the goal, policy, and proposal statements which shall be applied to all land use decisions. Goal, policy, and proposal statements each have different purposes: goal statements are the most general principles; policy statements are directed to specific areas to further define the goal statements; and proposals are possible courses of action open to the City which shall be examined to further implement the goal and policy requirements. Each of these statement types is further defined below:

GOALS: are the broadly-based statements intended to set forth the general principles on which all future land use decisions will be made. Goals carry the full force of the authority of the City of McMinnville and are therefore mandated.

POLICIES: are the more precise and limited statements intended to further define the goals. These statements also carry the full force of the authority of the City of McMinnville and are therefore mandated.

PROPOSALS: are the possible courses of action available to the City to implement the goals and policies. These proposals are not mandated; however, examination of the proposals shall be undertaken in relation to all applicable land use requests.

The implementation of these goal, policy, and proposal statements shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements. These ordinances and measures are included in Volume III of the McMinnville Comprehensive Plan.

# CHAPTER IX URBANIZATION

- GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.
- GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

#### **URBAN GROWTH BOUNDARY**

#### Policies:

- 181.00 The City of McMinnville shall establish an urban growth boundary to separate rural lands from urbanizable and urban lands. Lands within the boundary shall be deemed necessary for urban development within the planning period, except those designated as reserve areas.
- 182.00 Amendments to the Urban Growth Boundary may be considered periodically. The City of McMinnville and Yamhill County shall consider amendments to the boundary based on the following criteria and other State requirements:
  - 1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
  - 2. Need for housing, employment opportunities, and livability.
  - 3. Orderly and economic provision for public facilities and services.
  - Maximum efficiency of land uses within and on the fringe of the existing urban area.
  - 5. The long term environmental, energy, economic, and social consequences of the locality, the region, and the state as the result of allowing urbanization and not preserving and maintaining the land for agricultural or forest uses, whichever is applicable.
  - 6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV the lowest priority.
  - 7. Compatibility of the proposed urban uses with other adjacent uses.
  - 8. Deleted as per Ord. 4796, October 14, 2003.

#### GENERAL DEVELOPMENT PATTERN

#### Policies:

- 183.00 The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.
- 184.00 The City of McMinnville shall establish a Comprehensive Plan Map designating allowed land uses within the McMinnville Urban Growth Boundary. Land uses allowed under the specific designations shall be set in Volume I of the McMinnville Comprehensive Plan, Chapter IX.

#### LAND USE DEVELOPMENT TOOLS

- 185.00 The City of McMinnville and Yamhill County shall adopt an Urban Growth Boundary management agreement establishing (1) the rights and responsibilities of each jurisdiction for management of lands outside the city limits but inside the Urban Growth Boundary, (2) procedures for processing different land use requests on lands within the Urban Growth Boundary, but outside the city limits, and (3) policies that shall be applied to the development of lands within the Urban Growth Boundary, but outside the city limits.
- 186.00 The City of McMinnville shall place planned development overlays on areas of special significance identified in Volume I of the McMinnville Comprehensive Plan. Those overlays shall set forth the specific conditions for development of the affected properties. Areas of significance identified in the plan shall include but not be limited to:
  - 1. Three Mile Lane (north and south).
  - 2. Deleted as per Ord. 4796, October 14, 2003.
  - 3. Barber property.
  - West Hills area.
  - 5. Commercial areas at the northern and southern entrances to the city.
  - 6. New industrial areas, certain existing industrial areas.

187.00 The City of McMinnville shall adopt additional implementation ordinances and measures to carry out the goals and policies of the McMinnville Comprehensive Plan. These shall include, but not be limited to, the Zoning Ordinance and Map, Annexation Ordinance, and Mobile Home Development Ordinance.

Amendments to City of McMinnville Comprehensive Plan

**Chapter IX – Urbanization** 

Language below to be inserted at the end of the current Urbanization chapter, following Policy 187.00

#### **GREAT NEIGHBORHOOD PRINCIPLES**

Policies:

- 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, healthy, social, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.
- 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, healthy, social, safe, and vibrant neighborhood.
- 187.30 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.
- 187.40 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 13), and is followed by more specific direction on how to achieve each individual principle.
  - 1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
    - Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.
  - 2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
    - a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.
  - 3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
    - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
    - b. Central parks and plazas shall be used to create public gathering spaces where appropriate.

- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.
- 4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.
  - a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.
  - b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).
- 5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.
  - a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
  - b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.
- Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.
  - a. Streets shall be designed to function and connect with the surrounding built environment and street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.
- 7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.
  - a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.
  - b. Design practices should strive for best practices and not minimum practices.
- 8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.
  - a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.
  - b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.
  - c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted

- public areas, and principles of Crime Prevention through Environmental Design (CPTED).
- 9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.
  - a. Neighborhood destinations including, but not limited to, neighborhood serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.
  - b. Neighborhood serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.
- 10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.
  - a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.
- 11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.
  - A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.
- 12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.
  - a. Neighborhoods shall have several different housing types.
  - b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.
- 13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:
  - a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.
  - b. Opportunities for public art provided in private and public spaces.
  - c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

#### Proposals: NOTE: PROPOSAL NUMBERS IN CHAPTER X WILL NEED TO BE AMENDED

- 40.00 The City shall complete an inventory of the applicable natural resources listed in Goal 5 of the Oregon Statewide Planning Goals and Guidelines. The resources to be included in the inventory include, but are not limited to, riparian corridors, wetlands, wildlife habitat, open space, and scenic views. The City shall coordinate with the Department of Land Conservation and Development to determine which Goal 5 resources to include in the inventory.
- 41.00 The City shall complete an inventory of landmark trees that are of significance or value to the City's environment or history.

- 42.00 The City shall develop specific park and open space requirements for different types of neighborhoods and developments, such as multiple family residential uses or single family residential subdivisions. The park and open space requirements for individual developments shall be based on the size or scale of the proposed development and on the number of dwelling units within the proposed development and shall incorporate both active and passive parks, open spaces, and opportunities to connect with nature.
- 43.00 The City shall complete a Bicycle Plan to guide the planning, implementation, and growth of a city-wide bicycle network throughout McMinnville. The Bicycle Plan may be adopted as an appendix to the Transportation System Plan and may identify projects that can be implemented or planned to create a city-wide bicycle network.
- 44.00 The City shall complete a Pedestrian Plan to guide the planning, implementation, and growth of a city-wide pedestrian network throughout McMinnville. The Pedestrian Plan may be adopted as an appendix to the Transportation System Plan and may identify projects that can be implemented or planned to create a city-wide pedestrian network.
- 45.00 The City shall develop site and design requirements for commercial and industrial uses.
- 46.00 The City shall develop development codes that allow for a variety of housing types and forms, and shall develop site and design requirements for those housing types and forms.



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## **MINUTES – Exhibit 1a**

November 15, 2018 Planning Commission Work Session Meeting 5:30 pm McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Martin Chroust-Masin, Susan Dirks,

Zach Geary, Roger Lizut, and Lori Schanche

Members Absent: Erin Butler, Gary Langenwalter, and Erica Thomas

**Staff Present:** Chuck Darnell – Senior Planner, Jamie Fleckenstein, Associate Planner,

Heather Richards - Planning Director, Tom Schauer - Senior Planner, and

David Koch – City Attorney

#### 1. Call to Order

Chair Hall called the meeting to order at 5:30 p.m.

#### 2. Discussion Items

#### A. Project Update:

Great Neighborhood Principles (Exhibit 1)

Senior Planner Darnell gave an update on the Great Neighborhood Principles project, which was identified in the Planning Commission's 2017-2019 Work Plan as a long range planning project. He explained the purpose of the project and the intended outcomes, and also described the Project Advisory Committee that had been set up to oversee the completion of the project. He explained that two Project Advisory Committee meetings had been held in September and October. The first meeting was a kick-off meeting, and the second meeting focused on the PAC reviewing and approving the public engagement plan.

Senior Planner Darnell described the types of activities that would be completed throughout the public engagement process, which would include social media posts, social media polls, online survey, placement of hard copies of the survey in various locations around the city, a public open house, and presentations to service organizations.

Senior Planner Darnell shared some of the preliminary responses that had so far been received from the online survey.

There was discussion regarding the survey results received so far. There was further discussion on other ways that the City could get the survey out into the community, such as with local businesses or through the school system.

Senior Planner Darnell described the next steps in the project and the future Project Advisory Committee meeting dates. He explained that the Planning Commission would eventually see a recommendation for potential code updates coming from the Project Advisory Committee.

#### B. Project Update:

Buildable Lands Inventory, Housing Needs Analysis, Housing Strategy

Senior Planner Schauer provided an update of the work on this project. The Project Advisory Committee held its second meeting on November 14. Senior Planner Schauer provided an overview of the project and topics discussed at the meeting. He discussed the major tasks and the public involvement program and project schedule to complete work on the major tasks.

#### 3. Adjournment

Chair Hall adjourned the meeting at 6:2					
Heather Richards Secretary					



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# MINUTES - Exhibit 1b

December 20, 2018 Planning Commission Work Session Meeting 5:30 pm McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin,

Susan Dirks, Gary Langenwalter, Roger Lizut, Zach Geary, Lori Schanche,

and Erica Thomas

Members Absent: None

**Staff Present:** Chuck Darnell – Senior Planner, Heather Richards – Planning Director,

Tom Schauer – Senior Planner, and David Koch – City Attorney

#### 1. Call to Order

Chair Hall called the meeting to order at 5:30 p.m.

#### 2. Discussion Items

#### A. Project Update:

Buildable Lands Inventory, Housing Needs Analysis, Housing Strategy

Senior Planner Schauer explained the Buildable Lands Inventory would show the remaining supply of land inside the Urban Growth Boundary and the Housing Needs Analysis would show what the housing needs were in the City. He discussed what went into the Buildable Lands Inventory in terms of looking at available land and constraints and then identifying the capacity of the available land. The Housing Strategy would address the needs that came out of all of the analysis. He showed where the information on this project was located on the City's website. He stated the Buildable Lands Inventory was looking at the 20 year supply needs as well as short and long term needs. He explained how the land was classified and what was exempted and the safe harbor assumptions and constraints that were reviewed. The analysis showed that most of the land in the City had been developed. He listed the areas that still had some vacant or partially vacant land and the constraints and hazards on those lands. The next steps were refining the assumptions about in fill and redevelopment, to assign capacity for the different types of housing that could go on the available lands, and what areas could possibly be up-zoned. Regarding the Housing Needs Analysis, there was data that gave a snapshot of where they were today. When they talked about affordable housing, they meant what was affordable to people of all incomes and not spending more than a third of a person's income on housing costs. He gave a breakdown of low, moderate, and workforce housing, median income, and what rents and housing prices were and the gaps they had today. In some cases there was not enough available housing for the businesses that were trying to recruit employees. He discussed the historic trends for demands on future housing, population forecasts for 11,000 new residents in McMinnville, current housing mix and average density, and how the City needed to accommodate for 4,200 new households in the next 20 years. They would be using this information to formulate a Housing Strategy and develop tools to help meet the needs and create great neighborhoods in the City. They would also be working closely with the Affordable Housing Task Force and would have more public engagement.

There was discussion regarding not only growing out, but growing up. Planning Director Richards discussed how they would also be working on a City Center Housing Strategy.

#### B. Project Update:

**Great Neighborhood Principles** 

Senior Planner Darnell gave an update on the public outreach process for the Great Neighborhood Principles project. There had been an online survey and a written survey available in some locations around the City. They received about 340 responses. They also did weekly blog and social media posts and held a public open house. He then discussed the input that was received on the preferred principles. Staff also made presentations to various City groups and increased followers of McMinnville Matters. He also discussed the survey questions and results, comments that were received, and the areas that were chosen as good examples.

There was discussion regarding the survey results and how this was the beginning of the process.

#### 3. Adjournment

Chair Hall adjourned the meeting at 6:27 p.m.					
Heather Richards					
Secretary					



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# **MINUTES – Exhibit 1c**

December 20, 2018 Planning Commission Regular Meeting 6:30 pm McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin,

Susan Dirks, Gary Langenwalter, Roger Lizut, Zach Geary, Lori Schanche,

and Erica Thomas

Members Absent: None

**Staff Present:** Chuck Darnell – Senior Planner, Heather Richards – Planning Director,

Tom Schauer – Senior Planner, and David Koch – City Attorney

#### 1. Call to Order

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

#### 2. Citizen Comments

None

#### 3. Approval of Minutes

- August 16, 2018 (Exhibit 1a)
- **November 15, 2018** (Exhibit 1b)

Chair Hall called for action on the Planning Commission minutes from the August 16 and November 15, 2018 meetings. Commissioner Dirks MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Chroust-Masin. Motion CARRIED 9-0.

#### 4. Public Hearings:

#### A. Appeal of Historic Landmarks Committee Decision (AP 2-18) - (Exhibit 2)

Request: Appeal of the Historic Landmarks Committee's decision on a recent Certificate of Approval for Alteration application (HL 10-18). The decision being appealed is a denial of a proposal to replace and install new railings around the front and side porches of a residential structure that is listed on the Historic Resources Inventory as a historic landmark. Specifically, the proposal was denied based on the proposed building

materials not being compatible with the existing building materials of the historic landmark.

21 of 168

Applicant: Terry Hall, on behalf of property owner Jeff Sauter

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? All of the Commission had visited the site. There was no discussion regarding the visits.

Senior Planner Darnell presented the staff report. This was an appeal of a Historic Landmarks Committee decision on a recent Certificate of Approval for Alteration application for 219 SE Lincoln Street. He gave a background on the historic inventory of the City and applications that required a Certificate of Approval. He explained the definition of an alteration. The property had a residential structure that was designated as a significant resource, which was the second highest tier on the inventory. He discussed photos showing how the key architectural features were still on the house today. The Historic Landmarks Committee (HLC) discussed this application in September. It was after the project had been started that the contractor became aware it had to go the HLC. The project included improvements to the front porch and additional railings. The HLC had determined that the railings were an alteration because they were an addition to the structure that resulted in a larger change to the appearance and a Certificate of Approval was needed. The HLC had been concerned about the composite material being proposed. The contractor did submit an application and stated the railings had been in place at one point based on what he saw on the columns of the porch and was only proposing to add them back using the composite material. The Certificate of Approval application was reviewed in October and the HLC denied the application. The applicant was appealing that decision. He explained the review criteria for an alteration of a historic landmark and reviewed the findings made by the HLC for denial of the application. The Committee found that the proposed composite polymer material was not compatible with the original wood materials of the porch and the material was not visually compatible with the historic design of the porch. Overall the Committee did not have a problem with the addition of the railing because it fit with the form and style of the home, but it was the material that was the issue. The Committee thought the applicable treatment for the house was rehabilitation per the Guidelines for Historic Preservation as published by the Secretary of the Interior. Using the rehabilitation guidelines, their finding was that the proposed material was not compatible as a substitute material. The appellant thought the proposed material was physically and visually compatible. They thought the railing looked like wood and was virtually identical. They also stated wood was more difficult to maintain. They thought their application matched the old in composition, design, color, and texture. Regarding the Secretary of the Interior's Guidelines for Historic Preservation, the appellant thought it gave greater latitude to replacing missing features using the same or compatible material and they thought the material was compatible. Staff recommended denial of the appeal based on the HLC's interpretation and findings.

Commissioner Langenwalter asked from how far away did appearance matter? Was it a couple of feet or from the sidewalk?

Senior Planner Darnell said there was no specific measure of that. The criteria called for physical and visual compatibility. It was also about the materials being used and whether they were compatible with the historic materials on the building.

Commissioner Chroust-Masin asked if this was a unanimous decision of the HLC. Senior Planner Darnell said yes, it was.

Commissioner Chroust-Masin asked how they knew what the railing looked like if it was not in the pictures from the Inventory. Senior Planner Darnell agreed there were no previous historic pictures showing railings. There were two sections of railings present on the house prior to the work beginning. The appellant had proposed to add them back and they did not know if the railings were never there or removed at some point in time.

Commissioner Schanche asked if there was discussion about the wrought iron railing that went down the stairs that was in the pictures. Senior Planner Darnell said there was not discussion regarding the railing on the steps. There was a lot of discussion regarding the two sections that existed on the porch that were wood.

Commissioner Langenwalter said in the HLC minutes, it was originally staff's recommendation to approve the application with the condition that the paint matched appropriately. Now staff was recommending denial. What had changed staff's mind? Senior Planner Darnell said the original staff recommendation was based on the proposed materials and whether they could be designed to be compatible visually. The HLC focused on the materials and found that the polymer material was not compatible. That was the most important to them to maintain the historic character of the building. Staff was supporting that decision.

Planning Director Richards clarified staff was representing the HLC's recommendation based on the findings the HLC made.

Commissioner Butler asked if the appellant had already put the railings on. Senior Planner Darnell confirmed the work had already been done.

Appellant: Terry Hall, contractor, showed an example of the railing that had been used. It had already been installed. He had not tried to intentionally break the rules, but when he received a letter from staff he thought it meant that he could install and paint it. Everyone thought it looked like the original railings and that if the material had been available it would have been used by those who built the house. Wood was expensive and required more maintenance.

Commissioner Chroust-Masin asked if they had to change the railing, how much more would it cost and who would be responsible for the bill. City Attorney Koch explained the Commission was not allowed to take into consideration the cost if someone did something that was not permitted and they had to undo it. They could discuss the financial burden of complying originally with the requirements.

Mr. Hall said the cost for building a wood railing was twice as much initially and every three years something would have to be done to it that would continue to cost money. The material that was used would not need that maintenance.

Commissioner Schanche did not think the spacing of the new railing was the same as the spacing of the original railing.

Mr. Hall explained today's code did not allow the same spacing.

Proponents: Jeff Sauter, McMinnville resident, said he and his wife owned this property. The horizontal portions of the rails almost exactly matched the original. To install them with wood would require the rails to be milled which was very expensive. The only difference between the

original railings and the new ones was the vertical balustrades. They could tell where the original ones were by the markings on the posts and they had two original sections on the west side of the porch.

Opponents: None

The appellant waived the 7 day period for submitting final written arguments in support of the application.

Chair Hall closed the public hearing.

Commissioner Chroust-Masin said regarding the spacing of the railing, the spacing was directed by code. He had visited the site and did not think anyone could tell it was not wood unless they touched it. He thought it was foolish to make the appellant remove it. No one knew what was there originally and it would place a financial burden on the appellant.

Commissioner Butler agreed with Commissioner Chroust-Masin.

Commissioner Schanche said owning a historic property was a lot of responsibility and for historic homes it was typical to only use wood materials. She was in favor of denying the appeal.

Commissioner Lizut had served on historic preservation committees in the past and the real concern was setting a precedent. Ownership of historic homes came with burdens and it was clear what the code said. He also was in favor of denying the appeal.

Commissioner Chroust-Masin pointed out home owners could apply to opt-out from the historic inventory. Senior Planner Darnell explained the process that would be required to request a removal of an existing property from the inventory, and clarified that there were still review criteria that would apply to that type of request that must be satisfied.

Commissioner Geary did not want to pretend to do the work of the HLC. He would look at it as a policy decision. The applicant failed to meet five key criteria and allowing the decision to be appealed and allowing the use of this material set a dangerous precedent. They wanted to protect the City's historic homes and to keep with the policies that had been set. He was in favor of denying the appeal.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to DENY AP 2-18. SECONDED by Commissioner Schanche. The motion PASSED 6-3 with Commissioners Chroust-Masin, Langenwalter, and Butler opposed.

# B. Comprehensive Plan Map Amendment, Zone Change, and Planned Development Amendment 600 SE Baker Street (CPA 2-18, ZC 4-18, & PDA 1-18) (Exhibit 3)

Request: Approval to amend the Comprehensive Plan Map designation of a property from Residential to Commercial, and to rezone the property from R-4 PD (Multiple-Family Residential Planned Development) to O-R (Office Residential) to allow for an office use and multiple family residential units to be developed on the property. The proposed zone change would also result in the removal of the property from the Linfield College Master Plan area and Planned Development Overlay District, which requires a Planned Development Amendment to adjust the Linfield College Master

Plan boundary.

Location: The subject site is zoned R-4 PD (Multi-Family Residential Planned Development)

and is located at 600 SE Baker Street. It is more specifically described as Tax Lots

101 & 200, Section 20DD, T.4 S., R. 4 W., W.M.

Applicant: Kathy Schlotfeldt, on behalf of MV Advancements

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was 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 Mr. and Mrs. Haugeberg well, but would not be abstaining from the decision.

Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Most of the Commission had visited the site. There was no discussion regarding the visits.

Senior Planner Darnell provided the staff report. This was a request for a Comprehensive Plan amendment from residential to commercial, zone change from R-4 PD to O-R, and planned development amendment for 600 SE Baker Street. There was a flood plain designation on this property and the applicant was not proposing to change that area. The applicant submitted a concept plan showing the intended development of the site. This was not a development application, however, and did not require development review. The Comprehensive Plan amendment needed to be consistent with the goals and policies of the Comprehensive Plan and this application met that criterion by preserving natural resources, providing cultural and social services, providing economic opportunities, and providing needed land types. The surrounding area was focused on the Highway 99W corridor and commercial areas. Regarding the zone change, the application would provide affordable housing, promote a residential development pattern that was land intensive, and provide unique and innovative development techniques. In regard to taking away residential land, the applicant was requesting the O-R zone which would allow for a mix of office, small scale commercial, and multiple family residential uses. They intended to construct up to 24 residential units. The current owner of the property, Linfield College, was in support of limiting the number of units to 24 in addition to office use. They would also restrict the uses to residential uses that were in conjunction with MV Advancements services or for senior housing. The policies that applied to multiple family residential were that the property was not committed to low density development, it was buffered by topography or other means, it had direct access onto a major collector or arterial, it was not subject to development limitations, it had existing facilities for development, and it was located near transit, commercial uses, and open space. The application met most of these policies and the O-R zone had setbacks and building height restrictions that would allow for a transition to the residential uses that existed to the east. Some of the factors that were not being immediately achieved were access to a major collector or arterial as access would be off of Cowls Street and it was not adjacent to public or private open space. The flood plain would be preserved as natural open space and it was up to the Commission if that would satisfy the requirement. The surrounding area was a mixture of zoning and commercial zones. The O-R zone was meant to be a transition zone between commercial and residential and the location of this property met that intent. Utilities and services were able to be provided on the site. The traffic impact analysis showed that most of the traffic was expected to go out on Baker. None of the nearby intersections would have reduced level of service and the Transportation Planning Rule had been satisfied. He explained how the traffic analysis included a worst case scenario of a 50,000 square foot office building that would still not reduce the level of service and pointed out that the applicant was proposing a 10,000 square foot building plus the 24 residential units. Regarding the planned development amendment, he gave a background on the Linfield College Master Plan and how the boundary of the campus was being proposed to remove this property. Staff recommended approval of the application with the condition to change the boundary of the Linfield College Master Plan.

Commissioner Chroust-Masin asked if the property was always zoned R-4. Senior Planner Darnell said it had been zoned R-4 at least since 1981.

Commissioner Dirks asked if they could include a condition for landscaping between Baker and the parking spaces. Senior Planner Darnell said that the Planning Commission was not reviewing the proposed concept plan, and that type of condition would not be related to the zone change request or any applicable review criteria. He stated that there was landscaping criteria for development applications, which would be applied at the time of landscape plan review.

Commissioner Butler asked if part of the Linfield College Trail was on this parcel. Senior Planner Darnell said the trail was west of the property line.

Applicant: Dave Haugeberg, president of MV Advancements, gave a history of how MV Advancements was started in order to provide social services and housing and employment opportunities for the disabled. Recently they were trying to provide clients with community based employment. They had grown with the community's needs and had about 270 clients and 160 employees. This application would help provide a facility for their work as they were bursting at the seams.

Kathy Schlotfeldt, Executive Director of MV Advancements, said they were proud of the fact that every person employed made minimum wage or higher. They were in need of having all of the administrative and programming staff under one roof for better efficiencies and communication. This property was unique in the community and would be a statement about how McMinnville felt about people with disabilities. They were citizens like everyone else.

Commissioner Schanche suggested making sure there would be a safe entry off of Cowls and a bike rack.

Commissioner Dirks asked if they would be the only ones in the office building. Ms. Schlotfeldt said at this point they did not intend to rent out any of the office building. They wanted to offer their training room as a community space. Developing the property was a priority and the first phase would be the needed office space. The residential units would be later after research and funding was secured.

Proponents: None

Opponents: Mark Davis, McMinnville resident, was supportive of what was being proposed, however he was concerned about land use. The City needed more R-4 land and he thought this proposal was taking the City in the wrong direction by taking away R-4 land and making it commercial land. It was difficult to find sites for multiple family projects and this was a perfect site for R-4. He thought the application was incorrect in the interpretation of the economic opportunities analysis and deficit of commercial land. He did not think in any of the discussions there was agreement to use residential land to make up the deficit. He read the purpose of the Office-Residential zone from the code and explained how he did not think it was the appropriate

zone for this property. This was not the appropriate place for the MV Advancements project and did not meet the requirements of the zoning ordinance.

Rebuttal: Mr. Haugeberg said there was also a shortage of commercial land in the City. If this project was going to go forward, MV would be very constrained in opportunities if they could not use this land.

Ms. Schlotfeldt said they had looked at other sites and had found nothing that was as suitable as this property. This would bring housing for seniors and people with disabilities and the Office-Residential was a buffer between residential and commercial. She thought it met the code requirements.

Mr. Haugeberg said if they drove down the highway and looked at the property and the surrounding area, the property looked like it should be commercial. He agreed there was a shortage of R-4, but the City was conducting a study on the need to expand the Urban Growth Boundary and this piece would not make a difference to residential. It would have a critical impact on the social services in this community and MV's opportunity to provide those services.

Commissioner Geary asked since MV was consolidating their operations to this space, what other places would they no longer be using that could be available for another use.

Ms. Schlotfeldt explained the properties in the City that they would be vacating and how they were zoned industrial and commercial.

Commissioner Chroust-Masin asked if any of those properties could be zoned R-4. Ms. Schlotfeldt did not think so as none of them would be ideal residential sites.

Commissioner Chroust-Masin asked if they could split zone the property to be both commercial and residential. Senior Planner Darnell said possibly, but the City was moving away from encouraging split zoning, and that the current request before the Commission did not include that split zoning.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Chair Hall closed the public hearing.

Commissioner Chroust-Masin said Baker Street was ideal for commercial use. However, Mr. Davis had a good point and he thought they should look to see if there was a property that could be changed to R-4 in exchange.

Planning Director Richards said the housing needs analysis showed a deficiency in R-4. There had been some rezoning of properties to R-4. There was also a deficit of commercial properties. Staff would continue to encourage R-4 zoning when it came forward as a request from an applicant. The request before the Commission was rezoning from R-4 to Commercial.

Commercial Dirks asked because this had been zoned R-4 for a long time, had any building permit requests been submitted to build residential on this property?

Planning Director Richards said the Housing Authority had been looking for additional property for projects in the last two years, and had looked at this property. There were reasons they did not go after it. Since there was limited land, people had been looking at property for different uses.

Commissioner Chroust-Masin thought the original plan was for Linfield to put more dormitories on this property.

Commissioner Butler thought this project was needed in the community, however there was also a need for R-4 and housing in the City. This property had more of a neighborhood feel and she did not think it was the right place for this project. She was not in favor of the zone change.

Commissioner Langenwalter said the applicant would eventually be building housing. He was not in favor of restricting the housing height to two stories and thought there should be more stories with an elevator as long as it did not destroy the feel of the neighborhood.

Commissioner Geary thanked Mr. Davis for standing up for R-4. He thought those concerns were relevant. The City was working on creating more R-4 and he thought they would be successful in doing so. This project was a fantastic use of the property and he was in favor of the project.

Commissioner Dirks clarified after reading the letter from Linfield that they had been approached by other buyers, but would not sell the property if it resulted in the development of maximum capacity high density housing.

Commissioner Butler did not think that was a reason to rezone the property.

Commissioner Dirks suggested adding conditions to the application. One was to preserve the two large trees in the corner of the property and the other was that the greenspace percentage be counted as a percentage of only the O-R zoned property and not counting the flood plain area.

Senior Planner Darnell read the potential condition staff had written requiring 7% of the site to be open space for the multiple family residential development not including the flood plain area.

Commissioner Langenwalter thought using the flood plain as open space was acceptable.

Planning Director Richards clarified they would not allow any structural improvements in the flood plain such as playground equipment. They would allow paths.

Commissioner Dirks agreed the flood plain was open space, but nothing could be installed, such as picnic tables or benches, for people to enjoy the outdoors.

There was consensus to preserve the trees and not include the flood plain in the open space calculation.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Geary MOVED to recommend approval of CPA 2-18, ZC 4-18, & PDA 1-18 to the City Council subject to the conditions of approval provided in the decision document and as proposed in the staff presentation and to add preservation of the two trees per Comprehensive Plan Policy 80. SECONDED by Commissioner Langenwalter. The motion PASSED 8-1 with Commissioner Butler opposed.

The Commission took a short break. Commissioner Thomas left the meeting.

#### 5. Discussion Items

• Economic Development Strategic Plan (Exhibit 4)

Planning Director Richards gave an update on the Economic Development Strategic Plan. The Plan would go to the City Council on January 8 for adoption. There were three large goals in the Plan and five subset goals that were industry specific. If the Plan was approved, an Economic Development Leadership Committee would be formed and a representative from the Planning Commission would be a member of the Committee. She explained the potential tasks and projects from the Plan that would include the Planning Commission. She encouraged the Commission to review the Plan and upcoming tasks.

Commissioner Schanche asked about the task of building a county facility outside of downtown. Planning Director Richards explained there had been discussion regarding whether that would be the best use downtown in an environment where there were housing and office needs. County facilities were large destination users and if there was an opportunity to relocate them and instead put in a mixed use housing project it would be a better asset to downtown.

Commissioner Langenwalter discussed the need for attracting living wage jobs to the City. Planning Director Richards said the industry specific goals were focused on bringing in those types of jobs. There were many locally owned businesses that were good wage jobs as well.

#### 6. Old/New Business

None

#### 7. Commissioner/Committee Member Comments

None

#### 8. Staff Comments

Planning Director Richards said there had been four open Commission positions and Commissioners Hall and Lizut had been reappointed. Commissioner Thomas was leaving the Commission to spend more time with her family and Commissioner Geary was leaving to serve on the City Council. She then discussed the two new Planning Commissioners that had been appointed.

There was discussion regarding the items that would be on the next agenda.

Planning Director Richards gave an update on the Three Mile Lane project.

#### 9. Adjournment

Chair Hall adjourned the meeting at 9:00 p.m.

Heather Richards Secretary



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# MINUTES - Exhibit 1d

January 17, 2019 Planning Commission Work Session Meeting 5:30 pm McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Susan Dirks, Christopher

Knapp, Gary Langenwalter, Roger Lizut, Amanda Perron, and Lori

Schanche

**Members Absent:** Martin Chroust-Masin

**Staff Present:** Chuck Darnell – Senior Planner, Jamie Fleckenstein, Associate Planner,

Heather Richards - Planning Director, and Tom Schauer - Senior Planner

#### 1. Call to Order

Chair Hall called the meeting to order at 5:30 p.m.

The Commission received iPads and were reminded to conduct all City related communication through City emails.

There was consensus for staff to set up training on the iPads.

Planning Director Richards introduced new Planning Commissioners Amanda Perron and Christopher Knapp.

Commissioners Knapp and Perron gave their backgrounds.

The rest of the Commission introduced themselves.

#### 2. Discussion Items

#### A. Work Session: Pilot Project Floating Zone Concept

Senior Planner Schauer provided information on the floating zone concept in preparation for a possible amendment to the Development Code. This began with a conversation with the Affordable Housing Task Force who recommended the concept to the Planning Commission. There would also be a Request for Proposals component to the concept. He explained how pilot projects were used in smaller geographic areas to evaluate a program before being implemented in a larger area and he gave examples. The floating zone was often used to develop and enable some standards that were not authorized everywhere in the City. These programs would help with the critical housing and homeless issues in the City, would help enable innovation in a limited manner without opening it up community wide, and would provide an opportunity to look

at matching unique characteristics of an innovative project to a site that was more suited for it. The code amendment would include language to establish the floating zone and what geographic areas would be eligible. There would be approval criteria and permitted uses that would be allowed in the zone. The floating zone would not be applied to any property until the applicant requested that it be applied to the property. If there was a critical need and they wanted to limit the number of pilot projects coming in, an RFP process would be used. The projects that were selected would then go through the designation process. They were looking at creating zones in the industrial area on the east side of town.

Senior Planner Schauer then reviewed the draft code language including the need and purpose, process for establishing a floating zone, pilot project application and selection process, and floating zone designation and land use review process.

Planning Director Richards said this was targeting people with incomes of 60% area median income or less.

There was discussion regarding the legislative fixes needed for inclusionary zoning and how residences such as tiny homes without foundations were not allowed.

Senior Planner Schauer discussed the characteristics of what would be allowed in the zone, maximum residential density which was typical of multi-family uses, height allowed which was 60 feet or five to six stories, and some of the R-4 standards that would apply especially larger setbacks.

Commissioner Langenwalter thought there needed to be some greenspace for these developments.

Senior Planner Schauer continued to discuss the proposed language including possible incentives such as property tax exemptions.

Commissioner Dirks was not in favor of property tax exemptions.

There was discussion regarding what kind of projects they were trying to incentivize.

Planning Director Richards asked if there were things that were missing or things that they did not like in the proposed language.

Commissioner Langenwalter thought there needed to be enough greenspace to make these developments livable.

Commissioner Schanche thought more analysis needed to be done on the location.

Commissioner Dirks asked if the land use review process could be done faster than 12 months.

#### 3. Adjournment

Chair Hal	l adjourned th	e meeting at	6:28	p.m.



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# **MINUTES – Exhibit 1e**

January 17, 2019 Planning Commission Regular Meeting 6:30 pm McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Susan Dirks, Christopher

Knapp, Gary Langenwalter, Roger Lizut, Amanda Perron, Lori Schanche,

and Erica Thomas

Members Absent: Martin Chroust-Masin

**Staff Present:** Chuck Darnell – Senior Planner, Jamie Fleckenstein, Associate Planner,

Heather Richards – Planning Director, and Tom Schauer – Senior Planner

#### 1. Call to Order

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

#### 2. Swearing In of New Commissioners

Planning Director Richards performed the swearing in of new Planning Commissioners Amanda Perron and Christopher Knapp.

#### 3. Election of Officers

Commissioner Schanche nominated Roger Hall for Chair for 2019. The nomination passed 9-0.

Commissioner Dirks nominated Lori Schanche for Vice Chair for 2019. The nomination passed 9-0.

#### 4. Citizen Comments

None

#### 5. Public Hearings:

#### A. Conditional Use Permit (CU 2-18) - (Exhibit 1)

Request: Approval of a Conditional Use Permit to allow for the placement of wireless communications antennas on the rooftop of an existing building within the Downtown Design Standards and Guidelines area. The antennas are proposed to be placed on the rooftop of the Atticus Hotel building, which will serve as the alternative antenna support structure for the antennas. The antennas will be at a height of 7 feet above

the roof surface after mounting and will be setback 15 feet from the nearest building wall.

Location: The subject site is zoned C-3 (General Commercial) and is located at 375 NE Ford

Street. It is more specifically described as Tax Lot 4700, Section 21BC, T.4 S., R. 4

W., W.M.

Applicant: Patrick Fuchs, on behalf of McMinnville Access Company

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Most of the Commission had visited the site. There was no discussion regarding the visits.

Senior Planner Darnell presented the staff report. This was a request for a Conditional Use Permit to allow three wireless communications antennas on the rooftop of the Atticus Hotel building. He explained the location of the site on NE Ford Street and within the downtown design district. To place antennas on the rooftop, the building had to be 30 feet or more in height and the Atticus was 54 feet in height. He explained the dimensions and placement of the antennas. He then discussed the review criteria including the design standards for wireless communication facilities. Related to height, the antennas that were proposed would be seven feet above the rooftop surface of the building. There was a parapet wall on top of the Atticus and the antennas would extend three and a half feet above the parapet. Regarding visual impact that the proposed facility would have on the surrounding area, he showed the analysis that was done from the rooftop of the Hotel Oregon building on the corner of Evans and 3rd Street as well as one block up where Ford Street intersected 5th Street. These showed that the visual impacts were mitigated by the placement of the antennas on the rooftop which were 15 feet back from the north building wall and even further back from the east and west building walls. They were not viewable from the public right-of-way from at least a block away. The characteristics were compatible and had minimal impact on the surrounding properties. The placement of the antennas was in a discreet location which was 15 feet from the nearest wall and extended only three and a half feet from the parapet wall. The size of the antennas was not incredibly large, the largest was about five feet in width. The applicant was proposing to relocate some of their antennas from existing locations in the downtown area to this spot. This would reduce the visual clutter and impact from the existing conditions today. Based on the proposed design and location and how it was being screened on the rooftop, staff did not think this would cause any adverse impacts on surrounding property owners. The applicant had worked with the Atticus Hotel to run their lines up through the interior of the building to the rooftop. Staff recommended approval of the application. The Commission would need to decide whether the panels on the south side of the antennas were needed to provide additional screening. Staff did not think they should be required.

Commissioner Dirks did not think people could see the top of the building from most of the tourist areas where they would be walking. She asked if anyone came to the neighborhood meeting for this application.

Senior Planner Darnell said no one came.

Patrick Fuchs, applicant and founder of Online Northwest, discussed how his company had evolved from dial up to wireless to DSL and now he was providing fiber to homes. While he thought some of the policies were onerous, the staff report was professional and accurate.

Commissioner Dirks asked if he had a conversation with Hotel Oregon since their customers at the rooftop bar would be the only ones who could see the antennas. Mr. Fuchs said they did not because the analysis showed that they would not adversely impact Hotel Oregon, especially when there were A/C units and other equipment on the rooftop currently. Another benefit to the application would be removing the existing antennas that were prominent from the right-of-way. He then discussed the unintended consequences of the City's ordinances, which required a lot of time and money of applicants when he was trying to provide internet to the people of the community. His company would be shifting their resources to other jurisdictions that had a lighter regulatory touch.

There were no proponents or opponents or rebuttal.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Chair Hall closed the public hearing.

Commissioner Lizut stated the building was not historical and was not in the historic overlay district. There had been a thorough and complete evaluation of the sight lines. Regarding a health hazard due to electromagnetic radiation, this had been kicked around for a couple of decades and no one had a good model about it. He did not think it was an issue.

Commissioner Schanche appreciated the applicant's consideration in looking into how the antennas could be seen.

Commissioner Langenwalter thanked the applicant for the feedback about his experience with the process. He was a member of the Chamber of Commerce and they were trying to help McMinnville be a thriving, sustainable community and help businesses grow and thrive and it was invaluable feedback.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to APPROVE CU 2-18 subject to the conditions of approval. SECONDED by Commissioner Langenwalter. The motion PASSED 9-0.

#### 6. Old/New Business

None

#### 7. Commissioner/Committee Member Comments

None

#### 8. Staff Comments

Planning Director Richards gave an update on the Great Neighborhood Principles project, Buildable Lands Inventory and Housing Needs Analysis project, update of the Economic Opportunities Analysis, and work on public relation materials for better public engagement.

#### 9. Adjournment

Chair Hall adjourned the meeting at 7:12 p.m.

Heather Richards Secretary





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### **EXHIBIT 1 - STAFF REPORT**

**DATE:** February 21, 2019

TO: McMinnville Planning Commissioners

**FROM:** Jamie Fleckenstein, PLA, Associate Planner

**SUBJECT:** PDA 2-18 (Planned Development Amendment) / S 2-18 (Subdivision) Cottages at

Chegwyn Village Phase 2

#### Report in Brief:

This is the public hearing to consider Cottages at Chegwyn Village, LLC's application requesting approval of a Planned Development Amendment (PDA 2-18) and the subsequent approval of a 28 lot subdivision (S 2-18). The subject site is located west of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive, and is more specifically described as Tax Lots 2100 and 2104, Section 9, T. 4 S., R 4 W., W.M.

Cottages at Chegwyn Village, LLC is requesting approval to amend an R-4 Planned Development described by Ordinance 4953 and amended by Ordinance 4990 reducing average lot size and certain setbacks, increasing allowed block length and lot depth to width ratio, allowing lot access through an access easement, and amending an approved site plan. Cottages at Chegwyn Village, LLC is also requesting approval of an alley loaded 28 lot subdivision on approximately 1.88 net acres.

#### Background:

The applicant is requesting approval of a Planned Development Amendment to an R-4 Planned Development described by Ordinance 4953 and amended by Ordinance 4990. The amendments requested consist of reducing the average lot size requirements, increasing the allowed block lengths, and increasing the lot depth to width ratio that are allowed in the underlying R4 zoning standards, as well as amending certain yard setbacks approved in Ordinance 4990 and amending the site plan approved in Ordinance 4953. This Planned Development amendment also requests to allow access to lots through an access easement.

The applicant is also requesting approval of a Tentative Subdivision for the construction of an alley loaded 28 lot subdivision of bungalow style single family detached residences, referred to as the Cottages at Chegwyn Village Phase 2, which would be conditioned upon the approval of the Planned Development Amendment being approved as requested.

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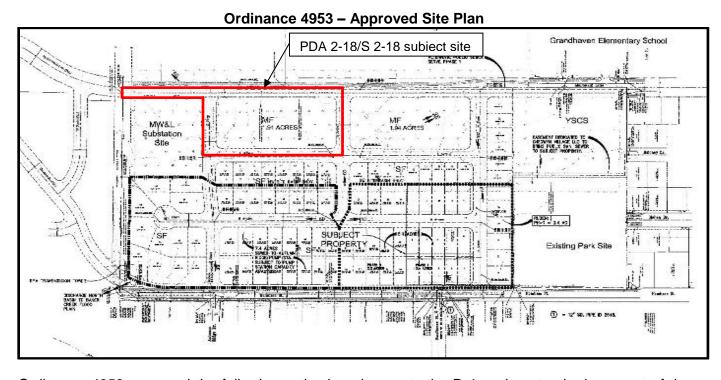
Attachment D(1-3): Testimony Received

Attachment E: Agency Comments - McMinnville Water & Light

Attachment F(1-2): Additional Communications

The subject site is approximately 2.74 gross acres, and following the conveyance of a small strip of land to McMinnville Water & Light and dedication of rights-of-way, the subdivision will have a net area of approximately 1.88 acres, yielding a density per net acre of 14.89 dwelling units per acre.

Currently, the subject site is zoned R-4 PD, approved in 2012 by the McMinnville City Council with the adoption of Ordinance 4953. Ordinance 4953 was subsequently amended in 2015 by Ordinance 4990. Ordinance 4953 rezoned approximately 22.26 acres from County EF-80 to City R-4 PD, and approved a site plan as part of the planned development. The subject site was identified as a multi-family on the site plan. The approved "Overall Plan" can be seen below:



Ordinance 4953 approved the following setback variances to the R-4 zoning standards as part of the planned development:

- Front Yard: 15 feet minimum setback reduced to 10 feet.
- Side Yard: Six (6) feet minimum reduced to zero for garage construction on Lots 2, 4-7, 9, 11, 12, 14, 16-20. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.

Ordinance 4953 also established an average lot size for single family lots within the subject site of 5,000 square feet instead of a 5,000 square foot minimum lot size. Phases 1 and 2 of the Bungalows at Chegwyn Village were developed subject to the planned development standards established by Ordinance 4953.

Preceding the development of additional phases of the Bungalows at Chegwyn Village, Planned Development Ordinance 4990 was approved by the McMinnville City Council on June 23, 2015 amending

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Ordinance 4953 for approximately 13.7 acres of land of the original site plan. Exceptions to zoning standards approved by Ordinance 4990 included the following reductions in required yard setbacks:

- Front Yard: No change to 10 foot setback.
- Side Yard: Zero foot setback for garage construction on all lots. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.
- All setbacks for multiple-family lots: 10 feet.

Ordinance 4990 did not amend the original site plan.

Since that time, portions of the site subject to Ordinance 4990 have been developed with single family and multi-family residences, including the Bungalows at Chegwyn Village Phase 3 and the Cottages at Chegwyn Village. It is the remaining 2.40 acres of the original 22.26 acres that are the subject of the current Planned Development Amendment and Subdivision requests. This 2.40 acres was originally identified as multi-family in the Ordinance 4953 site plan and is subject to the setback standards established by Ordinance 4990.

It should be noted that if this planned development amendment is not approved, the provisions of Ordinance 4953 and Ordinance 4990 are still binding on the site, which would permit development similar to the Cottages at Chegwyn Village, the multi-family development to the south of the subject site. The Cottages at Chegwyn Village has 36 dwelling units on approximately 1.96 acres, yielding a density per net acre of 18.36 dwelling units per acre.

The subject site is currently undeveloped, and is zoned R-4 PD (Multi-Family Residential Planned Development). To the north of the subject site where the Cottages at Chegwyn Village Phase 2 is proposed, is undeveloped land owned by McMinnville Water & Light that is anticipated to be the site of a future electrical substation. To the east of the subject site is undeveloped land owned by the McMinnville School District. West of the subject site is the Bungalows at Chegwyn Village Phase 3, a single family residential development. To the south of the subject site is the Cottages at Chegwyn Village, a multifamily residential development. A visual of the subject site and reference maps showing the zoning designations of the subject site and the surrounding properties can be seen below:

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# **Site Reference Map**



Attachments:

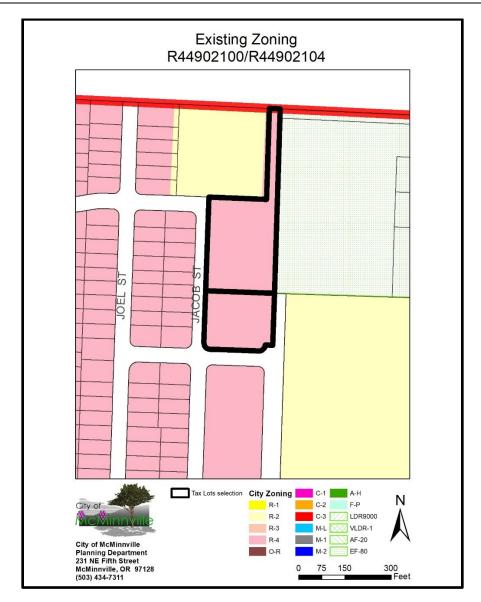
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# **Discussion:**

### **Planned Development Review**

An amendment to an existing planned development can either be minor or major. Major amendments include increases to density or number of housing units and changes to the vehicular system which result in a significant change to the location of streets, shared driveways, parking areas, and access. The proposed amendment qualifies as a major amendment and is therefore processed in accordance with McMinnville Zoning Ordinance Section 17.72.120 Applications – Public Hearings.

The responsibility of the Planning Commission regarding the requested Planned Development Amendment (PDA 2-18) is to conduct a public hearing for the purpose of taking testimony on this

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proposal, and based upon the testimony received, findings of fact, and conclusionary findings, forward a recommendation to the City Council that the request be approved, approved with conditions, or denied. Specific to the tentative subdivision plan, the Commission is authorized to take action to approve, approve with conditions, or deny the request.

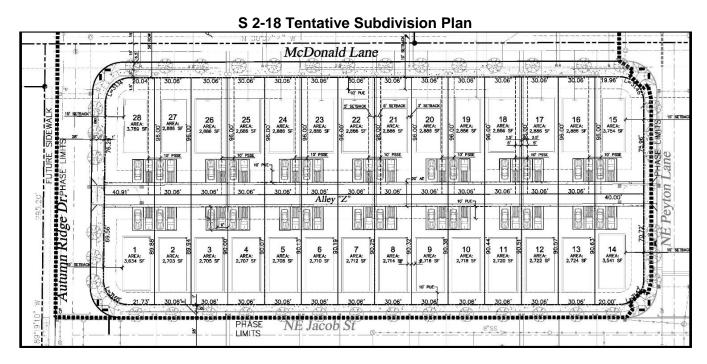
### Evaluation of Review Criteria for Planned Development Amendments:

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of the Zoning Ordinance (Ord. 3380) and also provided that the applicant demonstrates the following:

### Section 17.74.070 Planned Development Amendment – Review Criteria:

1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements.

The applicant has provided narrative in the application outlining the objectives of the proposed development. Specifically, the applicant wants to meet a market need for smaller, single family dwelling units and City goals of increased density in the underlying R-4 zone. To meet these goals, the applicant is proposing a 28 lot, alley loaded, detached bungalow style single family housing subdivision. For every two dwelling units, there are four (4) shared off-street parking stalls accessed from the alley. The tentative subdivision plan illustrating these concepts is shown below:



In order to achieve this development, the applicant is proposing adjustments to the existing planned development, Ordinance 4990, which amended Ordinance 4953. The history of planned development zone changes for the subject site is outlined below, including the proposed amendment:

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	R-4 Zone	P.D. Ordinance 4953	P.D. Ordinance 4990 (existing P.D.)	Proposed P.D. Amendment
Lot Size	5,000 s.f. min. 2,500 s.f. min. for common wall single-family	5,000 s.f. average	5,000 s.f. average	2,925 s.f. average
Front Yard Setback	15 feet	10 feet	10 feet	10 feet (no change)
Side Yard Setback	6 feet	0 feet for garages on some lots; 6 feet all other development	0 feet for garages; 6 feet all other development	3 feet
Exterior Side Yard Setback	15 feet	15 feet	15 feet	15 feet (no change)
Rear Yard Setback	20 feet	20 feet	20 feet	20 feet (no change)

The planned development amendments proposed by the applicant are summarized below:

- Reduce average lot size from 5,000 square feet to 2,925 square feet;
  - (Note: The application requests a reduction from 4,900 s.f. to 2,925 s.f., but the current average lot size requirement for the subject site per Ord. 4990 is 5,000 s.f.)
- Maintain the reduced 10 foot front yard setback;
- Reduce the side yard setback from six (6) feet to three (3) feet.
  - (Note: The application requests a reduction from five (5) feet to three (3) feet, but the current side yard setback requirement for the subject site per Ord. 4990 is six (6) feet.)

Additional planned development amendments identified by staff during subdivision review (discussed in more detail below):

- Allow an approximate 10 percent increase in allowed block length (proposed block length is approximately 440 feet, standard block length is 400 feet)
- Allow the lot depth to width ratio to exceed the recommended two (2) to one (1) ratio (interior lots have a proposed depth to width ratio of 2.7:1)
- Allow access easement (alley) to provide access to more than three (3) lots (the access easement provides access to 28 lots)
- Allow alley loaded small lot subdivision development by amending the final development plans made part of the zone and binding on the owner and developer per Section 2, Condition 3 of Planned Development Ordinance 4953.

Again, if this planned development amendment is not approved, the provisions of Ordinance 4953 and Ordinance 4990 are still binding on the site, which would permit development similar to the Cottages at Chegwyn Village, the multi-family development to the south of the subject site. The Cottages at Chegwyn Village has 36 dwelling units on approximately 1.96 acres, yielding a density per net acre of 18.36 dwelling units per acre. If multi-family dwelling units were proposed on the subject site's 1.88 net acres,

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per maximum density standards in the R-4 zone, 54 two (2) bedroom units (1,500 square feet of lot area minimum per unit) or 46 three (3) bedroom units (one per 1,750 square feet) could potentially be proposed in buildings up to 60 feet in height.

However, the applicant is proposing a single family development with the objectives of providing an innovative housing product and site design to meet a housing need not met with multi-family development. The applicant, by requesting the planned development amendment, hopes to provide single family detached housing that provides ownership opportunity at a lower cost due to the smaller lot, smaller home size, and lack of garage.

The proposed subdivision development cannot reach the desired density for the proposed housing type without the reduction of average lot size from 5,000 square feet to 2,925 square feet. The application indicates a minimum lot size of 2,702 square feet and a maximum lot size of 3,789 s.f. The underlying R-4 zone allows common wall single family dwelling units on minimum 2,500 square foot lots. The proposed amendment increases the density of single family development for the subject site, yet remains below the maximum threshold for single family residences established by the underlying zone.

Keeping the reduced 10 foot front yard setback will allow the proposed single family dwelling units to be located closer to the street, creating the space for an mid-block access easement/alley to access each unit's off-street parking spaces. The application indicates that the 10 foot setback will apply to units on the west side of the subdivision. Units on the east side, along McDonald Lane, will be set back 17 feet due to an existing McMinnville Water & Light easement.

The reduction of the required side yard setback from six (6) feet to three (3) feet will allow the applicant to maintain the density of the underlying R-4 zone. According to the application, the reduced side yard setback helps provide the density of townhomes, but with a detached single family product without the complication of shared wall construction and maintenance. The applicant is proposing to utilize the three (3) foot side yard setback for all interior side yards in lots 1 through 14 along Jacob Street, and for one interior side yard per lot for lots 16 through 27 along McDonald Lane. Lots 1, 14, 15, and 28, being corner lots, would be subject to the 15 foot exterior side yard setback.

# 2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area.

The subject site is designated as Residential on the McMinnville Comprehensive Plan Map. There are numerous Comprehensive Plan Goals and Policies that are applicable to this request. The narrative provided by the applicant identifies those goals and policies in more detail, and they have also been identified in the attached decision document.

General Comprehensive Plan Goals & Policies

The Comprehensive Plan goals and policies most applicable to the planned development amendment request are found in Chapter V (Housing and Residential Development), Chapter VI (Transportation System), and Chapter VII (Community Facilities and Services).

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### Housing and Residential Development

Goals from Chapter V of the Comprehensive Plan promote the "development of affordable, quality housing for all city residents" (Goal V 1), and also "a residential development pattern that is land intensive and energy-efficient, that provides for an urban level of public and private services, and that allows unique and innovative development techniques to be employed in residential designs" (Goal V 2). More specifically, supporting policies provide guidance in the provision of opportunities for the development of a variety of housing types and densities (Policy 58.00), encouragement of compact development in areas where urban services are already available (Policy 68.00), development of a variety of housing types on residentially designated land to meet housing needs (Policy 71.00), and encouragement of planned residential developments which offer a variety and mix of housing types and prices (Policy 73.00).

The proposed Planned Development Amendment will allow the development of a 28 lot, alley loaded, detached bungalow style single family housing subdivision, a unique and innovative development that will meet a market demand for lower cost single family detached housing. The innovation of the development can be found in using several techniques to help keep the potential housing costs down while providing a unique character to the subdivision. Small lots keep the cost of land to a minimum. Smaller homes keep the cost of construction and materials down. Alley loaded off-street parking means garages can be eliminated, further keeping the cost of development down, which can be translated to lower sale prices for the homes. Providing an alley to serve the lots and access off-street parking also means that no driveways are necessary in the front of the homes that would disrupt the sidewalk or planting strips in the rights-of-way. Uninterrupted planting strips will allow for more street trees and screening/buffering of the development from the street. Uninterrupted sidewalks translate to a more pleasant and safe pedestrian experience throughout the development. The type of housing that will be provided, alley loaded single family homes on small lots at a density typically found in townhome developments, is innovative and will be unique to the area. The development is being proposed on land designated residential and that has urban services available to serve the development. Therefore, the proposed Planned Development Amendment and resulting development is consistent with the Housing and Residential Development Goals of the Comprehensive Plan and satisfies Policies 58.00, 68.00, 71.00, and 73.00.

Additional policies address the provision of common open space in residential planned developments designed to directly benefit future residents of the developments (Policy 75.00) and the location of parks, recreation facilities, and community centers within planned developments that are readily accessible to all occupants (Policy 76.00).

Located less than ¼ mile away from the proposed development is Chegwyn Farms Neighborhood Park, an existing City Park. As defined in the 1999 McMinnville Parks, Recreation, and Open Space Master Plan, a neighborhood park is designed to serve residences within a ½ mile radius without crossing a major street. Chegwyn Farms Neighborhood Park is accessible to all future occupants of the proposed development via public walkways along local residential streets, a shared use path connecting the park to NE Samson Street, and by vehicular access from NE Hembree Street or NE Mohan Drive. The proposed planned development amendment and development are consistent with the Comprehensive Plan Policies 75.00 and 76.00 in that a park with open space and recreation facilities is readily accessible to occupants of the planned development.

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Policies 77.00 and 78.00 provide guidance in designing traffic systems within planned developments, requiring that internal traffic systems promote safe and efficient traffic flow and give consideration pedestrian and bicycle pathways (Policy 77.00) and that traffic systems are compatible with the circulation patterns of adjoining properties (Policy 78.00).

The primary internal traffic system within the proposed development as allowed by the planned development amendment is the alley serving all lots. All off street parking is proposed to be accessed via the alley, which will be a shared access easement. Alley loaded off-street parking will encourage vehicular traffic on the alley in the rear of the lots. The alley connects to local residential streets, Autumn Ridge Drive to the north and Peyton Lane to the south, which in turn connect to McDonald Lane, a minor collector. Alley loaded off-street parking eliminates the need for driveways crossing sidewalks to access front-loaded garages or other parking in the front of a residence. The result is an uninterrupted sidewalk along the east and west edges of the development, safer for pedestrians and bicyclists. The sidewalks along the north and south edges are broken only once were the alley is accessed from the local street. The alley promotes efficient traffic flow from the development into the adjacent street network while creating a safe pedestrian and bicycle environment. The traffic system around the perimeter of the proposed development is carried by the extension of existing streets, McDonald Lane to the west, and Autumn Ridge Drive to the north. This is extension of the existing street grid is compatible with the circulation patterns of adjoining properties. Therefore, the planned development amendment and proposed development is compatible with Policies 77.00 and 78.00.

The Comprehensive Plan includes specific policies related to Residential Design, which the applicant has provided findings for in their application. The proposed development is consistent with policies regarding incorporation of pedestrian and bicycle pathways to connect with activity areas (Policy 81.00) and the layout of streets to preserve development potential of adjacent properties (Policy 82.00). While no internal pedestrian or bicycle pathway was provided in the development proposal, staff felt that such a path would provide negligible benefit over public sidewalks around the perimeter of the development. The public sidewalk on McDonald Lane, easily accessible from the proposed development, provides direct access to Grandhaven Elementary School and nearby commercial facilities located on Highway 99. The proposed development is bounded by existing development to the west and south. Vacant, undeveloped properties border the subject site to the north and east. The proposed extension of Autumn Ridge Drive along the north side of the proposed development and McDonald Lane along the east side, and extension of associated utilities will preserve the development potential of the adjacent properties.

Policy 99.00 requires an adequate level of urban services be provided with all proposed residential development, including sanitary sewer, storm sewer, water supply, and improved streets (to City standards) within the development or providing access to the development. The proposed development is consistent with Policy 99.00. Adequate urban services can be provided concurrently with development to serve the subdivision. Sanitary sewer and storm drain lines are available via McDonald Lane, and are proposed to be extended to serve the development. McDonald Lane and Autumn Ridge Drive are proposed to be extended to provide access to the entirety of the proposed development. Water and power are located in Autumn Ridge Drive, McDonald Lane, and Jacob Street, and are planned to be extended to the subject site to serve the property.

# <u>Transportation System</u>

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The Goal of Chapter VI of the Comprehensive Plan promotes the "development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner" (Goal VI 1). More specifically, supporting policies address streets, parking, and bike paths.

Policies regarding streets include the goal to insure safe and easy access to every parcel (Policy 117.00), encouraging development of roads that minimize adverse effects on the land, reduce the amount of land necessary for streets, emphasize existing and future needs of the area to be served (traffic volumes being an important factor), and consideration of Compete Streets and multimodal transportation (Policy 118.00). Policy 122.00 encourages provisions for functional road classifications, including minor collectors and local streets. The proposed development is consistent with Policies 117.00 and 118.00. Each individual parcel of the proposed subdivision will be accessed via private alley, which is in turn accessed via NE Autumn Ridge Drive and NE Peyton Lane. The alley will be paved and accessed by driveway approaches from the public streets constructed to City standards. The extension of Autumn Ridge Drive and McDonald Lane provide further access to parcels in the subdivision and allow for future development of adjacent properties. The streets will be constructed to City standards, providing asphalt surfacing, curbs, planting strips, and sidewalks that combine to provide meet multi-modal transportation needs. The proposed development is also consistent with Policy 122.00. NE McDonald Lane is classified as a minor collector, and will be extended to service the proposed development in accordance to City Standards, including paving, curbs, planter strips with landscaping, and sidewalks. The applicant is dedicating right-of-way to the City to extend the west half of McDonald Lane. The applicant has indicated that they are working with the McMinnville School District, property owners to the east of the proposed development to allow the full construction of McDonald Lane right-of-way to City standards. The applicant further indicates that the McMinnville School District is supportive of the request and has agreed to a temporary easement to allow access and construction of the full right-of-way, with dedication of the school district owned portion of the McDonald Lane right-of-way to occur following completion of construction. Autumn Ridge Drive, a designated local street, will also be extended to serve the proposed development per City standards, including paving, curbs, planter strips with landscaping, and sidewalks.

McMinnville continues to require adequate off street parking for future developments and land use changes (Policy 126.00), and encourages off-street parking to better utilize roadways and right-of-way (Policy 127.00). The proposed development provides the required two (2) off-street parking spaces per dwelling unit (up to 4 bedrooms). Off-street parking is accessed via a proposed alley in the rear of the lots. Therefore, the proposed development is consistent with Policies 126.00 and 127.00.

The City also encourages subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas (Policy 132.00). The proposed subdivision is one square block in area, bounded by Autumn Ridge Drive, Jacob Street, Peyton Lane, and McDonald Lane. Each street surrounding the subdivision has, or will have, public sidewalks that connect to the City's street and sidewalk network. This public walkway network provides direct access to adjacent neighborhoods, Chegwyn Farms Neighborhood Park, Grandhaven Elementary School, and the commercial facilities located on Highway 99. Although no dedicated bike or foot path internal to the subdivision was proposed as part of the development, staff felt that the benefit of such an element would be negligible to the benefits of the uninterrupted, or minimally disrupted, sidewalks created by the use of the alley and alley loaded off-street parking. Therefore, the proposed development is consistent with Policy 132.00.

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### Community Facilities and Services

McMinnville's Comprehensive Plan also includes goals relative to Community Facilities and Services. A goal from Chapter VII is to "provide necessary public and private facilities and utilities at levels commensurate with urban development, extended in a phased manner, and planned and provided in advance of or concurrent with development, in order to promote the orderly conversion of urbanizable and future urbanizable lands to urban lands within the McMinnville urban growth boundary." Supporting policies provide guidance in the provision of municipal sewage connections to urban developments (Policy 136.00) and provide guidelines for the extension of sanitary sewage collection lines to urban developments (Policy 139.00). Another policy guides the provision of adequate storm water drainage to urban developments (Policy 142.00)

The application indicates that each lot of the proposed development will be served by the public sanitary sewer collection system that will be extended and constructed with the development of adjacent streets. The proposed eight (8) inch sanitary sewer extension in McDonald Lane has capacity to service the proposed subdivision based on the density of the development. The proposal is consistent with Policies 136.00 and 139.00. The application indicates that an existing 15 inch public storm drain in McDonald Lane has the capacity to service the development and will be extended to do so. Therefore, the proposed development is consistent with Policy 142.00.

3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels.

The proposed development is designed within the existing street network surrounding the subject site. The extension of NE Autumn Ridge Drive and NE McDonald Lane adjacent to the proposed development, and the associated extensions of sewer, water, and power in those streets, will provide access and efficient provision of services to adjoining parcels.

4. The plan can be completed within a reasonable period of time.

The applicant has indicated that construction of the subdivision would begin Early Summer 2019 and be completed in Late Fall 2019, in one single phase of construction.

5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area.

The density of the proposed development is within the density standards for the underlying R-4 zone. The Transportation System Plan is based on the full build-out of the zone at maximum density. The proposed development is not increasing the density beyond that which has been incorporated into the TSP, and will not overload the streets in the planned area. The proposed 28 lots are expected to generate approximately 269 vehicle trips per day based on the ITE daily trip rate of 9.6 trips per day. New traffic is expected to exit off-street parking to the alley, and then to one of two local streets, Autumn Ridge Drive or Peyton Lane. From the local streets, traffic is expected to then use McDonald Lane, a designated minor collector. Minor collectors are designed to carry higher volumes of traffic than local streets, per the City's Transportation System Plan.

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6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

Existing eight (8) inch water lines are located in McDonald Lane and Jacob Street can be extended to service the development.

An existing eight (8) inch sanitary sewer line located in McDonald Lane can be extended to service the development, and has capacity and depth. The capacity is based on the Facility Plans assumption that the sewers are sized for 12 dwelling units per acre. The application indicates the density of the proposed development is just under 12 dwelling units per gross acre.

An existing 15 inch storm drain line located in McDonald Lane can be extended to service the proposed development, and has capacity and depth to service the proposed development.

Existing power, natural gas, and telephone lines in McDonald Lane and Jacob Street can be extended to service the development.

7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

It is not anticipated that the proposed residential development would cause noise, air, and water pollutants that would have an adverse effect on the surrounding areas, public utilities, or the city as a whole.

# **Subdivision Review**

The responsibility of the Planning Commission regarding the requested Tentative Subdivision (S 2-18) is to conduct a public hearing for the purpose of taking testimony on this proposal, and based upon the testimony received, findings of fact, and conclusionary findings, take action to approve, approve with conditions, or deny the request.

Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance provides standards and procedures for the subdivision of land. Subdivision in accordance to the Planned Development section of the zoning ordinance may result in the requirements of Chapter 17.53 being waived, altered, or otherwise changed as determined by action of the Planning Commission and approved by the City Council.

The proposed tentative subdivision plan is provided below for reference:

Attachments:

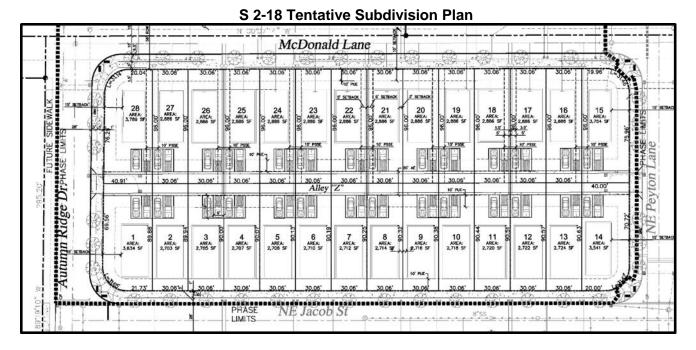
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### Evaluation of Review Criteria for Tentative Subdivisions:

# 17.53.100 Creation of Streets

No new streets are proposed to be created as part of the proposed development. NE Jacob Street and NE Peyton Lane are fully developed adjacent to the proposed development. Autumn Ridge Drive and McDonald Lane are proposed to be extended from their existing terminus to the extent of the proposed subdivision, and the applicant will dedicate that right-of-way.

The applicant is proposing the creation of an alley to access the required off-street parking in the rear of each of the 28 proposed lots. The alley is identified on the tentative subdivision plan as an access easement rather than a private drive/way or dedicated public alley. Section 17.53.100(C) allows a private access easement to be approved if it is the only reasonable method to provide access to three (3) lots or less. The access easement is 20 feet in width, more than the 15 feet required minimum and able to allow a minimum 10 foot wide hard paved surface. Since the access easement/alley serves each of the 28 proposed lots, providing access to required off-street parking in the rear of each lot, staff recommends an amendment to the planned development to allow the access easement to serve more than three (3) lots. This change to the zoning will allow uninterrupted sidewalks along NE Jacob Street and McDonald Lane by eliminating the need for driveways crossing the sidewalk to access off-street parking in the front of the lots, thereby creating a more pleasant pedestrian experience.

#### 17.53.101 Streets

To fully serve and provide access to the proposed development, McDonald Lane and Autumn Ridge Drive are proposed to be extended from their termini to their intersection at the northeast corner and

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boundary of the proposed development. These are existing principal streets in the area, and continuation of these streets is appropriate.

Autumn Ridge Drive is classified as a local residential street, requiring a 50 foot wide right-of-way dedication to fulfill City specifications. As a local residential street, Autumn Ridge Drive is specified to have a curb-to-curb street width of 28 feet, and sidewalk and planter strips widths of five (5) feet each. The continuation of Autumn Ridge Drive to these standards is shown on the tentative subdivision plan. McDonald Lane is classified as a minor collector, requiring a curb-to-curb street width of 30 feet, a five (5) foot wide sidewalk and minimum six (6) foot wide planter strips in a 56 foot wide right-of-way dedication. The continuation of McDonald Lane to these standards is shown on the tentative subdivision plan. McDonald Lane is not identified in the Bicycle System Plan in the Transportation System Plan, and therefore dedication of a wider right-of-way to accommodate bicycle lanes is not required. The extension of Autumn Ridge Drive and McDonald Lane to the boundary of the proposed subdivision will allow access to adjacent undeveloped lots to the north and east of the subject site.

The eastern property line of the subject site falls on the centerline of the McDonald Lane extension, meaning half of the required right-of-way width falls within the subject property, and the other half of the required right-of-way width falls within the undeveloped property to the east owned by the McMinnville School District. The applicant has provided a letter of intent from the McMinnville School District indicating the intention of the school district to provide a temporary easement to allow access and construction of the full right-of-way width for McDonald Lane. Upon completion of the extension of McDonald Lane, the school district intends to dedicate the portion of the McDonald Lane right-of-way in its ownership to the City prior to the approval of the final plat.

The subject site is generally flat, with a minimal slope of one (1) to two (2) percent from west to the east and north. Therefore, the grades of the proposed streets do not exceed City standards, 10 percent maximum for collectors, and 12 percent maximum for local residential streets.

#### 17.53.103 Blocks

The proposed subdivision is located in one square block within the existing street network. As proposed between existing streets (Autumn Ridge Drive, Joel Street, Peyton Lane, and MacDonald Lane) the proposed subdivision has a block length in the north-south direction of approximately 440 feet. The City standard is a block length of 400 feet unless the location of adjoining streets justifies an exception. Because the proposed block length is only 10 percent over the standard, and constrained by the location and layout of adjoining streets, staff recommends allowing an exception to the standard block length. The proposed subdivision has a block perimeter of approximately 1,300 feet, less than the 1,600 foot maximum perimeter.

An existing 45 foot wide McMinnville Water & Light (MW&L) easement is currently in place on the eastern edge of the subject site along McDonald Lane. MW&L has provided comments that indicate they can accommodate a reduction in the easement width to 17 feet, as was done previously in 2016 to accommodate the housing development and street improvements to the south of the proposed development. Comments from MW&L have been incorporated into the decision document and conditions of approval.

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As required by code, 10 foot wide public utility easements are provided along all rights-of way and additionally along each side of the access easement/alley. No easement for a pedestrian way is proposed, however. Staff considered the benefit of a proposed pedestrian way through the development that would provide access through a longer than standard block. However, staff came to the conclusion that providing a pedestrian way would not provide substantial benefit above and beyond providing sidewalks within the right-of-way. The primary reason for this conclusion is that a mid-block pedestrian way would direct people to the existing sidewalk network. Without the benefit of a mid-block crossing of McDonald Lane, pedestrians would be directed to sidewalk crossings at Autumn Ridge Drive or Peyton Lane, which are easily accessed by the sidewalk network around the proposed development.

# 17.53.105 Lots

The size and shape of the 28 proposed lots are appropriate for the proposed use of the lots. A planned development amendment is requested to reduce the average lot size to 2,925 square feet, with a minimum lot size of 2,703 square feet and a maximum lot size of 3,789 square feet. The size of the resulting lots will allow the development to provide smaller and potentially less expensive single family detached bungalow style homes at a density similar to that allowed for common wall single family residences (townhomes) in the R-4 zone. The proposed depth for interior lots is approximately three (3) times the width, or 3:1, and the proposed depth for corner lots slightly exceeds two (2) times the width, or 2.1:1. The City standard is that lot depth shall not ordinarily exceed two (2) times the width. When removing the area of lots proposed for the rear alley/access easement, the depth to width ratio for interior lots falls to 2.7:1, and the ratio for the corner lots is 2:1, meeting the City standard. Staff recommends amending the planned development to allow the lot depth to width ratio to exceed the 2:1 standard.

Each of the 28 proposed lots abuts the adjacent street for a minimum of 25 feet, as indicated on the tentative subdivision plan. Each lot also abuts the rear alley/access easement. The access easement is proposed to be 20 feet wide, and abuts local residential streets (Autumn Ridge Drive and Peyton Lane) for more than the required 15 feet. The lot side lines run at right angles to the adjacent streets, and no flag lots or through lots are proposed, all meeting City standards.

### 17.53.110 Lot Grading

As mentioned previously, the subject site is generally flat, with minimal one (1) to two (2) percent slopes falling towards the west and north. Because of this condition, it is not expected that any cut and fill slopes would exceed City guidelines. The City Engineer has provided comments relative to a storm drainage system for the site, and those comments have been incorporated into the decision document.

### 17.53.140 Left Over Land

The tentative subdivision plan indicates that a portion of the subject site on Tax Lot R4409 02100 is not going to be developed as part of the subdivision and will be, in effect, left over land. This area of land is the skinny strip of land extending north from the extension of Autumn Ridge Drive along the approximate projection of McDonald Lane. This portion of the subject site is proposed to be conveyed to McMinnville Water & Light, owners of the property adjacent to this portion to the west. The applicant has provided confirmation in the form of an email that McMinnville Water & Light would be willing to take ownership of the narrow strip of land adjacent to their future substation site. Conveyance of the left over land to McMinnville Water & Light will be required before approval of the final subdivision plat.

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# **Testimony Received:**

Three residents provided written testimony via email to the Planning Department in response to the public notice to residents within 300 feet of the proposed development.

### Testimonv:

One resident wrote on December 4, 2018 to express his support of the proposed amendments and development.

### Testimony:

One resident wrote on February 5, 2019 to express support of a development of single family detached residences instead of multi-family rental units currently allowed, stating that individual homeowners will take pride of ownership in their home and community. However, a concern of a more affordable housing development would be that investors purchase the properties for rental investments, which could have an effect on maintenance and appearance of the development. The resident suggested off-street parking be provided via the alley, Covenants, Conditions, and Restrictions (CC&Rs) be developed consistent with the surrounding single family neighborhoods, a Neighborhood Association be created to collect fees for maintenance and enforcement of the CC&Rs, and that exterior maintenance of the residences be contracted through the Neighborhood Association.

### Staff Response:

Off street parking as required by code (two spaces for dwelling unit) has been provided in the rear of each lot, accessed via the access easement/alley. A Condition of Approval has been included to require CC&Rs consistent with the surrounding single family neighborhoods.

#### Testimony:

One resident wrote on February 10, 2019 to oppose approval of the planned development amendment and subsequent development for several reasons. First, because the original development plan indicated the site was to be developed as multi-family, then no modifications to accommodate single family residential development should be approved. Second, if the modifications are approved they would negatively impact the surrounding neighborhood for the following reasons:

- Singular ownership of a multi-family development would provide consistent exterior upkeep and maintenance, single family ownership may not;
- Lack of garages does not allow space for parking or storage of maintenance equipment;
- Reduction of side yard setback is a hindrance to first responders in the event of a fire;
- Lack of alley maintenance by homeowners, which could be addressed through City ownership of alley or HOA to provide alley maintenance.

The testimony concludes with the statement that the Applicant has not met the standards for granting a variance (per MMC 17.74.110), and that there is no reason for the Applicant to not proceed with a multifamily development as originally approved, or development of single family homes identical to those in the original approved site plan made binding by Ord. 4953.

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# Staff Response:

The Planning Commission will review the application for the Planned Development Amendment against the review criteria, and if found to meet the criteria, can recommend approval of the amendment to the Planned Development and site plan. Off street parking as required by code (two spaces per dwelling unit) has been provided in the rear of each lot, accessed via the access easement/alley. The proposed development does not include, but also does not preclude, the addition of a garage or accessory structures (i.e. exterior storage shed) to the rear yards of the lots. The McMinnville Fire Department has reviewed the application and did not have any comment relative to the reduced setback. Building Department will review plans prior to issuing building permits to ensure all development meets applicable building codes. A Condition of Approval has been included to require CC&Rs consistent with the surrounding single family neighborhoods, including maintenance of the alley.

## Fiscal Impact:

None.

# **Commission Options for Planned Development Amendment (PDA 2-18):**

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a <u>specific date and time</u>.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a <u>specific date and time</u>.
- 4) Close the public hearing and **DENY** the applications, <u>providing findings of fact</u> for the denial in the motion to deny.

#### **Recommendation/Suggested Motion:**

Based on the analysis and findings provided above, the Planning Department recommends that the Planning Commission recommend approval of the Planned Development Amendment (PDA 2-18) to the City Council. Specifically, the Planning Department suggests that the following conditions of approval be included in the approval of the Planned Development Amendment request:

- 1. That Section 2 of Ordinance 4990 is amended by adding the following: An alley loaded small lot single family development is allowed with the following development standards:
  - a. An average lot size of 2,925 square feet;
  - b. A front yard setback of ten (10) feet;
  - c. An interior side yard setback of three (3) feet;
  - d. An approximate ten (10) percent increase in allowed block length;
  - e. A lot depth to width ratio exceeding the recommended two (2) to one (1) ratio;
  - f. An access easement to provide access to more than three (3) lots.

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2. That the final development plans made part of the zone and binding on the owner and developer per Section 2, Condition 3 of Planned Development Ordinance 4953 shall be amended to reflect an alley loaded small lot subdivision in the northeast portion of the site plan labeled multi-family.

3. All other standards and conditions of approval adopted by Ordinance 4990 and Ordinance 4953 remain in effect.

The Planning Department recommends that the Planning Commission make the following motions recommending approval of PDA 2-18 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 2-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENTS.

## Commission Options for Tentative Subdivision (S 2-18):

- 1) Close the public hearing and **APPROVE** the application, <u>per the decision document provided</u> which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a <u>specific date and time</u>.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a <u>specific date and time</u>.
- 4) Close the public hearing and **DENY** the applications, <u>providing findings of fact</u> for the denial in the motion to deny.

Based on the analysis and findings provided above, the Planning Department recommends that the Planning Commission approve the Tentative Subdivision. Specifically, the Planning Department suggests that the following conditions of approval be included in the approval of the Tentative Subdivision request:

- 1. That the subdivision approval does not take effect until and unless the Planned Development Amendment request (PDA 2-18) is approved by the City Council.
- 2. The final plat shall reflect that access to McDonald Lane for Lots 15-28 is not allowed.
- 3. The final plat shall reflect the dedication of 28-feet of right-of-way for NE McDonald Lane. As previously approved, a public utility easement along the site's McDonald Lane frontage, except where the NE Peyton Lane and NE Autumn Ridge Drive right-of-ways intersect the McDonald Lane right-of-way, is not required.
- 4. Prior to the City's acceptance of the final plat, McDonald Lane adjacent to the development shall be fully improved with a total of 30-feet of pavement (curb to curb width), 6.5-foot wide curbside planting strips (including the curb width), and five-foot-wide sidewalks. This will require the dedication of right-of-way from the adjacent School District owned property (tax lot R4409 02400). Per the development agreement for the McDonald Lane extension, as recorded in document no.

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2008-06237, the northern limits of the NE McDonald Lane improvement shall be 30 feet south of the northern edge of the subject properties (R4409 02100 and R4409 02400).

- 5. The existing McMinnville Water & Light easement over the 28-foot wide right-of-way west of centerline for McDonald Lane will need to be released by McMinnville Water & Light prior to the acceptance of the final subdivision plat by the City.
- 6. Autumn Ridge Drive shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. The sidewalk along the north side of Autumn Ridge Drive shall be installed prior to the City's acceptance of the final plat.
- 7. The applicant shall install a barricade at the northern terminus of McDonald Lane, consistent with City standards. The barricade shall include signage with text stating: "This Street is planned for extension to serve future development."
- 8. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns. Additionally, on-street parking will not be permitted adjacent to where the private driveways for the proposed apartments intersect McDonald Lane.
- 9. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- 10. That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.
- 11. That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
- 12. If the final storm drainage plan incorporates the use of backyard collection systems and easements, including those in the proposed alleys, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat.
- 13. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
- 14. The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities. Such easement on

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McDonald Lane, except where the NE Peyton Lane and NE Autumn Ridge right-of-ways intersect the McDonald Lane right-of-way, shall not be required.

- 15. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
- 16. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
- 17. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
- 18. That park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
- 19. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
- 20. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
- 21. That conduit be placed under Peyton Lane and Autumn Ridge Drive in the north-south direction to provide street crossings for future McMinnville Water & Light electric and fiber without disturbing street improvements.
- 22. That conduit be placed in the McMinnville Water & Light easement on the west side of McDonald Lane in the north-south direction for future McMinnville Water & Light electric and fiber to avoid conflict with east-west sanitation and storm lines.
- 23. That pre-placed water services on Peyton Lane be replaced with water services that are size appropriate for single family development. In addition, with abandoned services, the developer shall pave the street back to the water main in those locations on Peyton Lane.
- 24. That a utility corridor in the form of a public utility easement be provided on the east side of McDonald Lane.
- 25. That no permanent structures shall be permitted in the McMinnville Water & Light easement.

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Attachment B: Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for the Approval of a Tentative Subdivision at R44902100/R44902104;

Attachment C: PDA 2-18/S 2-18 Application Materials

Attachment D(1-3): Testimony Received

Attachment E: Agency Comments - McMinnville Water & Light

26. That paving work on Jacob Street shall cover the area of all new water services up to the intersections with Peyton Lane to the south and Autumn Ridge Drive to the north.

- 27. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
  - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
  - B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees. This provision does not apply to the multi-family lot.
  - C. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting
- 28. That restrictive covenants, conditions, and restrictions (CC&Rs) shall be prepared for the development that are consistent with those in place for existing adjacent single family developments and must meet with the approval of the Planning Director. The submitted CC&Rs shall indicate any necessary maintenance agreements for the alley, in addition to developed "noparking" standards and enforcement within the alley. The CC&Rs shall also require that placement of trash and recycling containers be allowed only on the adjacent lots. Such containers are not to be stored anywhere within the 20-foot-wide alleyway at any time.
- 29. That the Tentative Subdivision Plan shall expire one (1) year from the date of this approval. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of a Planned Development Amendment at R44902100/R44902104;

Attachment B: Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for the Approval of a Tentative Subdivision at R44902100/R44902104;

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30. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in this subdivision. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, at least three material types will need to be used on the front elevations, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

- 31. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.
- 32. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.

The Planning Department recommends that the Planning Commission make the following motion for approval of S 2-18:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVE S 2-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENTS.

JF:sis

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of a Planned Development Amendment at R44902100/R44902104;

Attachment B: Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for the Approval of a Tentative Subdivision at R44902100/R44902104;

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# Attachment A



# CITY OF MCMINNVILLE PLANNING DEPARTMENT 231 NE FIFTH STREET

231 NE FIFTH STREET MCMINNVILLE, OR 97128

503-434-7311 www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDEMENT TO REDUCE AVERAGE LOT SIZE REQUIREMENTS, REDUCE REQUIRED YARD SETBACKS, INCREASE ALLOWED BLOCK LENGTH, INCREASE ALLOWED LOT DEPTH TO WIDTH RATIO, INCREASE LOTS ACCESSIBLE BY ACCESS EASEMENT, AND REMOVE A BINDING SITE PLAN FROM THE ZONE AT R44092100/R44092104.

**DOCKET:** PDA 2-18 (Planned Development Amendment)

**REQUEST:** The applicant is requesting approval of a Planned Development Amendment to

an R-4 Planned Development described by Ordinance 4953 and amended by Ordinance 4990. The amendments requested consist of reducing the average lot size requirements, increasing the allowed block lengths, and increasing the lot depth to width ratio that are allowed in the underlying R4 zoning standards, as well as amending certain yard setbacks approved in Ordinance 4990 and amending the site plan approved in Ordinance 4953. This Planned Development amendment also requests to allow access to lots through an access easement.

The applicant is also requesting approval of a Tentative Subdivision for the construction of an alley loaded 28 lot subdivision of bungalow style single family detached residences, referred to as the Cottages at Chegwyn Village Phase 2, which would be conditioned upon the approval of the Planned Development

Amendment being approved as requested.

**LOCATION:** The subject site is located west of NE McDonald Lane, east of NE Jacob Street,

north of NE Peyton Lane, and south of NE Autumn Ridge Drive, and is more specifically described as Tax Lots 2100 and 2104, Section 9, T. 4 S., R 4 W.,

W.M.

**ZONING:** R-4 PD (Multiple Family Residential Planned Development)

**APPLICANT:** Alan Ruden, on behalf of Cottages at Chegwyn Village, LLC

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED** 

COMPLETE: November 06, 2018

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** February 21, 2019. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**DECISION-MAKING** 

**BODY:** McMinnville City Council

**DATE & TIME:** March 12, 2019 (tentative). Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**PROCEDURE:** A request to amend an existing Planned Development requires an application to

be reviewed by the Planning Commission during a public hearing, as described

in Section 17.72.120 of the McMinnville City Code.

**CRITERIA:** The applicable criteria are specified in Section 17.74.070 of the McMinnville City

Code.

**APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed

as specified in Section 17.72.170 of the McMinnville Zoning Ordinance.

**COMMENTS:** This matter was referred to the following public agencies for comment:

McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this

exhibit.

# **DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Planned Development Amendment (PDA 2-18) to the McMinnville City Council **subject to the conditions of approval provided in this document.** 

//////////////////////////////////////	NDITIONS
City Council:	Date:
Planning Commission:	Date:
Planning Department:	Date:

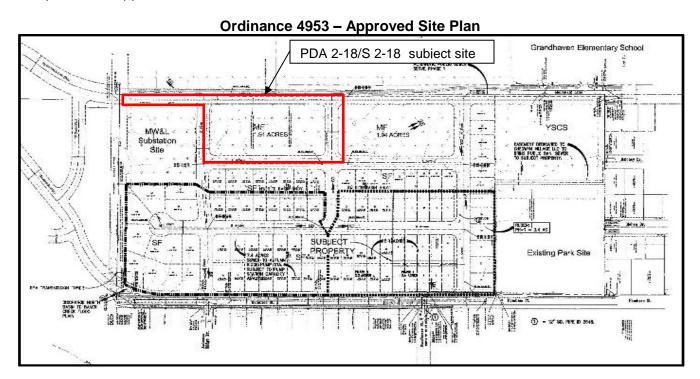
### APPLICATION SUMMARY:

The applicant is requesting approval of a Planned Development Amendment to an R-4 Planned Development described by Ordinance 4953 and amended by Ordinance 4990. The amendments requested consist of reducing the average lot size requirements, increasing the allowed block lengths, and increasing the lot depth to width ratio that are allowed in the underlying R4 zoning standards, as well as amending certain yard setbacks approved in Ordinance 4990 and amending the site plan approved in Ordinance 4953. This Planned Development amendment also requests to allow access to lots through an access easement.

The applicant is also requesting approval of a Tentative Subdivision for the construction of an alley loaded 28 lot subdivision of bungalow style single family detached residences, referred to as the Cottages at Chegwyn Village Phase 2, which would be conditioned upon the approval of the Planned Development Amendment being approved as requested. The Tentative Subdivision Plan is a separate land-use decision and will be processed in a separate decision document.

The subject site is approximately 2.74 gross acres, and following the conveyance of a small strip of land to McMinnville Water & Light and dedication of rights-of-way, the subdivision will have a net area of approximately 1.88 acres, yielding a density per net acre of 14.89 dwelling units per acre.

Currently, the subject site is zoned R-4 PD, approved in 2012 by the McMinnville City Council with the adoption of Ordinance 4953. Ordinance 4953 was subsequently amended in 2015 by Ordinance 4990. Ordinance 4953 rezoned approximately 22.26 acres from County EF-80 to City R-4 PD, and approved a site plan as part of the planned development. The subject site was identified as a multi-family on the site plan. The approved "Overall Plan" can be seen below:



Ordinance 4953 approved the following setback variances to the R4 zoning standards as part of the planned development:

- Front Yard: 15 feet minimum setback reduced to 10 feet.
- Side Yard: Six (6) feet minimum reduced to zero for garage construction on Lots 2, 4-7, 9, 11, 12, 14, 16-20. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.

Ordinance 4953 also established an average lot size for single family lots within the subject site of 5,000 square feet instead of a 5,000 square foot minimum lot size. Phases 1 and 2 of the Bungalows at Chegwyn Village were developed subject to the planned development standards established by Ordinance 4953.

Preceding the development of additional phases of the Bungalows at Chegwyn Village, Planned Development Ordinance 4990 was approved by the McMinnville City Council on June 23, 2015 amending Ordinance 4953 for approximately 13.7 acres of land of the original site plan. Exceptions to zoning standards approved by Ordinance 4990 included the following reductions in required yard setbacks:

- Front Yard: No change to 10 foot setback.
- Side Yard: Zero foot setback for garage construction on all lots. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.
- All setbacks for multiple-family lots: 10 feet.

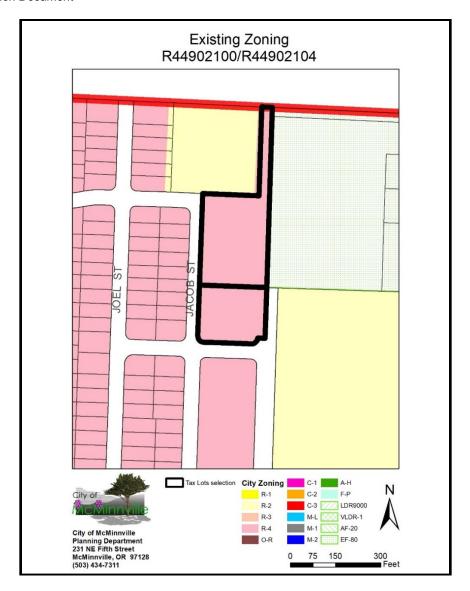
Ordinance 4990 did not amend the original site plan.

Since that time, portions of the site subject to Ordinance 4990 have been developed with single family and multi-family residences, including the Bungalows at Chegwyn Village Phase 3 and the Cottages at Chegwyn Village. It is the remaining 2.40 acres of the original 22.26 acres that are the subject of the current Planned Development Amendment and Subdivision requests. This 2.40 acres was originally identified as multi-family in the Ordinance 4953 site plan and is subject to the setback standards established by Ordinance 4990.

It should be noted that if this planned development amendment is not approved, the provisions of Ordinance 4953 and Ordinance 4990 are still binding on the site, which would permit development similar to the Cottages at Chegwyn Village, the multi-family development to the south of the subject site. The Cottages at Chegwyn Village has 36 dwelling units on approximately 1.96 acres, yielding a density per net acre of 18.36 dwelling units per acre.

The subject site is currently undeveloped, and is zoned R-4 PD (Multi-Family Residential Planned Development). To the north of the subject site where the Cottages at Chegwyn Village Phase 2 is proposed, is undeveloped land owned by McMinnville Water & Light that is anticipated to be the site of a future electrical substation. To the east of the subject site is undeveloped land owned by the McMinnville School District. West of the subject site is the Bungalows at Chegwyn Village Phase 3, a single family residential development. To the south of the subject site is the Cottages at Chegwyn Village, a multi-family residential development. A visual of the subject site and reference maps showing the zoning designations of the subject site and the surrounding properties can be seen below:





#### **CONDITIONS OF APPROVAL:**

The following conditions of approval shall be required:

## PDA 2-18 is recommended for <u>approval</u> subject to the following conditions:

- 1. That Section 2 of Ordinance 4990 is amended by adding the following: An alley loaded small lot single family development is allowed with the following development standards:
  - a. An average lot size of 2,925 square feet;
  - b. A front yard setback of ten (10) feet;
  - c. An interior side yard setback of three (3) feet;
  - d. An approximate ten (10) percent increase in allowed block length;
  - e. A lot depth to width ratio exceeding the recommended two (2) to one (1) ratio;
  - f. An access easement to provide access to more than three (3) lots.
- That the final development plans made part of the zone and binding on the owner and developer per Section 2, Condition 3 of Planned Development Ordinance 4953 shall be amended to reflect an alley loaded small lot subdivision in the northeast portion of the site plan labeled multi-family.
- 3. All other standards and conditions of approval adopted by Ordinance 4990 and Ordinance 4953 remain in effect.

# **ATTACHMENTS:**

- 1. PDA 2-18 Application and Attachments (on file with Planning Department)
- 2. Testimony Received Jonathan Booth Email received December 4, 2018 (on file with Planning Department)
- 3. Testimony Received John and Karen Vanderwall Email received February 5, 2019 (on file with Planning Department)
- 4. Testimony Received Patrick Evans Email received February 10, 2019 (on file with Planning Department)
- 5. Agency Comments McMinnville Water & Light Memorandum, November 30, 2018 (on file with Planning Department)
- 6. Communication Letter of Intent from McMinnville School District, February 1, 2019 (on file with Planning Department)
- 7. Communication McMinnville Water & Light Conveyance Confirmation, January 25, 2019 (on file with Planning Department)

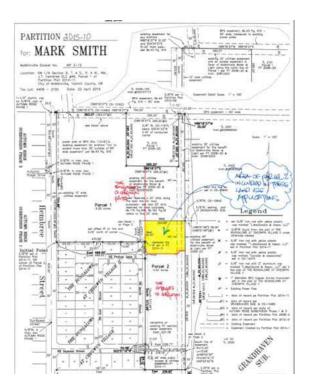
# **COMMENTS:**

# **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. Most of the comments received pertain to the accompanying Tentative Subdivision Plan that is proposed if this planned development amendment is approved, and are reflected as conditions of approval in that land-use decision document but provided here for continuity.

#### McMinnville Engineering Department:

The application materials do not seem to accurately describe the properties included in the proposal. Specifically, a portion of parcel 2 of partition 2015-10 (AKA tax lot R4409 02104) is included in the subdivision area, and none of the application materials accurately show the northern property line of this parcel.



Suggested conditions of approval for the applications include:

- The final plat shall reflect that access to McDonald Lane for Lots 15-28 is not allowed.
- The final plat shall reflect the dedication of 28-feet of right-of-way for NE McDonald Lane.
  As previously approved, a public utility easement along the site's McDonald Lane frontage,
  except where the NE Peyton Lane and NE Autumn Ridge Drive right-of-ways intersect the
  McDonald Lane right-of-way, is not required.
- Prior to the City's acceptance of the final plat, McDonald Lane adjacent to the development shall be fully improved with a total of 30-feet of pavement (curb to curb width), 6.5-foot wide curbside planting strips (including the curb width), and five-foot-wide sidewalks. This will require the dedication of right-of-way from the adjacent School District owned property (tax lot R4409 02400). Per the development agreement for the McDonald Lane extension, as recorded in document no. 2008-06237, the northern limits of the NE McDonald Lane improvement shall be 30 feet south of the northern edge of the subject properties (R4409 02100 and R4409 02400).
- The existing McMinnville Water & Light easement over the 28-foot wide right-of-way west of centerline for McDonald Lane will need to be released by McMinnville Water & Light prior to the acceptance of the final subdivision plat by the City.
- Autumn Ridge Drive shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. The sidewalk along the north side of Autumn Ridge Drive shall be installed prior to the City's acceptance of the final plat.
- The applicant shall install a barricade at the northern terminus of McDonald Lane, consistent with City standards. The barricade shall include signage with text stating: "This Street is planned for extension to serve future development."

- On-street parking will not be permitted within a 30-foot distance of street intersections
  measured from the terminus of the curb returns. Additionally, on-street parking will not be
  permitted adjacent to where the private driveways for the proposed apartments intersect
  McDonald Lane.
- The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- That a detailed, engineered sanitary sewage collection plan, which incorporates the
  requirements of the City's adopted Conveyance System Master Plan, must be submitted to
  and approved by the City Engineering Department. Any utility easements needed to comply
  with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public
  easements must be dedicated to and accepted by the City prior to the City's approval of the
  final plat.
- That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
- If the final storm drainage plan incorporates the use of backyard collection systems and easements, including those in the proposed alleys, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
- The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities. Such easement on McDonald Lane, except where the NE Peyton Lane and NE Autumn Ridge right-of-ways intersect the McDonald Lane right-of-way, shall not be required.
- The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
- The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
- That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
- That park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
- That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.

• That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

### McMinnville Fire Department:

We have no issue with revised plan. The only comment would be to ensure the proper hydrant spacing is maintained (one hydrant every 500ft).

# Bonneville Power Administration

BPA has reviewed the amended Chegwyn Village Development plans. Proposed amendments for Phase II will not negatively impact the BPA transmission line easement.

### McMinnville Water & Light

McMinnville Water and Light (MW&L) provided comments in a Memorandum dated 11-30-2018. Those comments have been incorporated into this decision document. The memorandum is provided as an attachment to this document (Attachment 5)

### **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. As of the date this report was written, 3 emails have been received.

- Email Jonathan Booth, December 4, 2018 (Attachment 2), expressing support of the application based on the applicant's past development history.
- Email John and Karen Vanderwall, February 5, 2019 (Attachment 3), expressing overall support for the application, but with concerns related upkeep and maintenance of affordable homes that may be bought by investors and not be owner-occupied.
- Email Patrick Evans, February 10, 2019 (Attachment 4), expressing opposition to the application
  with concerns related to the change from multi-family to single family development, ownership of
  those developments and the impact that lack of maintenance would have on the surrounding
  neighborhood, fire response, and lack of benefit to the neighborhood.

### FINDINGS OF FACT

1. Alan Ruden, on behalf of the property owner Cottages at Chegwyn Village, LLC, requested approval to amend Planned Development Ordinance 4990 to vary from the underlying R-4 PD zone by reducing the average lot size from 5,000 square feet to 2,925 square feet and reducing the side yard setback from five (5) feet to three (3) feet, allowing the development of an alley-loaded 28 lot subdivision, which would replace a similarly sized multi-family development, that was planned for the lot, as previously approved under the "Overall Plan" submitted February 9, 2012 and approved by Ordinance 4953.

- 2. The subject site is located west of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive, and is more specifically described as Tax Lots 2100 and 2104, Section 9, T. 4 S., R 4 W., W.M.
- 3. The site is currently designated as Residential on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map.
- 4. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- 5. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
  - 6. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications—Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Friday, February 15, 2019. No public testimony was provided to the Planning Department prior to the Planning Commission public hearing.
- 7. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

# **CONCLUSIONARY FINDINGS:**

### McMinnville's Comprehensive Plan:

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

- GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.
- Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

<u>Finding:</u> Goal V1 and Policy 58.00 are SATISFIED. The proposed planned development amendment will implement the necessary changes to zoning standards to allow the development of a new type of housing product - alley loaded small lot bungalow style single family detached residential - at a density not found in the area in an effort to provide diverse and affordable housing.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

- Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.
- Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.
- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Finding: Goal V2 and Policies 68.00, 71.00, and 73.00 are SATISFIED. The proposed Planned Development Amendment will allow the development of a 28 lot, alley loaded, detached bungalow style single family housing subdivision, a unique and innovative development that will meet a market demand for lower cost single family detached housing. The innovation of the development can be found in using several techniques to help keep the potential housing costs down while providing a unique character to the subdivision. Small lots keep the cost of land to a minimum. Smaller homes keep the cost of construction and materials down. Alley loaded off-street parking means garages can be eliminated, further keeping the cost of development down, which can be translated to lower sale prices for the homes. Providing an alley to serve the lots and access off-street parking also means that no driveways are necessary in the front of the homes that would disrupt the sidewalk or planting strips in the rightsof-way. Uninterrupted planting strips will allow for more street trees and screening/buffering of the development from the street. Uninterrupted sidewalks translate to a more pleasant and safe pedestrian experience throughout the development. The type of housing that will be provided, alley loaded single family homes on small lots at a density typically found in townhome developments, is innovative and will be unique to the area. The development is being proposed on land designated residential and that has urban services available to serve the development. Therefore, the proposed Planned Development Amendment and resulting development is consistent with the Housing and Residential Development Goals of the Comprehensive Plan and satisfies Policies 68.00, 71.00, and 73.00.

- Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.
- Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Finding: Policies 75.00 and 76.00 are SATISFIED. Located less than ¼ mile away from the proposed development is Chegwyn Farms Neighborhood Park, an existing City Park. As defined in the 1999 McMinnville Parks, Recreation, and Open Space Master Plan, a neighborhood park is designed to serve residences within a ½ mile radius without crossing a major street. Chegwyn Farms Neighborhood Park is accessible to all future occupants of the proposed development via public walkways along local residential streets, a shared use path connecting the park to NE Samson Street, and by vehicular access from NE Hembree Street or NE Mohan Drive. The proposed planned development amendment and development are consistent with the Comprehensive Plan Policies 75.00 and 76.00 in that a park with open space and recreation facilities is readily accessible to occupants of the planned development.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Finding: Policies 77.00 and 78.00 are SATISFIED. The primary internal traffic system within the proposed development as allowed by the planned development amendment is the alley serving all lots. All off street parking is proposed to be accessed via the alley, which will be a shared access easement. Alley loaded off-street parking will encourage vehicular traffic on the alley in the rear of the lots. The alley connects to local residential streets, Autumn Ridge Drive to the north and Peyton Lane to the south, which in turn connect to McDonald Lane, a minor collector. Alley loaded off-street parking eliminates the need for driveways crossing sidewalks to access front-loaded garages or other parking in the front of a residence. The result is an uninterrupted sidewalk along the east and west edges of the development, safer for pedestrians and bicyclists. The sidewalks along the north and south edges are broken only once were the alley is accessed from the local street. The alley promotes efficient traffic flow from the development into the adjacent street network while creating a safe pedestrian and bicycle environment. The traffic system around the perimeter of the proposed development is carried by the extension of existing streets, McDonald Lane to the west, and Autumn Ridge Drive to the north. This is extension of the existing street grid is compatible with the circulation patterns of adjoining properties. Therefore, the planned development amendment and proposed development is compatible with Policies 77.00 and 78.00.

Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

<u>Finding:</u> *Policy 81.00 is SATISFIED.* While no internal pedestrian or bicycle pathway was provided in the development proposal, staff felt that such a path would provide negligible benefit over public sidewalks around the perimeter of the development. The public sidewalk on McDonald Lane, easily accessible from the proposed development, provides direct access to Grandhaven Elementary School and nearby commercial facilities located on Highway 99.

Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

<u>Finding:</u> *Policy 82.00 is SATISFIED.* The proposed development is bounded by existing development to the west and south. Vacant, undeveloped properties border the subject site to the north and east. The proposed extension of Autumn Ridge Drive along the north side of the proposed development and McDonald Lane along the east side, and extension of associated utilities will preserve the development potential of the adjacent properties.

- Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:
  - 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
  - 2. Storm sewer and drainage facilities (as required).
  - 3. Streets within the development and providing access to the development, improved to city standards (as required).
  - 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).

<u>Finding:</u> *Policy 99.00 is SATISFIED.* Adequate urban services can be provided concurrently with development to serve the subdivision. Sanitary sewer and storm drain lines are available via McDonald Lane, and are proposed to be extended to serve the development. McDonald Lane and Autumn Ridge

Drive are proposed to be extended to provide access to the entirety of the proposed development. Water and power are located in Autumn Ridge Drive, McDonald Lane, and Jacob Street, and are planned to be extended to the subject site to serve the property.

- GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.
- Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.
- Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:
  - 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
  - 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
  - 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
  - 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths).

<u>Finding:</u> Goal VI1 and Policies 117.00 and 118.00 are SATISFIED. Each individual parcel of the proposed subdivision will be accessed via private alley, which is in turn accessed via NE Autumn Ridge Drive and NE Peyton Lane. The alley will be paved and accessed by driveway approaches from the public streets constructed to City standards. The extension of Autumn Ridge Drive and McDonald Lane provide further access to parcels in the subdivision and allow for future development of adjacent properties. The streets will be constructed to City standards, providing asphalt surfacing, curbs, planting strips, and sidewalks that combine to provide meet multi-modal transportation needs.

- Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:
  - 2. Major, minor collectors.
    - Designs should minimize impacts on existing neighborhoods.
    - Sufficient street rights-of-way should be obtained prior to development of adjacent lands
    - On-street parking should be limited wherever necessary.
    - Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)
  - As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.
  - 3. Local Streets
    - Designs should minimize through-traffic and serve local areas only.
    - Street widths should be appropriate for the existing and future needs of the area.
    - Off-street parking should be encouraged wherever possible.
    - Landscaping should be encouraged along public rights-of-way.

<u>Finding:</u> *Policy 122.00 is SATISFIED.* NE McDonald Lane is classified as a minor collector, and will be extended to service the proposed development in accordance to City Standards, including paving, curbs, planter strips with landscaping, and sidewalks. The applicant is dedicating right-of-way to the City to extend the west half of McDonald Lane. The applicant has indicated that they are working with the McMinnville School District, property owners to the east of the proposed development to allow the full construction of McDonald Lane right-of-way to City standards. The applicant further indicates that the McMinnville School District is supportive of the request and has agreed to a temporary easement

to allow access and construction of the full right-of-way, with dedication of the school district owned portion of the McDonald Lane right-of-way to occur following completion of construction. Autumn Ridge Drive, a designated local street, will also be extended to serve the proposed development per City standards, including paving, curbs, planter strips with landscaping, and sidewalks.

- Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.
- Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

<u>Finding:</u> Policies 126.00 and 127.00 are SATISFIED. The proposed development provides the required two (2) off-street parking spaces per dwelling unit (up to 4 bedrooms). Off-street parking is accessed via a proposed alley in the rear of the lots.

- Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.
- Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

<u>Finding:</u> *Policies 132.00 and 132.15 are SATISFIED.* The proposed planned development that results from this land-use application is one square block in area, bounded by Autumn Ridge Drive, Jacob Street, Peyton Lane, and McDonald Lane. Each street surrounding the subdivision has, or will have, public sidewalks that connect to the City's street and sidewalk network. This public walkway network provides direct access to adjacent neighborhoods, Chegwyn Farms Neighborhood Park, Grandhaven Elementary School, and the commercial facilities located on Highway 99. Although no dedicated bike or foot path internal to the subdivision was proposed as part of the development, staff felt that the benefit of such an element would be negligible to the benefits of the uninterrupted, or minimally disrupted, sidewalks created by the use of the alley and alley loaded off-street parking. The required right-of-way improvements which include sidewalks, will connect the proposed development to the adjacent neighborhoods.

- GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.
- Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.
- Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:
  - 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.
  - 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.

- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.
- Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.
- Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.
- Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:
  - 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.
  - 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.
  - For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;
  - 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.
- Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.
- Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:
  - Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
  - Sufficient municipal sewage system facilities, as determined by the City Public Works
    Department, are available, or can be made available, to collect, treat, and dispose of
    maximum flows of effluents.
  - 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
  - 4. Federal, state, and local water and waste water quality standards can be adhered to.

5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

<u>Finding:</u> Goal VII1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00, and 151.00 are SATISFIED. Based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

<u>Finding:</u> *Policies 153.00 and 155.00 are SATISFIED*. Emergency services departments have reviewed this request and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

- GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.
- Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

<u>Finding:</u> *Policy 163.00 is SATISFIED.* Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

- GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.
- Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.
- Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

<u>Finding:</u> *Policies 173.00 and 177.00 are SATISFIED.* Policies 173.00 and 177.00 are satisfied. McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

- GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.
- Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

<u>Finding:</u> *Policy 188.00 is SATISFIED.* McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

## McMinnville's City Code:

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

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

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

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

A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

Finding: Criterion 17.74.070(A) is SATISFIED. The applicant has presented special objectives for the proposed development that the planned development will satisfy that warrant a departure from the standards established in Ordinances 4990 and 4953, and the underlying R-4 zone. The applicant is proposing a development with the objectives of providing an innovative housing product and site design to meet a housing need not met with multi-family development. The applicant, by requesting the planned development amendment, hopes to provide single family detached housing that provides ownership opportunity at a lower cost due to the smaller lot, smaller home size, and lack of garage. The innovation of the development can be found in using several techniques to help keep the potential housing costs down while providing a unique character to the subdivision. Small lots keep the cost of land to a minimum. Smaller homes keep the cost of construction and materials down. Alley loaded offstreet parking means garages can be eliminated, further keeping the cost of development down, which can be translated to lower sale prices for the homes. Providing an alley to serve the lots and access off-street parking also means that no driveways are necessary in the front of the homes that would disrupt the sidewalk or planting strips in the rights-of-way. Uninterrupted planting strips will allow for more street trees and screening/buffering of the development from the street. Uninterrupted sidewalks translate to a more pleasant and safe pedestrian experience throughout the development. The type of housing that will be provided, alley loaded single family homes on small lots at a density typically found in townhome developments, is innovative and will be unique to the area.

B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

<u>Finding:</u> *Criterion 17.74.070(B) is SATISFIED.* The proposed Planned Development Amendment is consistent with the goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

**<u>Finding:</u>** Criterion 17.74.070(C) is SATISFIED. The proposed development is designed within the existing street network surrounding the subject site. The extension of NE Autumn Ridge Drive and NE McDonald Lane adjacent to the proposed development, and the associated extensions of sewer, water, and power in those streets, will provide access and efficient provision of services to adjoining parcels.

D. The plan can be completed within a reasonable period of time;

<u>Finding:</u> Criterion 17.74.070(D) is SATISFIED. The applicant has indicated that construction of the subdivision would begin Early Summer 2019 and be completed in Late Fall 2019, in one single phase of construction.

E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;

<u>Finding:</u> *Criterion 17.74.070(E) is SATISFIED.* The density of the proposed development is within the density standards for the underlying R-4 zone. The Transportation System Plan is based on the full build-out of the zone at maximum density. The proposed development is not increasing the density beyond that which has been incorporated into the TSP, and will not overload the streets in the planned area. The proposed 28 lots are expected to generate approximately 269 vehicle trips per day based on the ITE daily trip rate of 9.6 trips per day. New traffic is expected to exit off-street parking to the alley, and then to one of two local streets, Autumn Ridge Drive or Peyton Lane. From the local streets, traffic is expected to then use McDonald Lane, a designated minor collector. Minor collectors are designed to carry higher volumes of traffic than local streets, per the City's Transportation System Plan.

F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

<u>Finding:</u> *Criterion 17.74.070(F) is SATISFIED.* Existing eight (8) inch water lines are located in McDonald Lane and Jacob Street can be extended to service the development.

An existing eight (8) inch sanitary sewer line located in McDonald Lane can be extended to service the development, and has capacity and depth. The capacity is based on the Facility Plans assumption that the sewers are sized for 12 dwelling units per acre. The application indicates the density of the proposed development is just under 12 dwelling units per gross acre.

An existing 15 inch storm drain line located in McDonald Lane can be extended to service the proposed development, and has capacity and depth to service the proposed development.

Existing power, natural gas, and telephone lines in McDonald Lane and Jacob Street can be extended to service the development.

G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

<u>Finding:</u> Criterion 17.74.070(G) is SATISFIED. It is not anticipated that the proposed residential development would cause noise, air, and water pollutants that would have an adverse effect on the surrounding areas, public utilities, or the city as a whole.

## Attachment B



# CITY OF MCMINNVILLE PLANNING DEPARTMENT 231 NE FIFTH STREET MCMINNVILLE. OR 97128

503-434-7311 www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TENTATIVE SUBDIVISION FOR A 28 SMALL LOT, ALLEY LOADED, BUNGALOW STYLE SINGLE FAMILY DETACHED DEVELOPMENT R44092100/R44092104.

**DOCKET:** S 2-18 (Tentative Subdivision)

**REQUEST:** Approval of a Tentative Subdivision for a 28 small lot, alley loaded, bungalow

style single family detached development.

**LOCATION:** The subject properties are located west of NE McDonald Lane, east of NE Jacob

Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive, and are more specifically described as Tax Lots 2100 and 2104, Section 9, T. 4 S., R 4

W., W.M.

**ZONING:** R-4 PD (Multiple Family Residential Planned Development)

APPLICANT: Alan Ruden, on behalf of Cottages at Chegwyn Village, LLC

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED** 

COMPLETE: November 06, 2018

**DECISION-**

**MAKING BODY:** McMinnville Planning Commission

**DATE & TIME:** February 21, 2019. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**PROCEDURE:** A request for a subdivision of more than 10 lots requires an application to be

reviewed by the Planning Commission during a public hearing, as described in

Section 17.72.120 of the McMinnville City Code.

**CRITERIA:** The applicable criteria are specified in Chapter 17.53 of the McMinnville City

Code.

**APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed

as specified in Section 17.72.170 of the McMinnville Zoning Ordinance.

**COMMENTS:** This matter was referred to the following public agencies for comment:

McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this

exhibit.

# **DECISION**

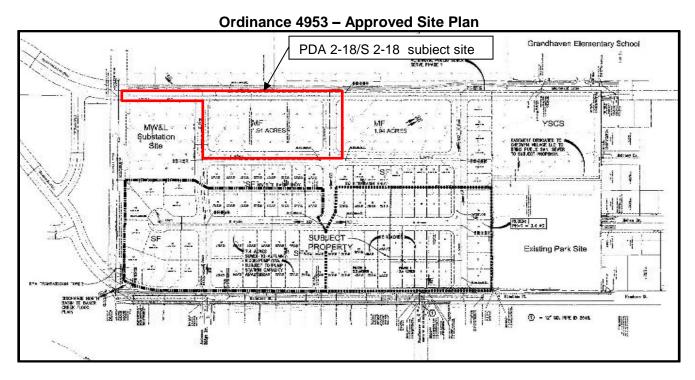
Based on the findings and conclusions, the Planning Commission **APPROVES** Tentative Subdivision (S 2-18) **subject to the conditions of approval provided in this document.** 

//////////////////////////////////////	
Planning Commission:  Roger Hall, Chair of the McMinnville Planning Commission	Date:
Planning Department: Heather Richards, Planning Director	Date:

## **APPLICATION SUMMARY:**

The applicant is requesting approval of a Tentative Subdivision for the construction of an alley loaded 28-lot subdivision of bungalow style single family detached residences, referred to as the Cottages at Chegwyn Village Phase 2. Concurrent to the Tentative Subdivision application, a Planned Development Amendment is requested to allow exceptions to the underlying planned development (Ordinance 4953 as amended by Ordinance 4990) and R-4 zone, including reductions to the average lot size, the front and side yard setbacks, the block length and lot depth to width ratio. The subject site is approximately 2.74 gross acres, and following the conveyance of a small strip of land to McMinnville Water & Light and dedication of rights-of-way, the subdivision will have a net area of approximately 1.88 acres, yielding a density per net acre of 14.89 dwelling units per acre.

Currently, the subject site is zoned R-4 PD, with Planned Development Ordinance 4953 and Ordinance 4990 amending the underlying R-4 zone. Ordinance 4990 amended Planned Development Ordinance 4953, which was adopted by the McMinnville City Council May, 2012. Ordinance 4953 rezoned approximately 22.26 acres from County EF-80 to City R-4 PD, and approved a site plan. The subject site was identified as a multi-family on that site plan. The approved "Overall Plan" from Ordinance 4953 can be seen below:



Ordinance 4953 approved the following setback variances to the R4 zoning standards as part of the planned development:

- Front Yard: 15 feet minimum setback reduced to 10 feet.
- Side Yard: Six (6) feet minimum reduced to zero for garage construction on Lots 2, 4-7, 9, 11, 12, 14, 16-20. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.

Ordinance 4953 also established an average lot size for single family lots within the subject site of 5,000 square feet instead of a 5,000 square foot minimum lot size. Phases 1 and 2 of the Bungalows at Chegwyn Village were developed subject to the planned development standards established by Ordinance 4953.

Preceding the development of additional phases of the Bungalows at Chegwyn Village, Planned Development Ordinance 4990 was approved by the McMinnville City Council on June 23, 2015 amending Ordinance 4953 for approximately 13.7 acres of land of the original site plan. Exceptions to zoning standards approved by Ordinance 4990 included the following reductions in required yard setbacks:

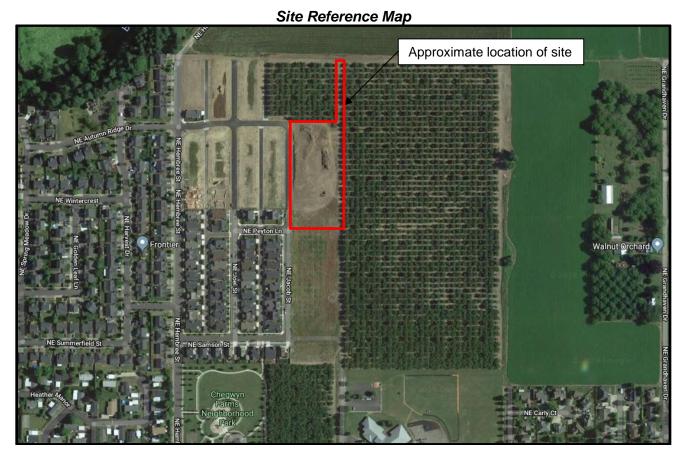
- Front Yard: No change to 10 foot setback.
- Side Yard: Zero foot setback for garage construction on all lots. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.
- All setbacks for multiple-family lots: 10 feet.

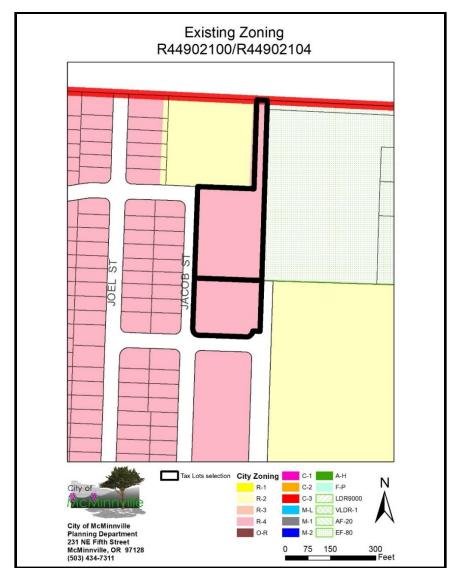
Ordinance 4990 did not amend the original site plan.

Since that time, portions of the site subject to Ordinance 4990 have been developed with single family and multi-family residences, including the Bungalows at Chegwyn Village Phase 3 and the Cottages at Chegwyn Village. It is the remaining 2.40 acres of the original 22.26 acres that are the subject of the current Planned Development Amendment and Subdivision requests. This 2.40 acres was originally identified as multi-family in the Ordinance 4953 site plan and is subject to the setback standards established by Ordinance 4990.

It should be noted that if the planned development amendment is not approved, the provisions of Ordinance 4953 and Ordinance 4990 are still binding on the site and this tentative subdivision plan would not meet the criteria of existing Ordinance 4953 and Ordinance 4990. The existing planned development as described by Ordinance 4953 and 4990 would permit development similar to the Cottages at Chegwyn Village, the development to the south of the subject site. The multi-family portion of The Cottages at Chegwyn Village has 36 dwelling units on approximately 1.96 acres, yielding a density per net acre of 18.36 dwelling units per acre.

The subject site is currently undeveloped, and is zoned R-4 PD (Multi-Family Residential Planned Development). To the north of the subject site where the Cottages at Chegwyn Village Phase 2 is proposed, is undeveloped land owned by McMinnville Water & Light that is anticipated to be the site of a future electrical substation. To the east of the subject site is undeveloped land owned by the McMinnville School District. West of the subject site is the Bungalows at Chegwyn Village Phase 3, a single family residential development. To the south of the subject site is the Cottages at Chegwyn Village, a multi-family residential development. A visual of the subject site and reference maps showing the zoning designations of the subject site and the surrounding properties can be seen below:





# **CONDITIONS OF APPROVAL:**

The following conditions of approval shall be required:

#### **S 2-18** is recommended for <u>approval</u> subject to the following conditions:

- 1. That the subdivision approval does not take effect until and unless the Planned Development Amendment request (PDA 2-18) is approved by the City Council.
- 2. The final plat shall reflect that access to McDonald Lane for Lots 15-28 is not allowed.
- 3. The final plat shall reflect the dedication of 28-feet of right-of-way for NE McDonald Lane. As previously approved, a public utility easement along the site's McDonald Lane frontage, except where the NE Peyton Lane and NE Autumn Ridge Drive right-of-ways intersect the McDonald Lane right-of-way, is not required.
- 4. Prior to the City's acceptance of the final plat, McDonald Lane adjacent to the development shall be fully improved with a total of 30-feet of pavement (curb to curb width), 6.5-foot wide curbside planting strips (including the curb width), and five-foot-wide sidewalks. This will require the dedication of right-of-way from the adjacent School District owned property (tax lot R4409

02400). Per the development agreement for the McDonald Lane extension, as recorded in document no. 2008-06237, the northern limits of the NE McDonald Lane improvement shall be 30 feet south of the northern edge of the subject properties (R4409 02100 and R4409 02400).

- 5. The existing McMinnville Water & Light easement over the 28-foot wide right-of-way west of centerline for McDonald Lane will need to be released by McMinnville Water & Light prior to the acceptance of the final subdivision plat by the City.
- 6. Autumn Ridge Drive shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. The sidewalk along the north side of Autumn Ridge Drive shall be installed prior to the City's acceptance of the final plat.
- 7. The applicant shall install a barricade at the northern terminus of McDonald Lane, consistent with City standards. The barricade shall include signage with text stating: "This Street is planned for extension to serve future development."
- 8. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns. Additionally, on-street parking will not be permitted adjacent to where the private driveways for the proposed apartments intersect McDonald Lane.
- 9. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- 10. That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.
- 11. That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
- 12. If the final storm drainage plan incorporates the use of backyard collection systems and easements, including those in the proposed alleys, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat.
- 13. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
- 14. The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities. Such easement on McDonald Lane, except where the NE Peyton Lane and NE Autumn Ridge right-of-ways intersect the McDonald Lane right-of-way, shall not be required.
- 15. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

16. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.

- 17. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
- 18. That park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
- 19. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
- 20. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
- 21. That conduit be placed under Peyton Lane and Autumn Ridge Drive in the north-south direction to provide street crossings for future McMinnville Water & Light electric and fiber without disturbing street improvements.
- 22. That conduit be placed in the McMinnville Water & Light easement on the west side of McDonald Lane in the north-south direction for future McMinnville Water & Light electric and fiber to avoid conflict with east-west sanitation and storm lines.
- 23. That pre-placed water services on Peyton Lane be replaced with water services that are size appropriate for single family development. In addition, with abandoned services, the developer shall pave the street back to the water main in those locations on Peyton Lane.
- 24. That a utility corridor in the form of a public utility easement be provided on the east side of McDonald Lane.
- 25. That no permanent structures shall be permitted in the McMinnville Water & Light easement.
- 26. That paving work on Jacob Street shall cover the area of all new water services up to the intersections with Peyton Lane to the south and Autumn Ridge Drive to the north.
- 27. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground

utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

- A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
- B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees. This provision does not apply to the multi-family lot.
- C. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting
- 28. That restrictive covenants, conditions, and restrictions (CC&Rs) shall be prepared for the development that are consistent with those in place for existing adjacent single family developments and must meet with the approval of the Planning Director. The submitted CC&Rs shall indicate any necessary maintenance agreements for the alley, in addition to developed "no-parking" standards and enforcement within the alley. The CC&Rs shall also require that placement of trash and recycling containers be allowed only on the adjacent lots. Such containers are not to be stored anywhere within the 20-foot-wide alleyway at any time.
- 29. That the Tentative Subdivision Plan shall expire one (1) year from the date of this approval. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
- 30. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in this subdivision. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, at least three material types will need to be used on the front elevations, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.
- 31. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.
- 32. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.

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## **ATTACHMENTS:**

- 1. S 2-18 Application and Attachments (on file with Planning Department)
- 2. Testimony Received Jonathan Booth Email received December 4, 2018 (on file with Planning Department)
- 3. Testimony Received John and Karen Vanderwall Email received February 5, 2019 (on file with Planning Department)
- 4. Testimony Received Patrick Evans Email received February 10, 2019 (on file with Planning Department)
- 5. Agency Comments McMinnville Water & Light Memorandum, November 30, 2018 (on file with Planning Department)
- 6. Communication Letter of Intent from McMinnville School District, February 1, 2019 (on file with Planning Department)
- 7. Communication MW&L conveyance confirmation Email from Brian Ruden received January 25, 2019 (on file with Planning Department)

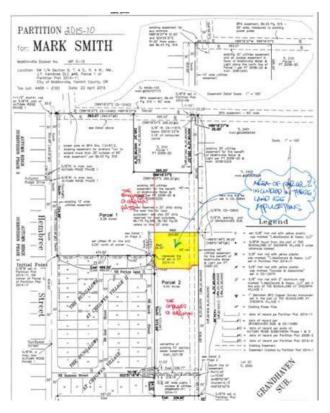
## **COMMENTS:**

# **Agency Comments**

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

#### McMinnville Engineering Department:

The application materials do not seem to accurately describe the properties included in the proposal. Specifically, a portion of parcel 2 of partition 2015-10 (AKA tax lot R4409 02104) is included in the subdivision area, and none of the application materials accurately show the northern property line of this parcel.



Suggested conditions of approval for the applications include:

- The final plat shall reflect that access to McDonald Lane for Lots 15-28 is not allowed.
- The final plat shall reflect the dedication of 28-feet of right-of-way for NE McDonald Lane.
  As previously approved, a public utility easement along the site's McDonald Lane frontage,
  except where the NE Peyton Lane and NE Autumn Ridge Drive right-of-ways intersect the
  McDonald Lane right-of-way, is not required.
- Prior to the City's acceptance of the final plat, McDonald Lane adjacent to the development shall be fully improved with a total of 30-feet of pavement (curb to curb width), 6.5-foot wide curbside planting strips (including the curb width), and five-foot-wide sidewalks. This will require the dedication of right-of-way from the adjacent School District owned property (tax lot R4409 02400). Per the development agreement for the McDonald Lane extension, as recorded in document no. 2008-06237, the northern limits of the NE McDonald Lane improvement shall be 30 feet south of the northern edge of the subject properties (R4409 02100 and R4409 02400).
- The existing McMinnville Water & Light easement over the 28-foot wide right-of-way west of centerline for McDonald Lane will need to be released by McMinnville Water & Light prior to the acceptance of the final subdivision plat by the City.
- Autumn Ridge Drive shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. The sidewalk along the north side of Autumn Ridge Drive shall be installed prior to the City's acceptance of the final plat.

 The applicant shall install a barricade at the northern terminus of McDonald Lane, consistent with City standards. The barricade shall include signage with text stating: "This Street is planned for extension to serve future development."

- On-street parking will not be permitted within a 30-foot distance of street intersections
  measured from the terminus of the curb returns. Additionally, on-street parking will not be
  permitted adjacent to where the private driveways for the proposed apartments intersect
  McDonald Lane.
- The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- That a detailed, engineered sanitary sewage collection plan, which incorporates the
  requirements of the City's adopted Conveyance System Master Plan, must be submitted to
  and approved by the City Engineering Department. Any utility easements needed to comply
  with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public
  easements must be dedicated to and accepted by the City prior to the City's approval of the
  final plat.
- That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
- If the final storm drainage plan incorporates the use of backyard collection systems and easements, including those in the proposed alleys, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
- The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities. Such easement on McDonald Lane, except where the NE Peyton Lane and NE Autumn Ridge right-of-ways intersect the McDonald Lane right-of-way, shall not be required.
- The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
- The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
- That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
- That park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

 That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.

• That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

## McMinnville Fire Department:

We have no issue with revised plan. The only comment would be to ensure the proper hydrant spacing is maintained (one hydrant every 500ft).

#### Bonneville Power Administration

BPA has reviewed the amended Chegwyn Village Development plans. Proposed amendments for Phase II will not negatively impact the BPA transmission line easement.

## McMinnville Water & Light

McMinnville Water and Light (MW&L) provided comments in a Memorandum dated 11-30-2018. Those comments have been incorporated into this decision document. The memorandum is provided as an attachment to this document (Attachment 5)

# **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. As of the date this report was written, 3 emails have been received.

- Email Jonathan Booth, December 4, 2018 (Attachment 2), expressing support of the application based on the applicant's past development history.
- Email John and Karen Vanderwall, February 5, 2019 (Attachment 3), expressing overall support for the application, but with concerns related upkeep and maintenance of affordable homes that may be bought by investors and not be owner-occupied.
- Email Patrick Evans, February 10, 2019 (Attachment 4), expressing opposition to the
  application with concerns related to the change from multi-family to single family development,
  ownership of those developments and the impact that lack of maintenance would have on the
  surrounding neighborhood, hindrance to fire response due to setbacks, and lack of benefit to
  the neighborhood.

## **FINDINGS OF FACT**

 Alan Ruden, on behalf of the property owner Cottages at Chegwyn Village, LLC, requested approval of a tentative subdivision for the construction of an alley-loaded 28 lot detached single family subdivision, which would replace multi-family development that was planned for the lot, as previously approved under the "Overall Plan" and made binding on the site by Planned Development Ordinance 4953.

- 2. The subject site is located west of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive, and is more specifically described as Tax Lots 2100 and 2104, Section 9, T. 4 S., R 4 W., W.M.
- 3. The site is currently designated as Residential on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map.
- 4. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- 5. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
- 6. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications—Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Friday, February 15, 2019. No public testimony was provided to the Planning Department prior to the Planning Commission public hearing.
- 7. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

#### **CONCLUSIONARY FINDINGS:**

#### McMinnville's Comprehensive Plan:

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

- GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.
- Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

<u>Finding:</u> Goal V 1 and Policy 58.00 are SATISFIED. The proposed planned development amendment will implement the necessary changes to zoning standards to allow the development of a new type of housing product - alley loaded small lot bungalow style single family detached residential - at a density not typical for single family residential development.

Attachments:

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

- Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.
- Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.
- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Finding: Goal V 2 and Policies 68.00, 71.00, and 73.00 are SATISFIED. The proposed Planned Development Amendment will allow the development of a 28 lot, alley loaded, detached bungalow style single family housing subdivision, a unique and innovative development that will meet a market demand for lower cost single family detached housing. The innovation of the development can be found in using several techniques to help keep the potential housing costs down while providing a unique character to the subdivision. Small lots keep the cost of land to a minimum. Smaller homes keep the cost of construction and materials down. Alley loaded off-street parking means garages can be eliminated, further keeping the cost of development down, which can be translated to lower sale prices for the homes. Providing an alley to serve the lots and access off-street parking also means that no driveways are necessary in the front of the homes that would disrupt the sidewalk or planting strips in the rightsof-way. Uninterrupted planting strips will allow for more street trees and screening/buffering of the development from the street. Uninterrupted sidewalks translate to a more pleasant and safe pedestrian experience throughout the development. The type of housing that will be provided, alley loaded single family homes on small lots at a density typically found in townhome developments, is innovative and will be unique to the area. The development is being proposed on land designated residential and that has urban services available to serve the development. Therefore, the proposed Planned Development Amendment and resulting development is consistent with the Housing and Residential Development Goals of the Comprehensive Plan and satisfies Policies 68.00, 71.00, and 73.00.

- Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.
- Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Finding: Policies 75.00 and 76.00 are SATISFIED. Located less than ¼ mile away from the proposed development is Chegwyn Farms Neighborhood Park, an existing City Park. As defined in the 1999 McMinnville Parks, Recreation, and Open Space Master Plan, a neighborhood park is designed to serve residences within a ½ mile radius without crossing a major street. Chegwyn Farms Neighborhood Park is accessible to all future occupants of the proposed development via public walkways along local residential streets, a shared use path connecting the park to NE Samson Street, and by vehicular access from NE Hembree Street or NE Mohan Drive. The proposed planned development amendment and development are consistent with the Comprehensive Plan Policies 75.00 and 76.00 in that a park with open space and recreation facilities is readily accessible to occupants of the planned development.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Finding: Policies 77.00 and 78.00 are SATISFIED. The primary internal traffic system within the proposed development as allowed by the planned development amendment is the alley serving all lots. All off street parking is proposed to be accessed via the alley, which will be a shared access easement. Alley loaded off-street parking will encourage vehicular traffic on the alley in the rear of the lots. The alley connects to local residential streets, Autumn Ridge Drive to the north and Peyton Lane to the south, which in turn connect to McDonald Lane, a minor collector. Alley loaded off-street parking eliminates the need for driveways crossing sidewalks to access front-loaded garages or other parking in the front of a residence. The result is an uninterrupted sidewalk along the east and west edges of the development, safer for pedestrians and bicyclists. The sidewalks along the north and south edges are broken only once were the alley is accessed from the local street. The alley promotes efficient traffic flow from the development into the adjacent street network while creating a safe pedestrian and bicycle environment. The traffic system around the perimeter of the proposed development is carried by the extension of existing streets, McDonald Lane to the west, and Autumn Ridge Drive to the north. This is extension of the existing street grid is compatible with the circulation patterns of adjoining properties. Therefore, the planned development amendment and proposed development is compatible with Policies 77.00 and 78.00.

Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

<u>Finding:</u> *Policy 81.00 is SATISFIED.* While no internal pedestrian or bicycle pathway was provided in the development proposal, staff felt that such a path would provide negligible benefit over public sidewalks around the perimeter of the development. The public sidewalk on McDonald Lane, easily accessible from the proposed development, provides direct access to Grandhaven Elementary School and nearby commercial facilities located on Highway 99.

Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

<u>Finding:</u> *Policy 82.00 is SATISFIED.* The proposed development is bounded by existing development to the west and south. Vacant, undeveloped properties border the subject site to the north and east. The proposed extension of Autumn Ridge Drive along the north side of the proposed development and McDonald Lane along the east side, and extension of associated utilities will preserve the development potential of the adjacent properties.

- Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:
  - 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
  - 2. Storm sewer and drainage facilities (as required).
  - 3. Streets within the development and providing access to the development, improved to city standards (as required).

4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).

<u>Finding:</u> *Policy 99.00 is SATISFIED.* Adequate urban services can be provided concurrently with development to serve the subdivision. Sanitary sewer and storm drain lines are available via McDonald Lane, and are proposed to be extended to serve the development. McDonald Lane and Autumn Ridge Drive are proposed to be extended to provide access to the entirety of the proposed development. Water and power are located in Autumn Ridge Drive, McDonald Lane, and Jacob Street, and are planned to be extended to the subject site to serve the property.

- GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.
- Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.
- Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:
  - 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
  - 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
  - 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
  - 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths).

<u>Finding:</u> Goal VI1 and Policies 117.00 and 118.00 are SATISFIED. Each individual parcel of the proposed subdivision will be accessed via private alley, which is in turn accessed via NE Autumn Ridge Drive and NE Peyton Lane. The alley will be paved and accessed by driveway approaches from the public streets constructed to City standards. The extension of Autumn Ridge Drive and McDonald Lane provide further access to parcels in the subdivision and allow for future development of adjacent properties. The streets will be constructed to City standards, providing asphalt surfacing, curbs, planting strips, and sidewalks that combine to provide meet multi-modal transportation needs.

- Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:
  - 2. Major, minor collectors.
    - Designs should minimize impacts on existing neighborhoods.
    - Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
    - On-street parking should be limited wherever necessary.
    - Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)
  - As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.
  - 3. Local Streets
    - Designs should minimize through-traffic and serve local areas only.
    - Street widths should be appropriate for the existing and future needs of the area.
    - Off-street parking should be encouraged wherever possible.
    - Landscaping should be encouraged along public rights-of-way.

Finding: Policy 122.00 is SATISFIED. NE McDonald Lane is classified as a minor collector, and will be extended to service the proposed development in accordance to City Standards, including paving, curbs, planter strips with landscaping, and sidewalks. The applicant is dedicating right-of-way to the City to extend the west half of McDonald Lane. The applicant has indicated that they are working with the McMinnville School District, property owners to the east of the proposed development to allow the full construction of McDonald Lane right-of-way to City standards. The applicant further indicates that the McMinnville School District is supportive of the request and has agreed to a temporary easement to allow access and construction of the full right-of-way, with dedication of the school district owned portion of the McDonald Lane right-of-way to occur following completion of construction. Autumn Ridge Drive, a designated local street, will also be extended to serve the proposed development per City standards, including paving, curbs, planter strips with landscaping, and sidewalks.

- Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.
- Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

<u>Finding:</u> *Policies 126.00 and 127.00 are SATISFIED.* The proposed development provides the required two (2) off-street parking spaces per dwelling unit (up to 4 bedrooms). Off-street parking is accessed via a proposed alley in the rear of the lots.

- Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.
- Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

<u>Finding:</u> *Policies 132.00 and 132.15 are SATISFIED.* The proposed subdivision is one square block in area, bounded by Autumn Ridge Drive, Jacob Street, Peyton Lane, and McDonald Lane. Each street surrounding the subdivision has, or will have, public sidewalks that connect to the City's street and sidewalk network. This public walkway network provides direct access to adjacent neighborhoods, Chegwyn Farms Neighborhood Park, Grandhaven Elementary School, and the commercial facilities located on Highway 99. Although no dedicated bike or foot path internal to the subdivision was proposed as part of the development, staff felt that the benefit of such an element would be negligible to the benefits of the uninterrupted, or minimally disrupted, sidewalks created by the use of the alley and alley loaded off-street parking. The required right-of-way improvements which include sidewalks, will connect the proposed development to the adjacent neighborhoods.

- GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.
- Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.
- Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.
- Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.
- Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:
  - 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.
  - 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.
  - For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;
  - 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.
- Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.
- Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:
  - Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
  - 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.

3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.

- 4. Federal, state, and local water and waste water quality standards can be adhered to.
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

**Finding: Goal VII1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00, and 151.00 are SATISFIED.** Based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

<u>Finding:</u> *Policies 153.00 and 155.00 are SATISFIED*. Emergency services departments have reviewed this request and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

- GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.
- Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

<u>Finding:</u> Goal VII 3 and Policy 163.00 are SATISFIED. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

- GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.
- Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.
- Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

<u>Finding:</u> Goal VIII 1 and Policies 173.00 and 177.00 are SATISFIED. Policies 173.00 and 177.00 are satisfied. McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

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

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

<u>Finding:</u> Goal X 1 and Policy 188.00 is SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

# McMinnville's City Code:

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

# <u>Chapter 17.53 Land Division Standards – Approval of Streets and Ways</u>

## 17.53.100 Creation of Streets

- A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:
  - 1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;
  - 2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less:
  - 3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.
- B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.
- C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:
  - 1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum:
  - 2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.

3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.

- D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:
  - 1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.
  - 2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.
  - 3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.
  - 4. Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.
  - Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions (Amended 8/14/07 by Ordinance No. 4879).

<u>Finding:</u> Section 17.53.100 is SATISFIED. No new streets are proposed to be created as part of the proposed development. NE Jacob Street and NE Peyton Lane are fully developed adjacent to the proposed development. Autumn Ridge Drive and McDonald Lane are proposed to be extended from their existing terminus to the extent of the proposed subdivision, and the applicant will dedicate that right-of-way.

The applicant is proposing the creation of an alley to access the required off-street parking in the rear of each of the 28 proposed lots. The alley is identified on the tentative subdivision plan as an access easement rather than a private drive/way or dedicated public alley. Section 17.53.100(C) allows a private access easement to be approved if it is the only reasonable method to provide access to three (3) lots or less. Because the proposed small lots and reduced side yard setbacks, providing access easement/alley access to the rear of the lots is the only reasonable method to provide access that also preserves goals of the development, such as not providing garages to minimize costs, and creating an uninterrupted and more pleasant pedestrian experience in the adjacent rights-of-way. The access easement is 20 feet in width, more than the 15 feet required minimum and able to allow a minimum 10 foot wide hard paved surface. Since the access easement/alley serves each of the 28 proposed lots, providing access to required off-street parking in the rear of each lot, staff recommends an amendment to the planned development to allow the access easement to serve more than three (3) lots. This change to the zoning will allow uninterrupted sidewalks along NE Jacob Street and McDonald Lane by eliminating the need for driveways crossing the sidewalk to access off-street parking in the front of the lots, thereby creating a more pleasant pedestrian experience.

#### 17.53.101 Streets

A. <u>General</u>. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

- Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or
- 3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

<u>Finding:</u> Section 17.53.101(A) is SATISFIED. To fully serve and provide access to the proposed development, McDonald Lane and Autumn Ridge Drive are proposed to be extended from their termini to their intersection at the northeast corner and boundary of the proposed development. These are existing principal streets in the area, and continuation of these streets is appropriate. Extension of the existing streets will allow access to adjacent undeveloped lots to the north and east of the subject site.

The eastern property line of the subject site falls on the centerline of the McDonald Lane extension, meaning half of the required right-of-way width falls within the subject property, and the other half of the required right-of-way width falls within the undeveloped property to the east owned by the McMinnville School District. The applicant has provided a letter of intent from the McMinnville School District indicating the intention of the school district to provide a temporary easement to allow access and construction of the full right-of-way width for McDonald Lane. Upon completion of the extension of McDonald Lane, the school district intends to dedicate the portion of the developed McDonald Lane right-of-way in its ownership to the City prior to the approval of the final plat.

B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table: [...] Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

Finding: Section 17.53.101(B) is SATISFIED. Autumn Ridge Drive is classified as a local residential street, requiring a 50 foot wide right-of-way dedication to fulfill City specifications. As a local residential street, Autumn Ridge Drive is specified to have a curb-to-curb street width of 28 feet, and sidewalk and planter strips widths of five (5) feet each. The continuation of Autumn Ridge Drive to these standards is shown on the tentative subdivision plan and is required prior to approval of the final plat. McDonald Lane is classified as a minor collector, requiring a curb-to-curb street width of 30 feet, a five (5) foot wide sidewalk and minimum six (6) foot wide planter strips in a 56 foot wide right-of-way dedication. The continuation of McDonald Lane to these standards is shown on the tentative subdivision plan and is required prior to the approval of the final plat.

C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

Finding: Section 17.53.101(C) is SATISFIED. Reserve strips or street plugs are not proposed.

D. <u>Alignment</u>. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

<u>Finding:</u> Section 17.53.101(D) is SATISFIED. Extensions of Autumn Ridge Drive and McDonald Lane occur along the continuation of center lines of the existing streets.

- E. <u>Future extension of streets</u>. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

<u>Finding:</u> Sections 17.53.101(E) and (F) are SATISFIED. Autumn Ridge Drive and McDonald Lane will be extended to their intersection at the northeast boundary of the subdivision, intersecting at an approximately right angle.

G. <u>Existing streets</u>. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

<u>Finding:</u> Section 17.53.101(G) is SATISFIED. No existing streets adjacent to the development are of inadequate width.

- Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- I. <u>Cul-de-sacs</u>. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.
- J. <u>Eyebrows</u>. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length

of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

<u>Finding:</u> **Sections 17.53.101(H), (I), and (J) are SATISFIED.** Half streets, cul-de-sacs, and eyebrows are not proposed in the development.

K. <u>Street names</u>. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

<u>Finding:</u> Section 17.53.101(K) is SATISFIED. Autumn Ridge Drive and McDonald Lane are existing streets that will be extended, retaining their existing names.

- L. <u>Grades and curves</u>. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
  - 1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
  - 2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

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

<u>Finding:</u> Section 17.53.101(L) is SATISFIED. The subject site is generally flat, with a minimal slope of one (1) to two (2) percent from west to the east and north. Therefore, the grades of the proposed streets do not exceed City standards, 10 percent maximum for collectors, and 12 percent maximum for local residential streets.

M. <u>Streets adjacent to a railroad right-of-way</u>. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

<u>Finding:</u> **Section 17.53.101(M) is SATISFIED.** The proposed subdivision is not adjacent to railroad right-of-way.

N. <u>Frontage roads/streets</u>. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- O. <u>Alleys</u>. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.
- P. <u>Private way/drive</u>. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

<u>Finding:</u> Sections 17.53.101(N), (O), and (P) are SATISFIED. Frontage roads/streets, and private ways/drives are not part of the development proposal. The subject site is zoned residential, and therefore is not required to have an alley.

Q. <u>Bikeways</u>. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)

<u>Finding:</u> Section 17.53.101(Q) is SATISFIED. McDonald Lane, designated as a Minor Collector, is not identified in the Bicycle System Plan in the Transportation System Plan, and therefore dedication of a wider right-of-way to accommodate bicycle lanes is not required.

R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)

<u>Finding:</u> Section 17.53.101(R) is SATISFIED. New residential collector or arterial streets are not proposed in the development.

S. <u>Sidewalks</u>. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

**Finding:** Section 17.53.101(S) is SATISFIED. Sidewalks five (5) feet in width are required in the extensions of the rights-of-way of Autumn Ridge Drive and McDonald Lane prior to approval of the final plat. Sidewalks along Joel Street and Peyton Lane are to be provided in accordance with City standards.

T. Park strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-desac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

<u>Finding:</u> Section 17.53.101(T) is SATISFIED. Park strips developed to City standards are required in all right-of-way improvements in the subdivision proposal. Street tree plan is required to be submitted for review and approval by McMinnville's Landscape Review Committee.

U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager. (Ord. 5023, §2, 2017; Ord. 4922, §4B, 2010; Amended 8/14/07 by Ordinance No. 4879.)

**<u>Finding:</u> Section 17.53.101(U) is SATISFIED.** No gates are proposed in the development.

# 17.53.103 Blocks

- A. <u>General</u>. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- B. <u>Size</u>. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

<u>Finding:</u> Sections 17.53.103(A) and (B) are SATISFIED. The proposed subdivision is located in one square block within the existing street network. As proposed between existing streets (Autumn Ridge Drive, Joel Street, Peyton Lane, and MacDonald Lane) the proposed subdivision has a block length in the north-south direction of approximately 440 feet. The City standard is a block length of 400 feet unless the location of adjoining streets justifies an exception. Because the proposed block length is only 10 percent over the standard, and constrained by the location and layout of adjoining streets, staff recommends allowing an exception to the standard block length as part of the associated planned development amendment. The proposed subdivision has a block perimeter of approximately 1,300 feet, less than the 1,600 foot maximum perimeter.

## C. Easements.

- 1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.
- Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian
ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to
pass through unusually long or oddly shaped blocks, to connect to recreation or public
areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord.
4922, §4B, 2010)

<u>Finding:</u> Section 17.53.103(C) is SATISFIED. An existing 45 foot wide McMinnville Water & Light (MW&L) easement is currently in place on the eastern edge of the subject site along McDonald Lane. MW&L has provided comments that indicate they can accommodate a reduction in the easement width to 17 feet, as was done previously in 2016 to accommodate the housing development and street improvements to the south of the proposed development. Comments from MW&L have been incorporated into the decision document and conditions of approval.

As required by code, 10 foot wide public utility easements are provided along all rights-of way and additionally along each side of the access easement/alley. No easement for a pedestrian way is proposed, however. Staff considered the benefit of a proposed pedestrian way through the development that would provide access through a longer than standard block. However, staff came to the conclusion that providing a pedestrian way would not provide substantial benefit above and beyond providing sidewalks within the right-of-way. The primary reason for this conclusion is that a mid-block pedestrian way would direct people to the existing sidewalk network. Without the benefit of a mid-block crossing of McDonald Lane, pedestrians would be directed to sidewalk crossings at Autumn Ridge Drive or Peyton Lane, which are easily accessed by the sidewalk network around the proposed development.

#### 17.53.105 Lots

- A. <u>Size and shape</u>. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.
  - 1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

Finding: Section 17.53.103(A) is SATISFIED. The size and shape of the 28 proposed lots are appropriate for the proposed use of the lots. A planned development amendment is requested to reduce the average lot size to 2,925 square feet, with a minimum lot size of 2,703 square feet and a maximum lot size of 3,789 square feet. The size of the resulting lots will allow the development to provide smaller and potentially less expensive single family detached bungalow style homes at a density similar to that allowed for common wall single family residences (townhomes) in the R-4 zone. The proposed depth for interior lots is approximately three (3) times the width, or 3:1, and the proposed depth for corner lots slightly exceeds two (2) times the width, or 2.1:1. The City standard is that lot depth shall not ordinarily exceed two (2) times the width. When removing the area of lots proposed for the rear alley/access easement, the depth to width ratio for interior lots falls to 2.7:1, and the ratio for the corner lots is 2:1, meeting the City standard. Staff recommends amending the planned development to allow the lot depth to width ratio to exceed the 2:1 standard.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

<u>Finding:</u> Section 17.53.103(B) is SATISFIED. Each of the 28 proposed lots abuts the adjacent street for a minimum of 25 feet, as indicated on the tentative subdivision plan. Each lot also abuts the rear alley/access easement. The access easement is proposed to be 20 feet wide, and abuts local residential streets (Autumn Ridge Drive and Peyton Lane) for more than the required 15 feet.

- C. <u>Through lots</u>. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.
- D. <u>Lot side lines</u>. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- E. <u>Flag lots</u>. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

<u>Finding:</u> Sections 17.53.103(E), (E), and (E) are SATISFIED. The lot side lines run at right angles to the adjacent streets, and no flag lots or through lots are proposed for the development.

<u>17.53.110 Lot Grading.</u> Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
- C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.
- D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.
- E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

<u>Finding:</u> Section 17.53.110 is SATISFIED. The subject site is generally flat, with minimal one (1) to two (2) percent slopes falling towards the west and north. Because of this condition, it is not expected that any cut and fill slopes would exceed City guidelines. The City Engineer has provided comments relative to a storm drainage system for the site, and those comments have been incorporated into the decision document.

<u>17.53.140 Left Over Land.</u> Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

<u>Finding:</u> Section 17.53.140 is SATISFIED. The tentative subdivision plan indicates that a portion of the subject site on Tax Lot R4409 02100 is not going to be developed as part of the subdivision and will be, in effect, left over land. This area of land is the skinny strip of land extending north from the extension of Autumn Ridge Drive along the approximate projection of McDonald Lane. This portion of the subject site is proposed to be conveyed to McMinnville Water & Light, owners of the property adjacent to this portion to the west. The applicant has provided confirmation in the form of an email that McMinnville Water & Light would be willing to take ownership of the narrow strip of land adjacent to their future substation site. Conveyance of the left over land to McMinnville Water & Light will be required before approval of the final subdivision plat.

JF



**Planning Department** 

231 NE Fifth Street o McMinnville, OR 97128 (503) 434-7311 Office o (503) 474-4955 Fax www.mcminnvilleoregon.gov

Office	Use Only:
File N	o.PDA 2-18
Date	Received 10/18/18
Fee_	4+2.50
Recei	ot No. 1/8M 0222
Recei	ved by RH

# **Planned Development Amendment Application**

Applicant Information	
Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option I	Holder □ Agent □ Other
TI	Phone 503,435,2412
Contact Name Alan Ruden (If different than above)	Phone
Address PO Box 570	
City, State, Zip McMinnville, OR 97128	
Contact Email alanruden@comcast.net	
Property Owner Information	
Property Owner Name Same as above. (If different than above)	Phone
Contact Name	Phone
Address	
City, State, Zip	
Contact Email	
Site Location and Description (If metes and bounds description, indicate on separate sheet)	
Property Address North of the Cottages at Chegwyn Villag	ge
Assessor Map No. R4	_Total Site Area1.8 acres
Subdivision	_BlockLot
Comprehensive Plan Designation Residential	_Zoning DesignationR4-PD

	1 1 7 7 7 7 1 1
	— See attached Written Findings —
-	
Show ir	detail, by citing specific goals and policies, how your request is consistent with appl of policies of the McMinnville Comprehensive Plan (Volume II):
Show ir goals a	detail, by citing specific goals and policies, how your request is consistent with appl ad policies of the McMinnville Comprehensive Plan (Volume II):
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Show ir	d policies of the McMinnville Comprehensive Plan (Volume II):

Berry Control of the	he proposed amendment is orderly and timely:
	See attached Written Findings
	ribe any changes in the neighborhood or surrounding area which might support or w
	equest:
	equest:

5.	Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use:					
	See attached Written Findings					
6.	Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?					
	See attached Written Findings					
In	addition to this completed application, the applicant must provide the following:					
	A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).					
	A copy of the current planned development overlay ordinance.					
	🗵 A legal description of the subject site, preferably taken from the deed.					
	Payment of the applicable review fee, which can be found on the Planning Department web page.					
	ertify the statements contained herein, along with the evidence submitted, are in all spects true and are correct to the best of my knowledge and belief.					
<u></u>	plicant's Signature  10 · (1 · 20 · 8  Date					
_	pricant's Signature    Date   Date					

i e

## PLANNED DEVELOPMENT AMENDMENT & SUBDIVISION NARRATIVE

# 1. Show in detail your request for Planned Development? State the reasons for the request and the intended use of the property?

Please refer the Tentative Subdivision Plan, Preliminary plat, Overall Utility Plan and Overall Drainage Plan for your reference.

The Applicant, is seeking to amend the existing Planned Development (PD) land use approval from the City of McMinnville in order to vary from the underlying R-4 PD zone.

The PD Amendment seeks to amend the overlay on 2.40 acres (Cottages Phase II) that is located in the NE Corner of the 9.38 acre parent parcel in order to meet the market need of smaller single family dwelling units and meet the City goals of increases density due to the R-4 zone.

The intended use of the Cottages at Chegwyn Village Phase II portion of the subject property is a 28 lot alley loaded detached bungalow style single family housing subdivision. There are 4 shared parking stalls that access the alley for every two dwelling units. The overall concept is consistent with The Bungalows at Chegwyn Village Phase I, II and III located to the south east and west of this proposed project. In addition, the density for this phase would be just under 12 DU/acre, greater than the existing subdivisions to the south east and west, but less than the apartments (Cottages Phase I) located to the south.

The existing PD zone included the following code deviations:

- 1. Average Lot Size from 5,000 SF to 4,900 SF
- 2. Reduced front yard setback from 15ft to 10ft.
- 3. Reduced side yard setback for garages to 0ft.

The proposed PD Amendment proposes the following adjustments.

- 1. Reduce average lot size from 4,900 SF to 2,925 SF
- 2. Maintain front yard setback of 10 ft (No change)
- 3. Reduce side yard setback from 5 ft to 3 ft.

## PD Amendment No. 1- Average Lot Size

The approved average lot size for the PD is 4,900 SF. The applicant is proposing the reduce the approved average lot size to 2,925 SF, with the minimum lot size of 2,702 SF and a maximum lot size of 3,789 SF. The proposed average lot area for this project does not meet the original PD approval. However, the R-4 zone permits common wall single family dwelling structures provided the lot area exceeds 2,500 square feet, and the proposed lots exceed this threshold and meet the intent of the code regarding density.

## PD Amendment No. 2- Reduced Front Yard Setback

The Applicant desires to keep the front yard setback of 10-ft for planned development. However, only lots 1 through 14 will use this reduced setback. Lots 15 through 28 will be 17-ft due to the existing MP&L utility easement.

## PD Amendment No. 3- Reduced Side Yard Setback for Dwelling Unit

The Applicant requests to reduce the both side yard setbacks 5-ft to 3-ft for lots 1 through 14, and reduce one of the side yard setbacks from 5-ft to 3-ft for lots 16 thru 27. Reducing the site yards to 3-ft allows the applicant to maintain density of the underlying R-4 zone. In addition, unlike town homes, there will not be the need for any complicated shared wall maintenance agreements. This allows the applicant to meet the City zone requirement for density and the marked demand for detached single family homes.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II)

The requested zone change complies with the following applicable McMinnville Comprehensive Plan Goals and Policies:

- <u>Policy 68.00</u> The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.
  - <u>Applicants Response</u>: Policy 68 is satisfied. Urban services exist adjacent to the subject site and are available to serve the subject property.
- <u>Policy 71.00</u> The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.
  - <u>Applicants Response</u>: Policy 71.00 is satisfied. The Applicant proposes to develop a dense bungalow style housing with parking placed behind the homes and served by a rear alley access. This style of housing is not common to the McMinnville housing market and will help to diversify the types of housing available to the community.
- <u>Policy 71.05</u> The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord. 4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

<u>Applicants Response</u>: Policy 71.05 is satisfied. The property was recently annexed with voter approval. Approval of the requested zone change from a low density county zone EFU-80 to R-4PD will ensure the properly zoned urban land is available to help the City achieve the continuous five-year supply of buildable land.

- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.
   Applicants Response: Policy 73.00 is satisfied. The existing PD overlay zone has larger alley loaded bungalow style homes, and apartments. Approving the PD modification would allow for a greater variety of housing types and price ranges.
- Policy 75.00 & 76.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants. Applicants Response: Policy 75.00 and 76.00 is satisfied. There is an existing City Park (Chegwyn Farms Neighborhood Park) located just over a block and one house depth to the south of this proposed development, that is readily accessible to all occupant's via a shared use path off of NE Samson Street, and vehicular access off of NE Hembree Street.
- Policy 77.00 & 78.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.
   Applicants Response: Policy 77.00 and 78.00 is satisfied. The internal traffic system extends and connects existing public streets and sidewalks that provide compatible patterns with the adjoining properties, efficient traffic circulation and provide sidewalks and streets for bikes in accordance with the TSP.
- Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.
   Applicants Response: Policy 81.00 is satisfied. The proposed development abuts McDonald Lane a public street that provides both pedestrian and bicycle access that h connect the City Park, Grandhaven Elementary School and the commercial core along Hwy 99 to the south.
- <u>Policy 82.00</u> The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

<u>Applicants Response:</u> Policy 82.00 is satisfied. Autumn Ridge can be extended east to serve future adjacent development and McDonald Lane can be extended north to serve norther adjacent properties.

- <u>Policy 99.00</u> An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:
  - 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
  - 2. Storm sewer and drainage facilities (as required).
  - 3. Streets within the development and providing access to the development, improved to city standards (as required).
  - 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water & Light).

Applicants Response: Policy 99.00 is satisfied. Urban services can be provided concurrently with the proposed residential development and are proposed to be constructed that way. Sanitary sewer is available in McDonald Lane and is proposed to be extended to service this project. There is an existing 15inch storm drain line in McDonald Lane that is proposed to be extended to service this project. McDonald Lane and Autumn Ridge streets are proposed to be extended as part of this project. Water and power are available to serve the subject property and are located in Autumn Ridge, McDonald Lane and NE Jacob Street. 8 inch water lines in Autumn Ridge and McDonald Lane is proposed to be extended with this project.

- <u>Policy 117.00 & 118.00</u> The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

  The City of McMinnville shall encourage development of roads that include the following design factors:
  - 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
  - 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
  - 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
  - 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010) VOLUME II Goals and Policies Page 28 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist.

Applicants Response Policies 117.00 and 118.00 are satisfied. Every parcel will be served by a private alley that accesses a public street. The private alley will be paved and access public streets via a driveway approach constructed to City standards. Public Streets including Autumn Ridge and McDonald Lane will be extended to service the property and provide the ability to extend in the future. Streets will be constructed to City standards with asphalt, curbs, sidewalks and planter strips, that provide multi-modal transportation needs.

- Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.
   Applicants Response Policy 120.0 is satisfied. Public local street access Autumn Ridge and Peyton Lane from two locations that meet City design standards.
- <u>Policy 122.00</u> The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:
  - 2. Major, minor collectors. —Designs should minimize impacts on existing neighborhoods. —Sufficient street rights-of-way should be obtained prior to development of adjacent lands. —On-street parking should be limited wherever necessary. —Landscaping should be required along public rights-of-way. (Ord. 4922, February 23, 2010) —As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.
  - 3. Local Streets—Designs should minimize through-traffic and serve local areas only.—Street widths should be appropriate for the existing and future needs of the area.—Off-street parking should be encouraged wherever possible.—Landscaping should be encouraged along public rights-of-way.

Applicants Response Policy 122.00 (2) & (3) is satisfied. The applicant is extending McDonald Lane a minor collector to service this project per City Design Standards that include specified ROW, parking and landscaping. The applicant is extending Autumn Ridge a local street per City Design Standards that include specified ROW, parking and landscaping. Since the streets will be designed and constructed to City standards this policy is met.

- <u>Policy 126.00 & 127.00</u> 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.
  - 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.
  - <u>Applicants Response</u> Policies 126.00 and 127.00 are satisfied. Two parking spaces will be provided on each lot. These parking spaces will encourage off-street parking.
- <u>Policy 132.00</u> The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)
  - <u>Applicants Response</u> Policy 132.00 is satisfied. The tentative plan for the subject property provides for public walkways that connect to adjacent neighborhoods, the adjacent City park and provide direct access to the Grandhaven Elementary School and the future middle school site.

- <u>Policy 136.00 & 139.00</u> The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.
  - 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below: VOLUME II Goals and Policies Page 48
    - 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.
    - 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
    - 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.
    - 4. Extensions will implement applicable goals and policies of the comprehensive plan.

Applicants Response Policy 136.00 and 139.00 are satisfied. A public sanitary sewer collection system will be constructed with the development of the streets and public utilities to provide service to each individual lot within the subject development. The proposed 8 inch sanitary sewer extension in McDonald Lane has sufficient capacity to service the subdivision based on the proposed density of the project.

- Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.
   Applicants Response Policy 142.00 is satisfied. Adequate capacity is available in the existing 15 inch public storm drain line in McDonald Lane that is proposed to be extended to service the project.
- 3. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.

The proposal is orderly in that in conforms to the applicant and property owner's desire to achieve a higher density single family development that is different from the typical single family housing with front entry garages occupying a large portion of the lot frontage. Rear home access and front porches will give more emphasis to the front of the structure and promote a more neighborly and pedestrian friendly and aesthetically pleasing neighborhood. In addition, this proposed development style will carry on the existing pattern of development from the west.

4. Describe any changes in the neighborhood or surrounding area, which might support or warrant the request.

The subject property was approved by the voters for a residential use. The Applicant's existing R-4 residential use is consistent with the City's desire to achieve higher density in the northeast area of town.

5. Document how the site will be provided with public utilities, including water, sewer, electricity and natural gas. Show that the utility system currently serves or can be extended to the site and that there is capacity to serve the proposed use.

Please refer to the Overall Utility Plan.

There is an existing 8-inch water line located in McDonald Lane and NE Jacob Street, which can be extended to service this development.

There is an 8-inch sanitary sewer line located in McDonald lane that has capacity and depth to serve this development. The capacity is based on the Facility Plans assumption that the sewers are sized for 12 DU/acre, which is slightly above the proposed development density.

There is a 15-inch storm drain line located in McDonald lane that has capacity and depth to serve this development.

Power, natural gas and telephone all exist in McDonald Lane and NE Jacob Street and can be extended to serve the site.

6. Describe in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

Based on the ITE daily trip rate of 9.6 trips per day, the proposed 28 lots are anticipated to generate approximately 269 vehicle trips per day. This new traffic will take likely take the alley to one of the two local streets that connect to McDonald Lane. McDonald Lane is a minor collector which is intended to receive higher volumes of traffic based on the City's Transportation Plan.



**Planning Department** 

231 NE Fifth Street o McMinnville, OR 97128 (503) 434-7311 Office o (503) 474-4955 Fax

www.mcminnvilleoregon.gov

Office Use Only: File No. Sa-18
Date Received 10.18.18 Fee 2045.
Receipt No. 18 Mo222
Received by

## **Tentative Subdivision Application**

Applicant Information	
Applicant is: Applicant is: Applicant is: □ Option I	Holder □ Agent □ Other
Applicant Name Cottages at Chegwyn Village LLC Alan Ruden	Phone 503.435.2412
Contact Name(If different than above)	Phone
AddressPO Box 570	
City, State, ZipMcMinnville, OR 97128	
Contact Email <u>alanruden@comcast.net</u>	
Property Owner Information	
Property Owner NameSame as above (If different than above)	Phone
Contact Name	Phone
Address	
City, State, Zip	
Contact Email	
Site Location and Description (If metes and bounds description, indicate on separate sheet)	
Property Address North of the Cottages at Chegwyn Villag	e
Assessor Map No. R4 4 - 4 - 09	_Total Site Area1.8 acres
Subdivision	_BlockLot
Comprehensive Plan DesignationResidential	_Zoning Designation <u>R4-PD</u>

## **Subdivision Information**

1.	What is this application for?					
	☐ Subdivision (10 (ten) or fewer lots)					
	☑ Subdivision (more than 10 (ten) lots)					
2.	Briefly describe the project: The project includes the construction of an alley loaded 28 lot subdivision that is consistant with the surrounding existing					
	development.					
3.	Name of proposed subdivision: Cottages at Chegwyn Village Phase II					
4.	Size of proposed subdivision in acres or square feet: 1.88 acres					
5.	Number of lots: 28 Minimum lot size: 2,702 SF					
e	Number and type of Residential Units: 28 single family residential homes					
6.	Number and type of Residential Offits. 20 single family residential nomes					
7.	Average lot size: Gross density per acre of entire subdivision:15.6 units/ac					
8.	Total anticipated population: 28 x 2.7 = 76 people					
9.	Size of park(s)/open space in acres or square feet: None, existing park is located to the south.					
	. General description of the subject site and current land use:					
10.	The site is currently vacant property that is zoned R4-PD.					
11.	. Describe existing uses and zoning of surrounding properties:					
	Zoning <u>Current Use</u>					
	North R-2 Vacant					
	South R4-PD Multi-Family Apartments  EF-80 Orchard					
	Civ. de Terriby II organ					
	West R4-PD Single Family Homes					
12	Describe the topography of the subject site:					
	The site is relatively flat and slopes 1 to 2% to the east and north from the west property line.					

13.	Does the site contain any existing structures, wells, septic tanks? Explain
14.	How will the proposed subdivision be served by utilities? Note the location and size of all service lines (water, sanitary sewer, storm sewer, natural gas, electricity).  All utilities will be extented from existing public streets such as McDonald Lane, Autumn Ridge, and Jacob Street.
15.	What is the anticipated date construction will begin? Early summer 2019
16.	What is the anticipated date of completion? Late Fall 2019
17.	If applicable, explain how the subdivision will be phased? The subdivision will be constructed in one phase.
18.	Does your tentative subdivision plan delineate the general location of all previously recorde easements and encumbrances presently binding upon the subdivision site? (A current title report or subdivision guarantee for the site would disclose such easements or encumbrances).
	Yes ☑ No □ N/A □
19.	Does your tentative subdivision plan delineate necessary access and utility easements?
	Yes 🖾 No 🗆 N/A 🗆
In a	addition to this completed application, the applicant must provide the following:
	A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), tentative subdivision plan, and supplementary data. Tentative plans should be accompanied by improvement plans so that the general programs and objectives are clear to the reviewer. The information to be included in the tentative subdivision plan as listed in the information sheet and in Section 17.53.070 (Submission of Tentative Subdivision Plan) of the Zoning Ordinance of the Information for the Information sheet and in Section 17.53.070 (Submission of Tentative Subdivision Plan) of the Zoning Ordinance of the Information for the Information sheet and Information for the
	Payment of the applicable review fee, which can be found on the Planning Department we page.
l c res	ertify the statements contained herein, along with the evidence submitted, are in a spects true and are correct to the best of my knowledge and belief.
Ap	plicant's Signature    0.11.2018     Date
Pro	pperty Owner's Signature    10 · 11 · 2018     Date



# FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Alan Ruden, Inc. Phone No.:

Date Prepared: October 9, 2018

Effective Date: October 10, 2018 / 08:00 AM

Charge: \$300.00

Order No.: 471818075943 Reference: 124724 & 560074

The information contained in this report is furnished to the Customer by Ticor Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

#### **REPORT**

A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

## EXHIBIT "A" (Land Description)

## PARCEL I:

Parcel 1 of PARTITION PLAT NO. 2015-10, situated in the Southwest quarter of Section 9, Township 4 South, Range 4 West of the Willamette Meridian, in the City of McMinnville, County of Yamhill, State of Oregon, recorded July 10, 2015 as Instrument No. 201510150, Yamhill County Records.

EXCEPTING THEREFROM that portion lying within the boundaries of the plat of THE BUNGALOWS AT CHEGWYN VILLAGE III, recorded May 23, 2017, as Instrument No. 201708358, Deed and Mortgage Records of Yamhill County, Oregon.

## PARCEL II:

Parcel 2 of PARTITION PLAT NO. 2015-10, situated in the Southwest quarter of Section 9, Township 4 South, Range 4 West of the Willamette Meridian, in the City of McMinnville, County of Yamhill, State of Oregon, recorded July 10, 2015 as Instrument No. 201510150, Yamhill County Records.

EXCEPTING THEREFROM that portion lying within the boundaries of the plat of THE BUNGALOWS AT CHEGWYN VILLAGE III, recorded May 23, 2017, as Instrument No. 201708358, Deed and Mortgage Records of Yamhill County, Oregon.

## EXHIBIT "B" (Tax Account and Map)

APN/Parcel ID(s) 124724 and 560074 as well as Tax/Map ID(s) R4409 02100 and R4409 02104

## EXHIBIT "C" (Vesting)

Alan Ruden, Inc., an Oregon Corporation as to Parcel I and Cottages at Chegwyn Village, LLC, an Oregon limited liability company, as to Parcel II

## EXHIBIT "D" (Liens and Encumbrances)

1. Unpaid Property Taxes are as follows:

Fiscal Year:

2018-2019

Amount:

\$3,650.29, plus interest, if any

Levy Code: Account No.: 40.0 124724

Account No.: Map No.:

R4409 02100

Affects Parcel I

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. Unpaid Property Taxes are as follows:

Fiscal Year:

2018-2019

Amount:

\$28,809.76, plus interest, if any

Levy Code: Account No.: 40.0 560074

Map No.:

R4409 02104

The above amount includes an assessment for declassified zone farm land.

Affects Parcel II

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- 3. The Land has been classified as farm, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
- 4. City Liens, if any, in favor of the City of McMinnville.
- 5. Reservations for the purpose(s) shown below and rights incidental thereto as set forth and disclosed by numerous instruments, and in the following instrument:

Purpose: Roadways

Recording Date: June 26, 1951 Recording No.: Book 162, Page 36

6. Reservations for the purpose(s) shown below and rights incidental thereto as set forth and disclosed by numerous instruments, and in the following instrument:

Purpose: Roadways

Recording Date: March 23, 1955 Recording No.: Book 176, Page 408

# EXHIBIT "D" (Liens and Encumbrances) (continued)

7. Reciprocal Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed in Warranty Deed:

Between: Coleman LLC And: Charles Percy Chegwyn

Recording Date: December 28, 2007

Recording No: 200727179

Affects: Reference is hereby made to said document for full particulars.

8. Declaration of Water Line Easement(s) and rights incidental thereto, as disclosed in Warranty Deed,

Recording Date: December 28, 2007

Recording No.: 200727179

Affects: Reference is hereby made to said document for full particulars.

9. Agreement to Dedicate Land, including the terms and provisions thereof,

Executed by: Percy Charles Chegwyn and Coleman LLC

Recording Date: December 28, 2007

Recording No.: 200727181

10. Development Agreement for McDonald Lane Extension, including the terms and provisions thereof,

Between: Coleman LLC

And: McMinnville School District #40 Recording Date: December 28, 2007

Recording No.: 200727186

and Re-Recording Date: April 9, 2008 and Re-Recording No: 200806237 Reason: Correct legal description

11. Road Development Agreement, including the terms and provisions thereof,

Between: McMinnville Water & Light

And: Yamhill County, acting through its Director of Public Works and Director of Planning and

Development

Recording Date: August 27, 2008

Recording No.: 200814668

# EXHIBIT "D" (Liens and Encumbrances) (continued)

12. Notes and Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Partition Plat No. 2008-20

13. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat for Partition Plat No. 2008-20;

Purpose: existing utilities

Affects: Easterly boundary line as delineated on said Partition Plat

14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of McMinnville, a municipal corporation of the State of Oregon, acting by and

through its Water & Light Commission, a municipal public utilities commission

Purpose: utilities

Recording Date: September 5, 2008

Recording No: 200815205

Affects: Easterly boundary line as described in said easement

15. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat for Partition Plat No. 2012-09;

Purpose: existing utilities

Affects: Easterly boundary line as delineated on said Partition Plat

16. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat for Partition Plat No. 2014-11;

Purpose: existing utilities

Affects: Easterly boundary line as delineated on said Partition Plat

17. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat of Partition Plat No. 2015-10;

Purpose: existing utilities

Affects: Easterly boundary line as delineated on said Partition Plat

# EXHIBIT "D" (Liens and Encumbrances) (continued)

18. A deed of trust to secure an indebtedness in the amount shown below,

Amount:

\$3,500,000.00

Dated:

September 5, 2017

Trustor/Grantor:

Cottages at Chegwyn Village, LLC, an Oregon Limited Liability Company

Trustee:

David C. Haugeberg

Beneficiary:

First Federal Savings & Loan Association of McMinnville

Loan No.:

7706202866

Recording Date:

September 6, 2017

Recording No.:

201714435

## Affects Parcel II

The Deed of Trust set forth above is purported to be a "Credit Line" Deed of Trust. It is a requirement that the Trustor/Grantor of said Deed of Trust provide written authorization to close said credit line account to the Lender when the Deed of Trust is being paid off through the Company or other Settlement/Escrow Agent or provide a satisfactory subordination of this Deed of Trust to the proposed Deed of Trust to be recorded at closing.

19. The effect, if any, of that certain Plat named The Cottages at Chegwyn Village and the exceptions to title disclosed therein,

Recording Date:

February 28, 2018

Recording No.:

201802871

The above Plat indicates that the owner of the property being subdivided was Alan Ruden, Inc.; however, at the time the above Plat was filed and/or recorded, the owner of the property was Cottages at Chegwyn Village, LLC and Cottages at Chegwyn Village, LLC did not sign the above named Plat or record a consent to plat.

Affects Parcel II

#### **DEFINITIONS. CONDITIONS AND STIPULATIONS**

- 1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

### 2. Liability of Company.

- (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
- (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
- (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
- (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
  - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
  - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
  - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
  - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
  - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
  - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
  - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
  - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
  - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
- 3. Report Entire Contract. Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
- 4. Charge. The charge for this report does not include supplemental reports, updates or other additional services of the Company.

#### **LIMITATIONS OF LIABILITY**

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES. AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES. **SUBSCRIBERS** OR SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

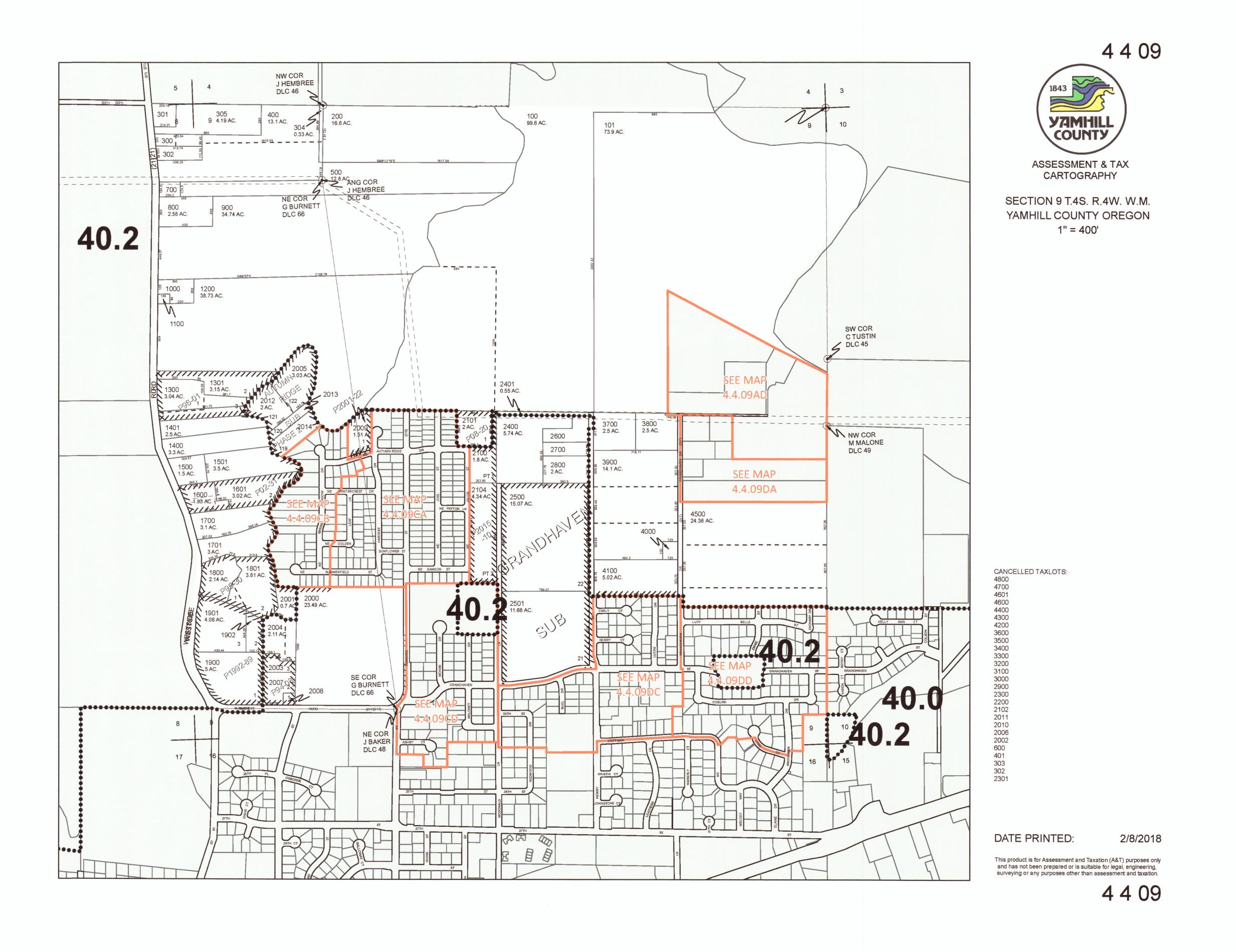
THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

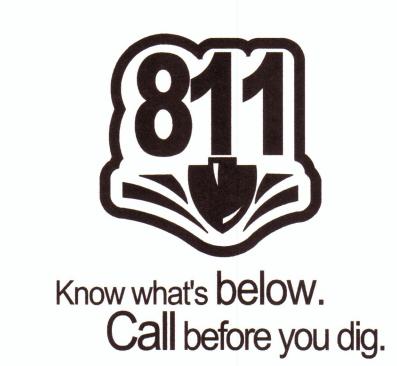


# DRAWINGS FOR:

# THE COTTAGES AT CHEGWYN VILLAGE PHASE 2 PRELIMINARY CIVIL DRAWINGS

FOR:

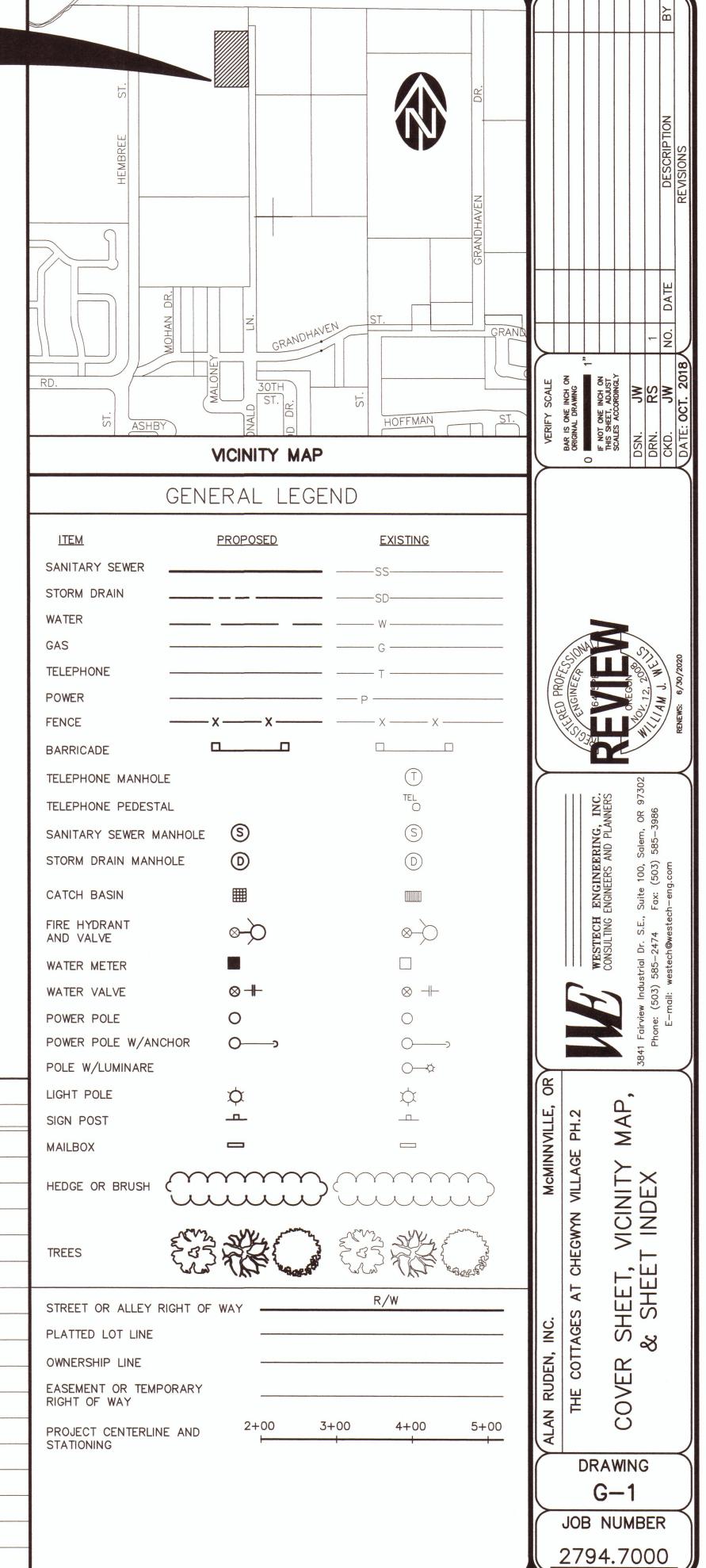
ALAN RUDEN, INC.
McMINNVILLE, OREGON

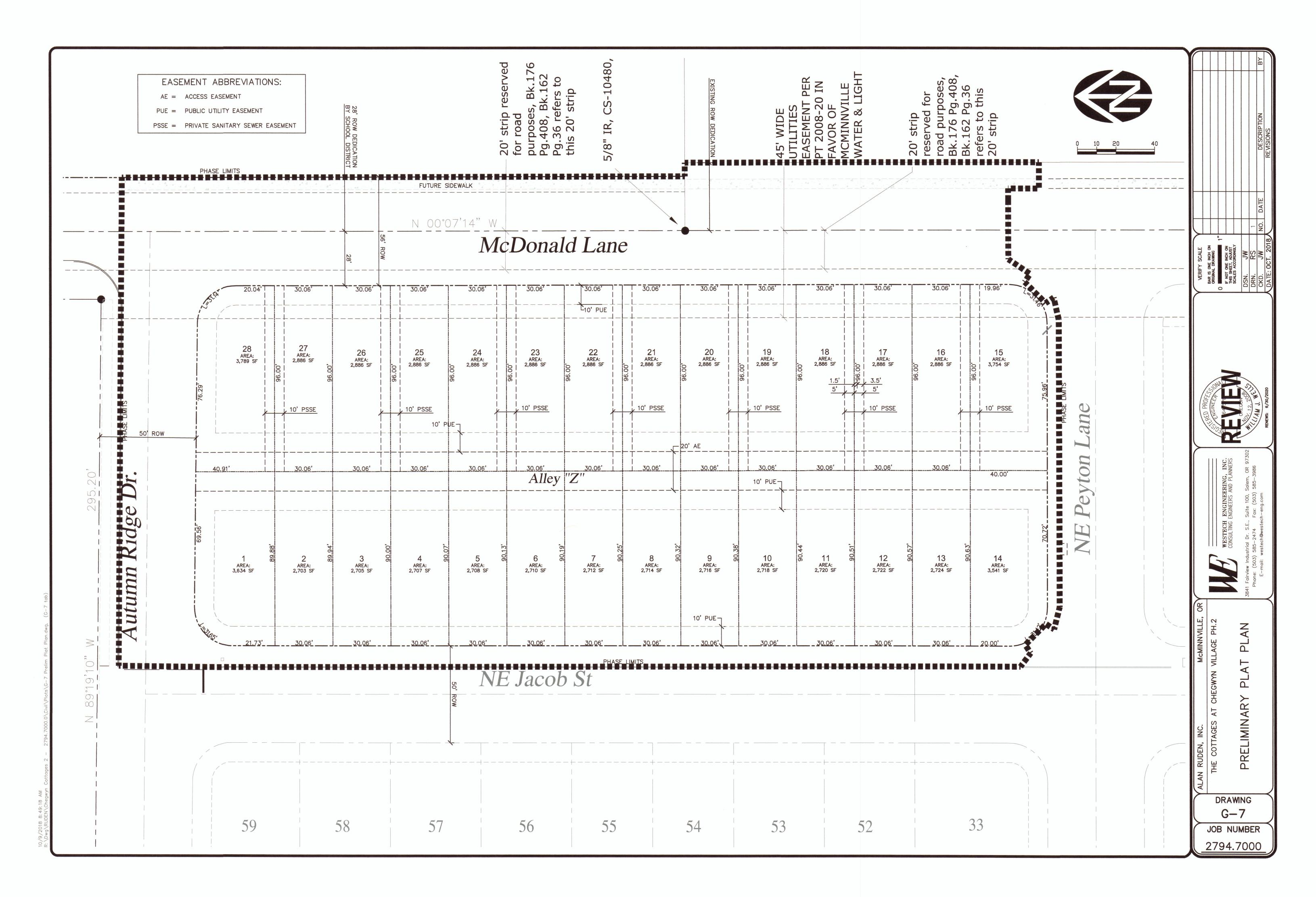


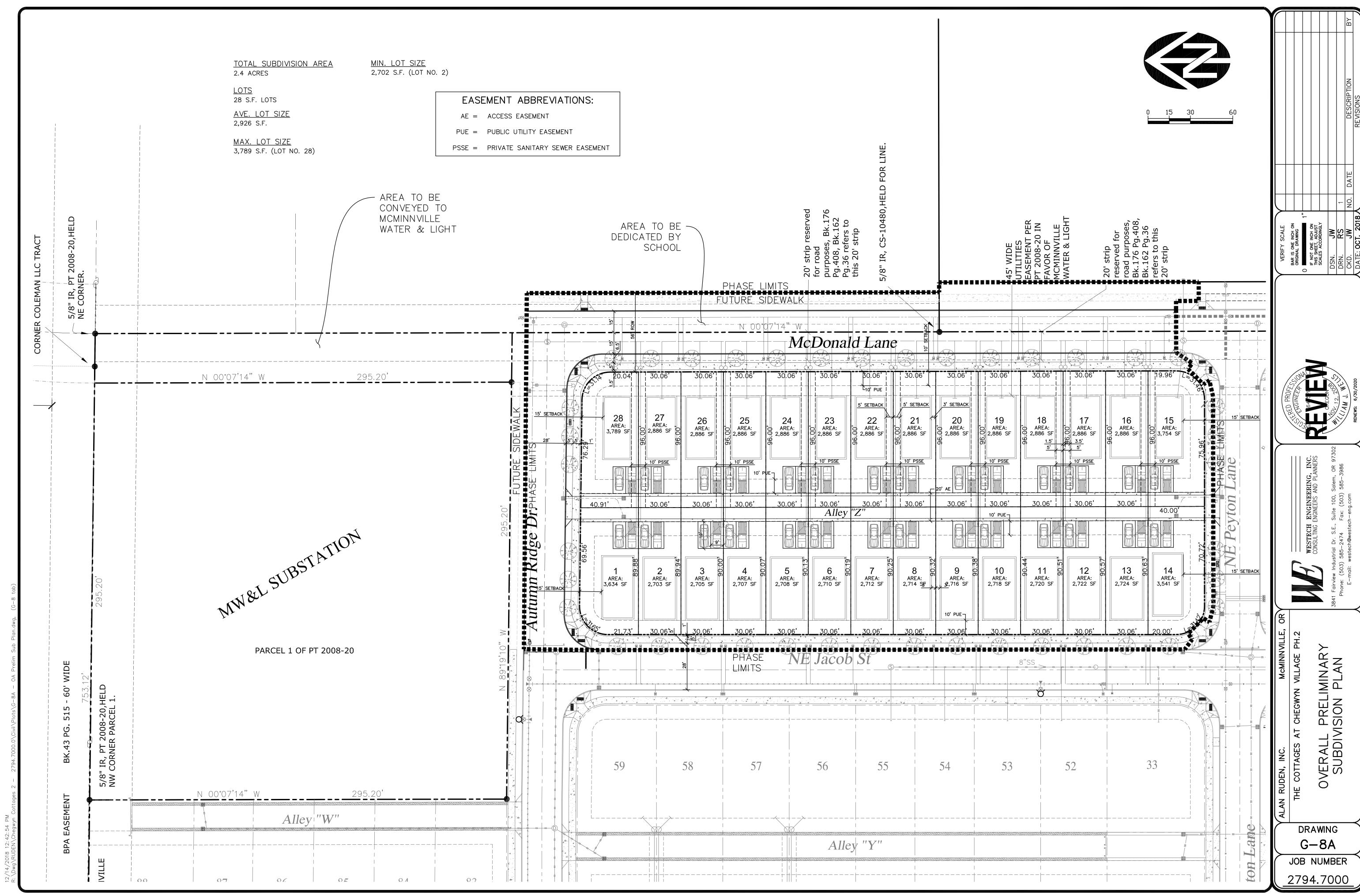
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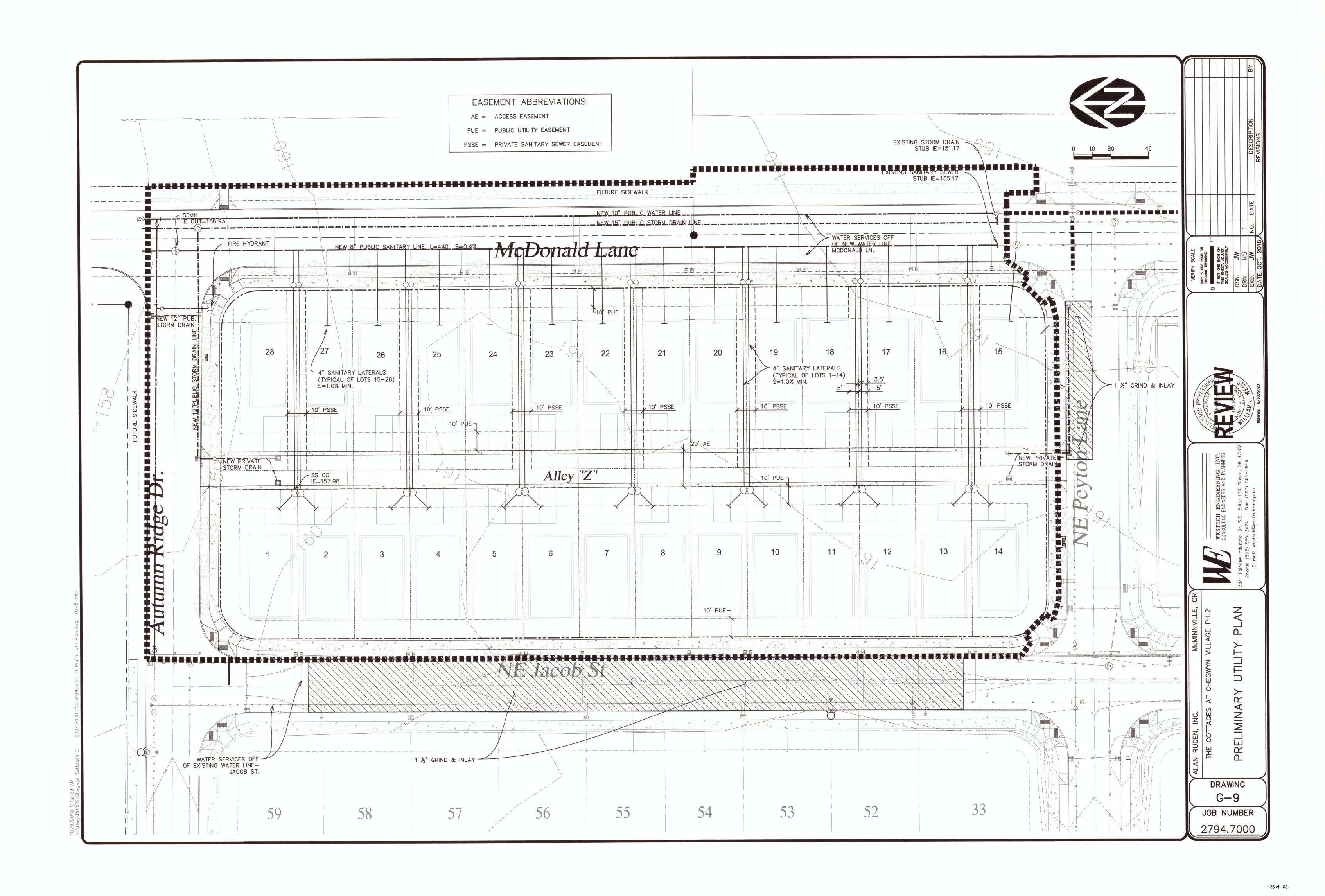
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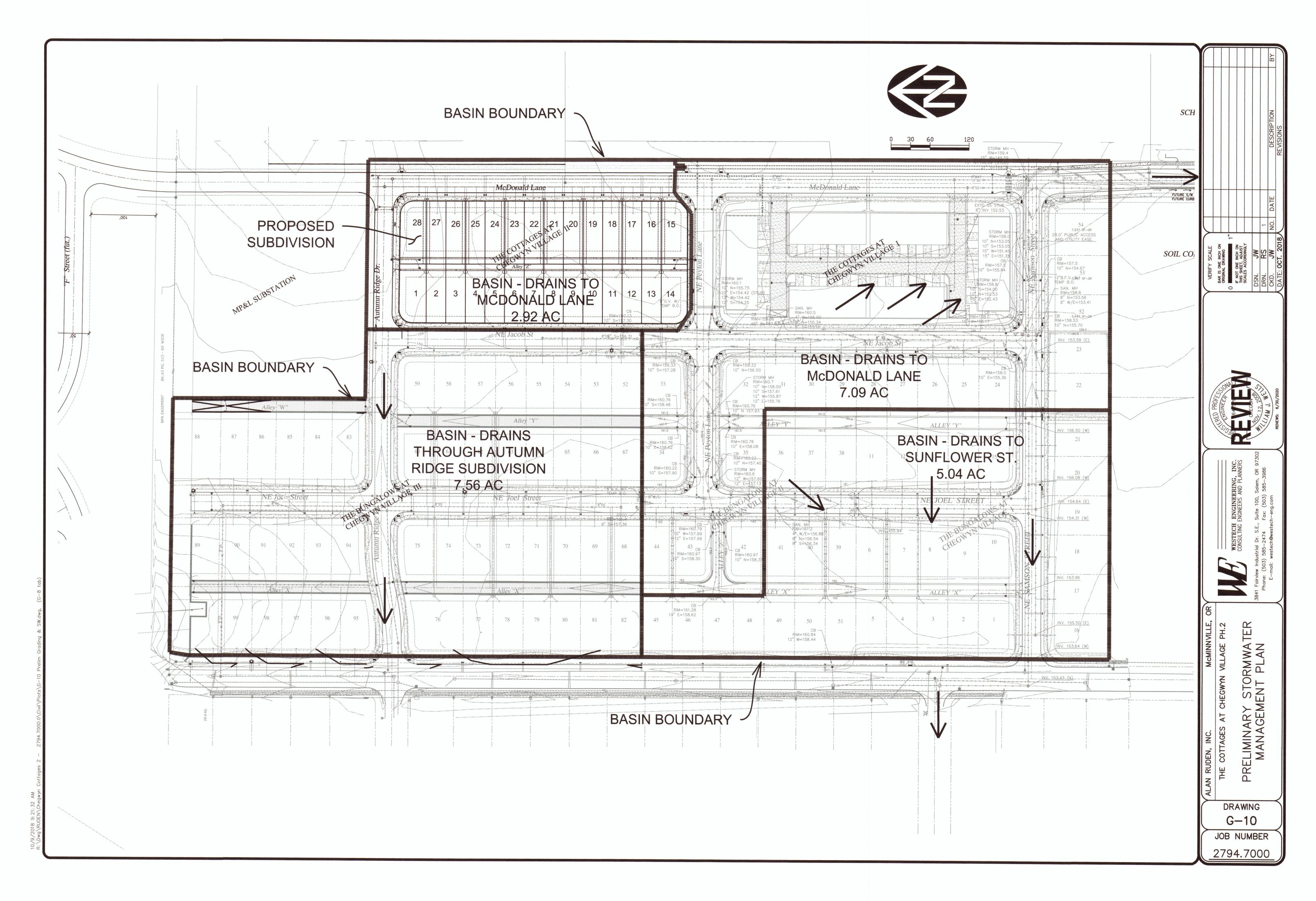
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SHT NO.	DESCRIPTION	SHT NO.	DESCRIPTION	SHT NO.	DESCRIPTION	SIGN POST
	GENERAL & PRELIMINARY					MAILBOX
G-1	COVER SHEET, VICINITY MAP & SHEET INDEX					
G-7	PRELIMINARY PLAT PLAN					HEDGE OR B
G-8	PRELIMINARY SUBDIVISION PLAN					
G-9	PRELIMINARY UTILITY PLAN					TREES
G-10	PRELIMINARY STORMWATER MANAGEMENT PLAN					
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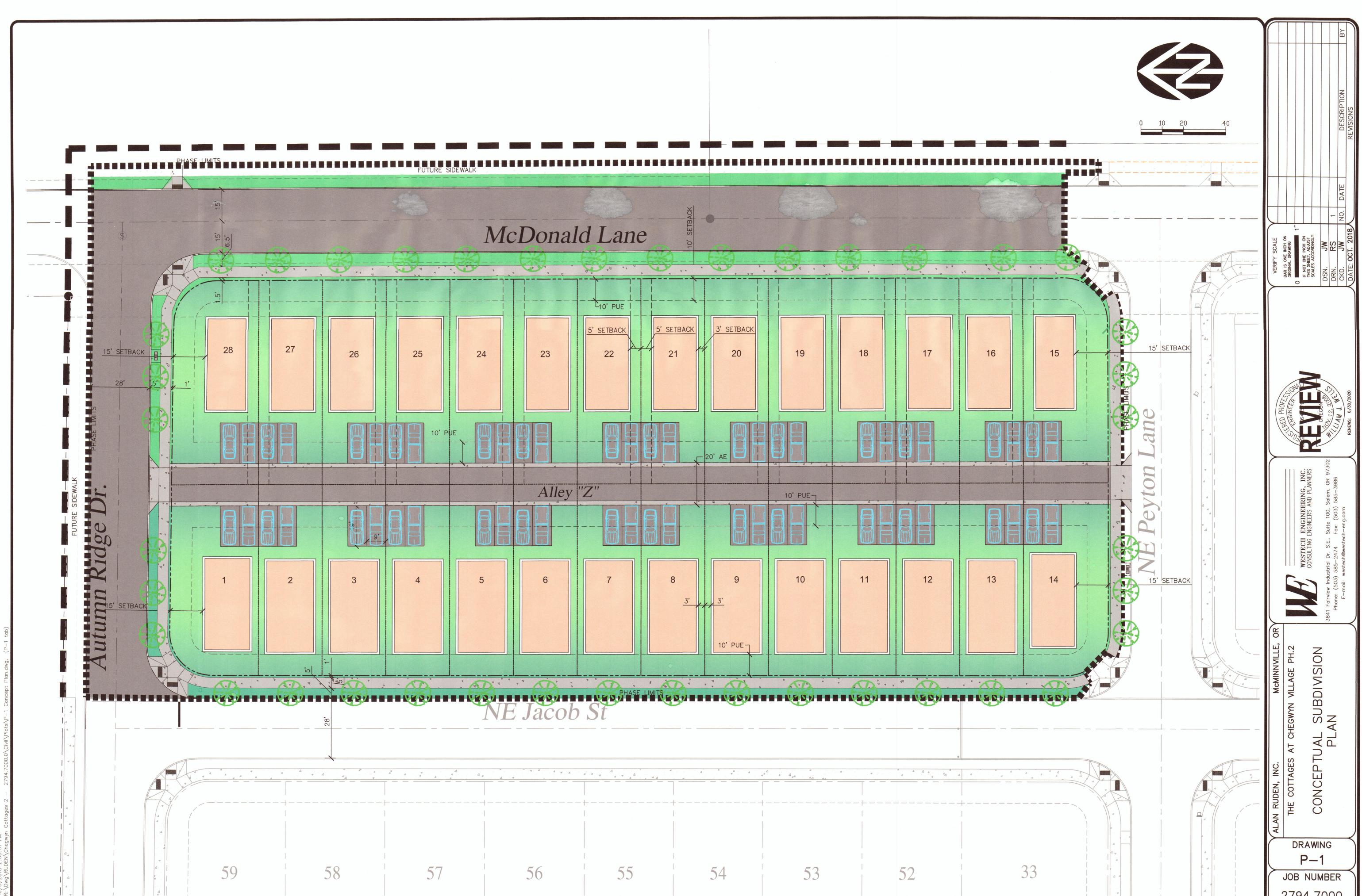












2794.7000

From: <u>Jonathan Booth</u>
To: <u>Jamie Fleckenstein</u>

Subject: Docket # PDA2-18/S 2-18 Planned Development Amendment & Subdivision - NW McDonald Lane and NE Payton

Lane

Date: Tuesday, December 4, 2018 9:52:50 AM

I write with regard to this development amendment on behalf of my wife and myself as property owners at 3844 NE Joel St, McMinnville, OR 97128, adjacent to this proposed amendment.

I wish to express our full and complete support for this amendment and wish to take the opportunity to state that over the past two years we have found Alan Ruden Inc to be professional, community-minded and exemplary developers.

Sincerely

Jonathan and Karleen Booth

Jonathan Booth Direct:503-559-7040 Fax:503-967-8097 JB@JKBtoday.com www.JKBinfo.com

Independent Associate: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

 From:
 John Vanderwall

 To:
 Jamie Fleckenstein

 Cc:
 Karen A. Vanderwall

Subject: Concerns Regarding Docket #PDA 2-18/S 2-18

Date: Tuesday, February 5, 2019 11:18:22 AM

## RE: 28 Lot Subdivision / Cottages at Chegwyn Village

February 5, 2019

ATTN: Jamie Fleckenstein, McMinnville Planning Commission

In response to the Public Hearing Notice for the February 21 Hearing regarding the proposed revisions to the development plan for the Cottages at Chegwyn Village, please consider our concerns noted below. We are current residents within the Chegwyn Village neighborhood, and at the time of purchase, it was represented to us by Alan Ruden that Map & Tax Lots R4409 2100 & R4409 02104 were to be developed as rental "Townhouses", owned and maintained by Ruden.

As we understand this proposed amendment, we recognize that the housing density will remain the same as originally proposed, but that the rental "Townhouses" are to be replaced with single-family detached residences. Overall, we are in favor of this change, as we hope that individual homeowners will take pride of ownership in their home and our community.

However, our main concern is that these affordable homes will also be appealing to investors who may purchase the homes with the intent of earning rental income. As may be expected, and has already been the case in our existing neighborhood, these rental units are not always cared for in the same manner as an owner-occupied unit. In an effort to address concerns for proper maintenance and appearance, we propose the following:

- Adequate off-street parking be provided for each unit accessible via the proposed alley behind the residences.
- Development of Covenants, Conditions and Restrictions (CCR's) consistent with those in place for the existing single-family residences in this neighborhood.
- Creation of a Neighborhood Association for this 28-lot subdivision to be directed by the developer, with annual fees collected for exterior maintenance and enforcement of the CCR's.
- Landscape and exterior maintenance of the individual residences to be contracted by the Association for a consistently neat appearance. Additionally, this would promote cost savings to the residents by providing economies of scale in contracting these services, and reduce disruption to the neighborhood from multiple contractors competing for space.

Please feel free to reply for any clarification of these concerns. We look forward to attending the hearing on February 21.

-John and Karen Vanderwall 3812 NE Joel St., McMinnville From: Patrick Evans
To: Jamie Fleckenstein

Subject: PDA 2-18/S 2-18 (Planned Development Amendment & Subdivision)

**Date:** Sunday, February 10, 2019 3:04:29 PM

I am writing to oppose the captioned request for a major modification to Planning Development Ordinance 4990 to vary from the underlying R-3 PD zone by a significant reduction the average lot size and reducing the side yard setback from 5 feet to 3 feet.

The proposal is, first of all, not a modification of lot size and side yard setbacks granted in the original approval as that approval was, I believe, for a multi-family development under the ongoing control of a single (or limited number of) ownership entity(ies), not a series of single family homes under individual ownership. There was no lot size nor side yard established as part of the original approval as individual lots were not required for a multi-family development and as such no modification to original multi-family approval criteria should be allowed.

Any modification to the original approval will result in a significant detrimental impact on surrounding property owners who, to the extent they were informed at the time of purchase, were led to believe that their property would be adjacent to multifamily housing under the control of a single entity which would result in a consistent standard of exterior and landscape upkeep and effective limits on the number and size of vehicles per unit. The proposed project, which does not allow for individual garages for parking (and more importantly storage of excess possessions) will result in a degradation that impacts all surrounding properties. Likewise, the lack of discrete storage/garage space makes it impossible for potential homeowners to have access to tools required for ongoing landscape maintenance with the result that landscape and particularly the boulevard strip will become an eyesore similar to that along Hembree.

The requested variance from a 5 foot to a 3 foot side yard setback, may also result in a significant hindrance to first responders in the event of a fire in any of the proposed units. There has already been a reduction, intended or otherwise, of required 5 foot setbacks in the already constructed portion of Chegwyn Village. To further continue that "variance" places both residents and first responders in an untenable position. At the very least there must be provision of fire sprinklering of each residential unit.

The proposed preliminary design shown at the community meeting in December 2018 appears to indicate alley access to parking stalls or carports. If that alley access is, as was previously approved for the original Chegwyn Village homes, under the ownership of individual homeowners who are thus individually responsible for the upkeep and maintenance of the alley, it will only be a matter of

time until that alleyway deteriorates as there will be no enforceable provision for the homeowners to maintain that easement. At the very least the City must accept ownership of the alley access and be responsible for ongoing maintenance or there must be a dedicated HOA with associate fees to provide for ongoing alley maintenance.

This proposal benefits none of the existing residents of Chegwyn Village and only serves the financial interests of the Applicant, the City of McMinnville through additional building permit and development fees, and Yamhill County through additional property taxes. And, while it is laudable that the proposed smaller size units <u>might</u> be more "affordable" it is highly questionable that the existing neighbors should be the only ones asked to pay the price of increased housing density and neighborhood deterioration while other interested parties are the only ones to benefit.

In summary, the Applicant has not demonstrated (per MCC 17.74.110 (A,B,D)) that there are any extraordinary circumstances that would require approval of the requested variances, nor that there is a necessity for the requested change in order to preserve a property right. In fact, it would appear that per MCC 17.74.110 (C) that the project is, for but a few of the reasons outlined above, "materially detrimental...to property in the...vicinity" of the proposed variance.

There is no reason that the project as originally approved "Overall Plan" as submitted February 9, 2012 cannot be carried out without detrimental impact to the Applicant or, in the alternative, that the Applicant cannot reapply to have the site location re-platted to continue construction and sale of single family homes identical to those approved in the original approval.

Patrick Evans 3587 NE Joel Street McMinnville, OR 97128

503-914-8977

## MCMINNVILLE WATER & LIGHT

COMMUNITY OWNED - COMMUNITY FOCUSEL

PO Box 638 855 NE Marsh Lane McMinnville, OR 97128 503-472-6158 | mc-power.com

Attachment E

#### MEMORANDUM

TO: City of McMinnville Planning Department FM: McMinnville Water and Light, Staff

RE: MW&L Staff comments to PDA 2-18; S-2-18

DT: 11-30-2018

McMinnville Water and Light (The city acting by and through its Water and Light Commission) is the electric, water and fiber utility for the city of McMinnville. MW&L was formed under the McMinnville City Charter and has existed as a part or department of the City of McMinnville since 1889. MW&L has approximately 17,000 electric, and 14,000 water customers in and about the city of McMinnville.

MW&L staff acknowledges the City's request for recommendations and suggestions. MW&L staff comments are offered only in aid of the land use process and do not reflect a decision of the Water and Light Commission.

#### **COMMENTS:**

The following City of McMinnville planning goals, policies and proposals appear to apply to MW&L's comments related to its electric system.

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

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

174.00 The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to supply the electrical energy needs of the community.

32.00 The City of McMinnville should zone, or otherwise regulate, land uses around future energy system-related sites to insure compatibility with the site.

Future development of McMinnville's utilities is dependent on strong and well balanced distribution systems. In the electric system, this begins with substations where MW&L takes electricity from BPA at higher transmission voltages, and steps the voltage down for distribution along feeder lines into town. If the BPA lines are the electric highway, these feeder lines are the major arterials. Like roadway arterials, these electric arterials require more space for a heavier traffic load. As McMinnville grows, it is very important to plan for and accommodate growth in the electric distribution system.

In 2008, MW&L purchased a 2-acre site, near what is now the end of NE McDonald Lane for a substation site. MW&L's future plan is to tap the BPA high voltage transmission near the terminus of NE McDonald Lane. An electric feeder already extends out NE McDonald as far Grandhaven School. The nearest existing high voltage substation in this area is currently the Baker Creek substation to the north, and the Windishar substation to the



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south. However, neither of these two substations will ultimately be adequate to provide for the long-term utility needs in the area of NE McDonald Lane. The area is presently experiencing residential development and also contains the site of a major future school facility

In addition to the substation site, the 2008 MW&L property purchase also provided for a 45' easement from the existing feeder along NE McDonald Lane north to the BPA transmission line. In 2016, after significant discussions with both the City and with the Developer, MW&L agreed to reduce the width of a certain portion of its 45' easement along NE McDonald Lane to accommodate a housing development and street improvements. A copy of that Modification of Easement is attached as **Exhibit A.** ("the 2016 Modification"). Accommodations were made at that time by both the city and developer to accommodate the future energy needs of the city. At the same time, this 2016 Modification also provided for the preservation of a reduced 17' wide easement on the west side of McDonald lane to preserve the electric transmission corridor to connect the MW&L electric feed system to the BPA high voltage transmission line. To accommodate electric transmission, the City eliminated the PUE along the west side of NE McDonald and the developer agreed to place conduit under cross streets to reduce disruption to city infrastructure at the time of a future build-out of electric transmission lines.

In in order to promote and provide for electric, water, and fiber utilities, and their related connection to the greater McMinnville utility system, staff offers the following additional comments on PDA 2-18, S-2-18.

# Conflicting MW&L Easement.

1. As occurred with the 2016 Modification, the Developer should be required to negotiate a resolution with MW&L that permits development of the extension of McDonald Lane and related storm, sewer, water and electric utilities, while preserving the necessary connectivity of the electric utility, especially as applies to the distribution feeder along McDonald Lane. The distribution feeders will connect McMinnville's existing electric system to the new MW&L substation served by the BPA transmission system. MW&L suggests the general form of the 2016 Modification as attached. Specific consideration for any transfer of rights will need to be worked out between the parties.

<u>Electric/fiber</u>: The following are concerns that MW&L staff expresses as regards utility service across this proposed development and the utility's need for space related to connectivity with its electric and fiber system.

- Street Crossings. In order to provide connectivity while reducing disruption to other utilities and transportation assets of the City, the Developer should be required to place conduits to provide street crossings for future electric and fiber to cross (under) Peyton Lane and Autumn Ridge Dr. (South to north without disturbing street improvements). This requirement is consistent with the developer's adjacent development along the same McDonald Lane corridor.
- 2. Conflict with Storm and Sewer. Electric and fiber transmission on the west side of McDonald Lane in the MW&L easement is expected to travel north south in a MW&L easement (as potentially narrowed to 17'). The Developer's plans appear to show sanitation and storm taps crossing the MW&L easement east to west, to connect to north-south lines in the right-of-way. Unless conduits for electric and fiber are preplaced down the MW&L Easement (on west side of McDonald Lane) the existent of these sewer and storm lines crossing ease to west will require significant later costs and disturbance of services for MW&L



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to exercise the easement and place electric and fiber. If this congested amount of sewer and storm lines are permitted, the developer should be required to place north-south conduits in a like manner to the street crossing conduits to reduce/prevent the significant disruption of infrastructure and property when the electric feeder lines are placed. This will permit north-south connectivity of utility services.

- a. Another option to eliminate the conflict across the easement would be to place the storm and sewer in the alley way in mid-block (north to south). This option was used in the developer's property to the south of the property after the 2016 Modification.
- 3. Conduit east side of McDonald Lane. Because the easement for electric transmission along the west side of McDonald lane will become quite congested with both utility and residential development, the City should also require a utility corridor on the east side of McDonald Lane. This utility corridor could come in the form of a public utility easement along the east side of the street or a wider right of way with utility access within the R.O.W. Again, like on the west side, the need for utility access on the east side of NE McDonald is driven by the proximity of the property to the BPA electric transmission line, which feeds electricity into the city. MW&L staff anticipates that one or more electric feeder and fiber lines will run along NE McDonald (on one or both sides). Allowing for utility space and possibly pre-placing conduit on the west side of the ROW will reduce the need for later disruptions to the surface of the ROW and will enhance connectivity options within the utility electric system.
- 4. Maintaining width of a reduced easement. If the city mandates a reduction in the width of the MW&L 45' easement (to 17' as done on the property to the south), the City should require setbacks from NE McDonald Lane that preserve this width for utility use. As with street development, this may be partially mitigate by pre-placing conduit. However, no permanent structures should be permitted in this utility space.

# Water:

- 1. Existing water services on Peyton Lane were placed and sized for multi-family development. The proposed development is single family and the pre-placed services along Peyton Place are oversized for such development and should be removed (or replaced) with water services that are size appropriate. Providing for the anticipated level of residential development indicates the need to eliminate (or replace) these service connections. In addition, with the abandoned services, the developer should be required to pave the street back to the water main in those locations on Peyton Lane. Such paving is not currently shown on the plans.
- 2. <u>Paving</u>. On Jacobs St., the plans appear to show new water services outside of the planned paving work. The paving work should cover the area of all the new water services up to the intersections with Peyton St (south) and Autumn Ridge Dr. (north).

# SUMMARY:

MW&L staff appreciates the opportunity the ability to comment on these applications in furtherance of the city's goal to maintain a healthy utility system. Please direct questions to General Counsel, Sam Justice. 503-435-3110.



After Recording Return to: Samuel R. Justice PO Box 480 McMinnville, OR 97128

<u>Send Tax Statements to:</u>
No Change

OFFICIAL YAMHILL COUNTY RECORDS BRIAN VAN BERGEN, COUNTY CLERK

201612013



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08/04/2016 10:46:03 AM

DMR-EDMR Cnt=1 Stn=3 SUTTONS \$25.00 \$5.00 \$11.00 \$20.00

# MODIFICATION OF EASEMENT

### **RECITALS:**

WHEREAS Alan Ruden, Inc. an Oregon corporation, ("Successor Grantor") is successor in interest to the Coleman LLC, an Oregon Limited Liability Company.

WHEREAS grantee is the City of McMinnville, a municipal corporation of the State of Oregon acting by and through its Water & Light Commission ("MW&L"); and

WHEREAS the consideration for this modification of easement stated in terms of dollars is TWENTY FOUR THOUSAND AND NO CENTS (\$24,000.00) paid from Successor Grantor to MW&L, and includes other consideration consisting of the promises exchanged herein; and

WHEREAS MW&L holds an easement interest in real property as described in Yamhill County, Oregon partition plat No. 2008-20 and as recorded on September 5, 2008 in the Yamhill County real property records at document No. 200815205 ("the Easement"); and

WHEREAS the Easement burdens real property which includes but is not limited to Successor Grantor's real property which is more particularly described as follows:

Parcel 2 of PARTITION PLAT NO. 2015-010, situated in the Southwest quarter of Section 9, Township 4 South, Range 4 West of the Willamette Meridian, in the City of McMinnville, County of Yamhill, State of Oregon, recorded July 10, 2015 as Instrument No. 201510150, Yamhill County Records.

("the Burdened Property").

WHEREAS the City of McMinnville has eliminated the Public Utility Easement along the west side of NE McDonald Lane from the master plan adopted for the Bungalows at Chegwyn Village development and the Easement Area is not burdened by a Public Utility Easement; and

WHEREAS the parties wish to modify, re-describe in area and amend the Easement to release and remove the easement burden only from the public right of way, shown on Exhibit B as the East 28.00 feet vacated by MW&L and ONLY over the Burdened Property described herein.

Page 1 of 5 – Modification of Easement



IT IS AGREED THAT these recitals are necessary and material to this agreement and are relied upon by each party, and the parties would not have entered into this agreement if these recitals were not accurate.

IT IS FURTHER AGREED THAT THE EASEMENT IS MODIFIED, RE-DESCRIBED IN AREA AND AMENDED OVER THE BURDENED PROPERTY AS FOLLOWS:

- A. The Easement over the Burdened Property (only) is re-described in area and amended as described on the attached Exhibit A, and shown on the map attached as Exhibit B (the West 17.00 feet retained by MW&L).
- B. With regard to the Burdened Property only paragraphs (5) and (6) are deleted and replaced and amended in their entirety as follows:
  - (5) Obstructions in the EASEMENT. Grantor agrees not to materially obstruct, or to permit any third party to materially obstruct, the EASEMENT and agrees that no structures are to be constructed on the EASEMENT. Subject to the authority of the City of McMinnville over the public streets and rights of way, as they now exist or may hereafter be dedicated to the City, MW&L reserves the right to dig up, remove or demolish any portions of roadways, driveways, sidewalks, fencing, landscaping or other improvements in the EASEMENT to the extent that the foregoing materially obstruct MW&L's use of the EASEMENT.
  - (6) Restoration of EASEMENT. MW&L shall make reasonable efforts to repair and restore any portions thereof to a reasonably similar condition as existed before such MW&L work. However, Grantor agrees that before construction of improvements, and upon any dedication of public streets and right of ways, Grantor will pre-install conduit sufficient, in MW&L's sole discretion, to carry MW&L electric transmission lines and fiber under all right of way, public streets, roadways, and drives within the Easement area.
- C. As modified, re-described in area and amended the rights of the parties and their successors in the Easement shall otherwise continue. This modification DOES NOT modify, re-describe, or amend rights other than over the Burdened Property.

In WITNESS WHEREOF, the parties hereto have executed this Modification of Easement,

SUCCESSOR GRANTOR: Alan Ruden, Inc.	City of McMinnville, acting by and through its WATER AND LIGHT COMMISSION  By: Billed 2 Oleman Street Communication (Communication)
Alan Ruden Title: President	Richard L. Olson, Mayor and Ex Officio member of the Water & Light Commission
Date: 8-1-2016	Attest: Way Glub Way Mary Ann Nolan, Gerk of the Commission
	Date: 8-3-2016

STATE OF Oregon ) ) ss.				
COUNTY OF Yamhill )				
This instrument was acknowledged Ruden as president of Alan Ruden, Inc., an OFFICIAL STAMP  TAMMY JEAN MORRISON  NOTARY PUBLIC-OREGON  COMMISSION NO. 938650  MY COMMISSION EXPIRES JUNE 17, 2019	1.0.10.1			
STATE OF Oregon ) ss.				
COUNTY OF Yamhill )				
This instrument was acknowledged L. Olson as mayor of the City of McMinnville Water & Light Commission.	before me on August 3 de , 2016, by Richard e, Oregon and ex officio member of the McMinnville			
c. Oboti as mayor of the city of incivilitione, oregon and ex officio member of the incivilitione				
	my repositation expires Sept 170			
STATE OF Oregon ) ) ss.  COUNTY OF Yamhill )				
This instrument was acknowledged Ann Nolan as Clerk of McMinnville Water &				
	Ith May			
CASCHEDIAL CITED IN THE PROPERTY OF THE PARTY OF THE PART	Notary Public in and for the State of Oregon.  My Appointment expires: New 11 2019			

Page 3 of 5 – Modification of Easement

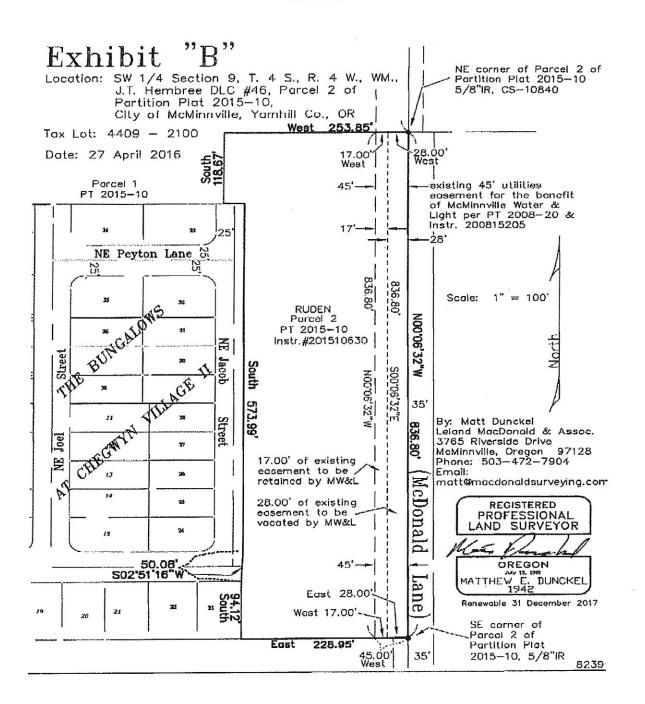
# **EXHIBIT A**

The West 17.00 feet of that certain 45 foot wide easement in favor of the City of McMinnville, acting by and through its Water & Light Commission, described in Instrument No. 200815205 and Partition Plat 2008-20, in Section 9, Township 4 South, Range 4 West, City of McMinnville, Yamhill County, Oregon, and being more particularly described as follows:

Beginning on the south line of Parcel 2 of Partition Plat 2015-10 at a point that is West 45.00 feet from the southeast corner of said Parcel 2; thence North 00°06′32″ West 836.80 feet along the west line of said 45.00 foot wide easement to the north line of said Parcel 2; thence East 17.00 feet along the north line of said Parcel 2 to a point that is 28.00 feet west of the northeast corner of said Parcel 2; thence South 00°06′32″ East 836.80 feet parallel with and 28.00 feet west of the east line of said Parcel 2 to the south line of said Parcel 2; thence West 17.00 feet along said south line to the to the point of beginning as shown by Exhibit "B".

SUBJECT TO the authority of the City of McMinnville over the public streets and rights of way, as they now exist or may hereafter be dedicated to the City.

# **EXHIBIT B**



Page 5 of 5 – Modification of Easement



# **McMinnville** School District No. 40

800 NE Lafayette Avenue

McMinnville, Oregon 97128

Phone: 503.565.4000

Fax: 503.565.4030

February 1, 2019

Alan Ruden, Inc. (ARI) PO Box 570 McMinnville, OR 97128

RE: Letter of Intent to Grant Construction Easement and Dedicate Right-of-Way

Dear Mr. Ruden,

This letter manifests the intention of McMinnville School District No. 40 ("the District") to grant to Alan Ruden, Inc. (ARI), a temporary easement to allow for access and construction of a rightof-way on McDonald Lane in McMinnville, as well as the District's intention to dedicate the portion of the right-of-way owned by the District to the City of McMinnville upon its completion.

The District acknowledges that these steps are necessary to carry out the project to extend McDonald Lane, as described in the attached development agreement between the District and Coleman, LLC, for which ARI is the successor in interest.

This letter serves only to manifest the District's intent with respect to this project. It may not be construed to create obligations beyond those provided in the District's agreements with ARI, nor as a waiver of any of the District's rights under such agreements.

Sincerely,

Langalin Russie Maryalice Russell

Superintendent

After Recording, Return to: Jonathan V. Barg Barg Tom PC Suite 600 121 SW Morrison Portland, OR 97204 OFFICIAL YAMHILL COUNTY RECORDS JAN COLEMAN, COUNTY CLERK

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11:09:22 AM 12/28/2007

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# DEVELOPMENT AGREEMENT FOR MCDONALD LANE EXTENSION

THIS AGREEMENT IS MADE by and between Coleman LLC ("Coleman") and McMinnville School District #40, a political subdivision of the State of Oregon ("the District").

# Recitals:

- A. The parties have entered in a Sale Agreement of the same date, by which the District is to receive 10.4 acres more or less from Coleman, consisting of Yamhill County Tax Lots R4409 02400; R4409 02600; R4409 02700 and R4409 02800, consisting of approximately 10.4 acres (the "10 Acres"), legally described on the attached Exhibit A.
- B. District currently owns the 15.07 acre tax lot R4409 2500 which is adjacent to and south of the 10 Acres ("TL 2500"), legally described on the attached Exhibit B. (The 10 Acres and TL 2500 will also be referred to collectively as the "District's Property").
- C. Coleman will obtain ownership of a 24.26 acre parcel adjacent to and west of the 10 Acres and TL 2500, legally described on attached Exhibit C (the "24.26 Acres" or "Coleman's Property").
- D. McDonald Lane presently ends near the common southern corner of TL 2500 and the 24.26 Acres (the southwest corner of the TL 2500 and southeast corner of the 24.26 Acres) McDonald Lane will be extended northerly at some time in the future and will have as its centerline the boundary between the 24.26 Acres and TL 2500 and the 10 Acres.
- E. The parties intend to set forth their agreement to equally share the costs of the future extension of McDonald Lane from where it currently ends to the 30 feet south of the northerly edge of the 24.26 Acres and the 10 Acres.

THEREFORE the parties agree as follows:

# Agreement

The recitals are true.

PAGE 1 - DEVELOPMENT AGREEMENT
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- 2. Upon the substantial development of any portion of Coleman's Property, or the District's Property, the party whose property develops first, if required by the City of McMinnville or any other governmental agency with jurisdiction over McDonald Lane (collectively, the "City"), shall build the McDonald Lane extension to City standards in accordance with the terms of this agreement. Subject to the limitations set forth in this agreement, Coleman and the District each shall be responsible for one half of the cost of construction of such extension.
- (a) For the District the term "substantial development" shall mean the issuance of building permits and award of construction contracts for development of a new school;
- (b) For Coleman, "substantial development" shall exist when Coleman, in good faith provides written notice to the District of Coleman's intention to do the following within six months of the date notice is delivered:
  - (i) Obtain building permits and;
- (ii) Award one or more construction contracts for the development of streets, utilities and other common improvements, for a subdivision or other development on any portion of the 24.26 Acres.
- 3. At least 45 days prior to commencement of construction of the McDonald Lane extension, the party doing the improvements shall deliver to the other party a statement of the amount to be spent constructing the improvement specified in this agreement, together with bids and proposed construction contracts from all contractors involved (the "Construction Notice"). Such improvements shall be constructed to APWA standards and certifications as adopted by the City and McMinnville Water & Light and shall consist of the following:
  - (a) Public street, storm and sanitary necessary sewer improvements;
  - (b) Public waterline, primary power and street lighting improvements:
- (c) City and McMinnville Water & Light plan review, permit fees and line extension costs;
  - (d) Engineering fees relating to the jointly constructed improvements:
  - (e) Survey fees relating to the jointly constructed improvements;
- (f) The reasonable cost incurred in both construction and warranty bonding of the common access improvements.
- 3.1 The following costs shall not be reimbursed (the party whose property such improvements are constructed on shall bear the cost of the improvements, provided that the cost

PAGE 2 - DEVELOPMENT AGREEMENT

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of installation of any utility services which will service Coleman's Property or other parcels owned by Coleman (partially or entirely), but not the 10 Acres, shall be paid by Coleman):

- (a) Sanitary sewer and storm sewer lateral services;
- (b) Water lateral services;
- (c) Secondary power for either party;
- (d) Sidewalks, driveways and other accesses to a party's property.

Coleman will not be responsible to reimburse District for any additional costs due to District complying with the requirements of Oregon's public contracting laws including the payment of prevailing wages.

- 4. The statement of costs shall follow the APWA bidding format and include copies of bids for work to be performed, proposed construction contracts for such work and an explanation of the method of calculation by the bidder for the portion of the work relating to the roadway improvements.
- by a civil engineer of that party's choice for the purpose of determining whether the estimated costs are reasonable and appropriate. That party shall have 14 days from the receipt of the statement to notify the other party in writing of any objections to the cost statement. If the parties cannot then agree on the costs, the parties will then request that their respective engineers confer with each other to determine if they can reach agreement as to the cost items. If the engineers cannot reach agreement on the cost items, they will then promptly submit their disagreements to a third engineer who will then review the cost statement. The decision of the third engineer will be final and binding on both parties. As an alternative to resolving a disagreement regarding the cost statement through engineers, if the developing party obtained less than three competitive bids for the work, the objecting party shall have the right exercisable by delivery of written notice to the developing party within 14 days of receipt of the statement, to require the developing party to obtain a total of three competitive bids, in which event the construction will be performed by the contractor providing the lowest bid.
- 6. The provision regarding the process for reviewing is intended to resolve any disagreements about costs in a timely fashion so as to not cause any delays in the construction of the improvements. Upon completion of this review process, the parties shall have 10 days to establish a construction escrow with a mutually acceptable escrow company for the purpose of paying all construction costs. Each party shall pay into such escrow one-half of the construction costs not later than three business days before such amounts are payable to the third party or such earlier date as is required by the escrow company. The cost of such escrow shall be paid in equal shares by each party.

- 7. Any obligation for contribution not timely paid shall bear interest at the statutory rate from the last date reimbursement was due, and shall be an enforceable lien on the property of the owner who has not timely paid contribution for the construction of the common access. Said lien may be foreclosed in the manner provided for the enforcement of mortgages within the State of Oregon. The reimbursement obligation shall be paid in full within 21 days after receipt of an invoice thereof. The District and Coleman shall enter into an agreement with the City requiring dedication of the McDonald Lane extension, and acceptance of such dedication by the City, upon completion of construction and receipt of all construction inspection approvals by the City.
- 8. Notwithstanding everything stated above, the obligation of the parties for reimbursement of construction expenses shall be for the McDonald Lane extension only and not for any other improvements on or for the benefit of the other party's property.
- 9. All construction shall be to code and in accordance with the City's specifications and requirements. Both parties agree to convey to the City if the City so requires any easement required by the City for utility purposes and to dedicate to the City of McMinnville for public use one-half of the roadway for the extension of McDonald Lane.
- Notwithstanding any other provision of this agreement, the District shall be entitled to require compliance with the provisions of ORS Chapter 279A and 279C, including those relating to prevailing wages, if in the opinion of the District's legal counsel, such compliance is required in connection with the street improvements for which reimbursement is required pursuant to this agreement. In the event the District develops the District's property first, the District may be required to comply with public bidding requirements of ORS Chapter 279A and 279C, in which case Coleman will cooperate with the process as reasonably necessary.
  - 11. The obligations set forth in this agreement shall bind and inure to the benefit of the parties, their respective heirs, successors and assigns and shall run with the land. When all obligations and potential obligations created by this agreement have been satisfied and/or fully performed, all parties then owning an interest in either Coleman's Property or the District's Property shall execute and record a release document acknowledging that the rights and obligations under this agreement no longer encumber either party.
  - 12. If any suit or action is brought to enforce this agreement, the losing party agrees to pay the prevailing party's reasonable attorney fees to be fixed by the trial court, and on appeal as determined by the appellate court.
  - 13. A copy of this agreement, or a memorandum thereof, may be recorded by either party in the Real Property Records of Yamhill County, Oregon.

[Signatures on next page.]

14. This Agreement is intended to amend, supplement and implement the certain Sale Agreement, a copy of which is attached.
Dated: Dec 27, 2007 Dated: 12-27-, 2007
McMinnville School District #40  By: David Horner David Horner Its: Director of Facilities & Operations  Coleman LLC  By: Mark Smith Its: Sole Member
STATE OF OREGON ) ss.  County of Yamhill )  This instrument was acknowledged before me this 27 day of December, 2007, by David Homer, Director of Facilities & Operations,
OFFICIAL SEAL  N J WIEBKE  NOTARY PUBLIC - OREGON COMMISSION NO. 391892  MY COMMISSION EXPIRES JUNE 9, 2009 My Commission Expires: 6-9-09
STATE OF OREGON ) ) ss. County of Yamhill )
This instrument was acknowledged before me this 27 day of December, 2007, by Mark Smith, Sole Member.  OFFICIAL SEAL
N J WIEBKE NOTARY PUBLIC OREGON COMMISSION NO. 991892 MY COMMISSION EXPIRES JUNE 8, 2009  NOTARY Public for Oregon My Commission Expires: 6 9 5 9

PAGE 5 - DEVELOPMENT AGREEMENT f.\chent\u00e4mith, mark and elisa\coleman lle\u00fcmennneville school district\u00e4evelopment agt4.doc

# AGREEMENT TO IMPLEMENT DEVELOPMENT AGREEMENT

# McDONALD LANE EXTENSION MCMINNVILLE, OREGON

THIS CONTRACT is made and entered into by and between the McMinnville School District No. 40 ("District"), an Oregon school district, and Alan Ruden, Inc. (ARI). District and ARI own adjacent parcels subject to a development agreement ("Development Agreement") for the McDonald Lane Extension, signed on December 27, 2007. This contract (hereinafter, "Contract") is entered into this 23<sup>rd</sup> day of August, 2016, and shall be effective on the date of signing by both parties hereto. This Contract is intended to implement pertinent sections of the Development Agreement, which is attached hereto and incorporated herein by this reference. For purposes of the Development Agreement, ARI is the successor in interest to Coleman, LLC. The parties hereby agree as follows:

Section 1. Incorporation of Full Terms and Conditions: This Contract is the complete and exclusive statement of the agreement between the parties relevant to the purpose described herein, and supersedes all prior agreements or proposals, oral or written, and all other communications between the parties relating to the subject matter of this contract. This Contract, or any modification of this Contract, is not binding on either party unless signed by an authorized agent of each party. Any dispute regarding interpretation of the specifications during the performance of this Contract shall be decided by District and the decision shall be final and conclusive.

Section 2. Statement of Work. Notwithstanding any contrary provision in paragraph 3 of the Development Agreement, as the party doing the improvements, prior to commencement of construction of the McDonald Lane extension ARI shall deliver to the District a statement of the amount to be spent constructing the improvements specified in the Development Agreement, together with bids and proposed construction contracts from all contractors involved. Construction shall not commence until the parties have reached agreement on cost.

Specifically, but not by way of limitation, ARI will provide the District with the following items:

- A. Bid documents (design plans), clearly showing the portions of the construction for which the District will be responsible.
- B. A detailed construction cost estimate by the design engineer that shows bid item, quantity, unit price, total price, labor costs, and overhead costs. (For example: Sidewalk, 800 sf, \$4/sf, \$3,200.) The estimate shall be separated to clearly show the portions for which the District is responsible.

<u>Note</u>: This project is a public work subject to the payment of prevailing wages under Oregon law. Labor cost estimates shall reflect the applicable prevailing wages as provided for in Section 4 of this Contract.

C. A copy of the design documents shall be shared with:

Gordon Munro, Tetra Tech Email Gordon.munro@tetratech.com. Phone 503-598-2530

Section 3. Final Acceptance. Pursuant to paragraph 5 of the Development Agreement, the District will have fourteen (14) days from the receipt of the items in Section 3 of this Contract to notify ARI in writing of any objections. Any disagreement with the cost statement will be settled as provided in

M-g/18

paragraph 5 of the Development Agreement. Final acceptance shall occur upon receipt by ARI of District's express acceptance of the documents, or upon expiration of the 14-day objection period described herein, whichever first occurs.

**Section 4.** <u>Public Contracting Requirements.</u> By Resolution 03-1617, the District formally exempted the construction contract for the McDonald Lane Extension from competitive bidding requirements. However, as provided in paragraph 10 of the Development Agreement, the construction project will be subject to certain public contracting requirements, including but not limited Oregon prevailing wage requirements.

To wit, pursuant to ORS 279C.830(1), the Oregon prevailing wage in effect at the time the work under the contract is first advertised shall be paid to workers in each trade or occupation required in the performance of this contract either by the contractor, subcontractor, or other person doing or contracting to do the whole or any part of the work contemplated by the contract. The prevailing wage rates applicable to labor cost estimates shall reflect the applicable prevailing wages as provided for Region 3, the most current of which are provided as follows: http://www.oregon.gov/boli/WHD/PWR/JULY2016/region03\_7-1-16.pdf.

Furthermore, the contractor and any subcontractors shall be required to comply with all other applicable public contracting requirements, including but not limited to public works bonds; submission of certified payroll statements; and retainage requirements as provided in ORS 279C.800, et seq.

Section 5. <u>Waiver of Escrow Account</u>. Pursuant to paragraph 6 of the Development Agreement, the requirement for an Escrow account is hereby waived by both parties. ARI will make payment to the contractor(s) and forward invoices to the District for reimbursement of shared cost. Contractor(s) will be instructed to clearly segregate project costs between the District/ARI shared street improvement project and the ARI housing development project.

**Section 6.** Project Updates. During construction, ARI will give the District and District Engineer notice of pre-construction conference, and otherwise keep the District informed about the Project, including but not limited to informing the District of test results (e.g., backfill, base rock, asphalt, pipe tests, manhole tests). The District Engineer will be included in any redesign decisions that would affect the District, will participate in occasional site visits during construction, and will attend the final walk-through.

Section 7. Waiver. The failure of either party to enforce any provision of this Contract or the waiver of any violation or nonperformance of this Contract in one instance shall not constitute a waiver by the party of that or any other provision nor shall it be deemed to be a waiver of any subsequent violation or nonperformance. No waiver, consent, modification, or change of terms of this Contract shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given.

Mr 8/18

Alan Ruden, Inc.

McMinnville School District No. 40
1947 NW Woodland Dr.

McMinnville, Oregon 97128

McMinnville, Oregon 97128

Authorized Signature Authorized Signature

PRESIDENT

Name, Title

Augustulut

Name, Title

August 23, 2016 S/3/5 August 23, 2016
Date Date

IT IS HEREBY AGREED:

From: Brian Ruden

To: Jamie Fleckenstein

**Subject:** FW: NE MacDonald Lane easement **Date:** Friday, January 25, 2019 2:21:54 PM

Hi Jamie - Thanks for taking a few minutes to meet with me this morning. The email below confirms McMinnville Water & Light's willingness to modify the easement along the proposed McDonald Lane extension, and their willingness to accept the narrow strip of land we plan to convey to them. I'll forward a similar confirmation from McMinnville School District regarding the right-of-way dedication and locating utilities on their side of the property line as soon as I receive it.

Let me know if you have any questions. Thanks.

Brian Ruden Alan Ruden, Inc. 503.435.9979 (mobile) 503.435.2412 (office)

----Original Message----

From: John C. Dietz < jcd@mc-power.com> Sent: Thursday, January 24, 2019 8:24 AM To: 'Brian Ruden' < brianruden@comcast.net> Subject: RE: NE MacDonald Lane easement

Hi Brian,

MW&L is willing to reduce the easement width as we did in the previous section. We will need to discuss how we deal with the change in your scope and the number of lateral sewer crossings of the easement. We would be willing to take ownership of the narrow strip of land next to the substation property. Again we will need to discuss the right of way issues around that issue.

Thanks, John

----Original Message-----

From: Brian Ruden <a href="mailto:spirita">brian Ruden</a> <a href="mailto:spirita">brian Ruden</a> <a href="mailto:spirita">anuary 23, 2019 12:15 PM</a>
To: John C. Dietz <a href="mailto:jcd@mc-power.com">jcd@mc-power.com</a>
Cc: 'Alan Ruden' <a href="mailto:spirita">alanruden@comcast.net</a>
Subject: RE: NE MacDonald Lane easement

Hi John - Just wanted to follow up. After we spoke a couple of weeks ago, you were going to check on your end where we stand with regards to these issues, but we haven't heard back. We're looking for confirmation from MWL that (1) you're willing to amend the McDonald Lane easement similar to the previous phase; and (2) you're willing to accept the narrow strip of land adjacent to the MWL substation site along the east property line.

I look forward to hearing from you. Thanks.

Brian Ruden
Alan Ruden, Inc.
503.435.9979 (mobile)
503.435.2412 (office)

----Original Message----

From: Brian Ruden <a href="mailto:spring">brian Ruden <a href="mailto:spring">abrian Ruden <a hr

To: 'John C. Dietz' <jcd@mc-power.com> Cc: 'Alan Ruden' <alanruden@comcast.net> Subject: RE: NE MacDonald Lane easement

Hi John - I hope you are doing well. Alan has been out of town quite a bit and has asked me to follow up with you regarding the McDonald Lane easement and other issues with the substation site. As you know, we are trying to get our next phase of development approved and need to get these issues addressed as soon as possible. I've attached a drawing of our proposed subdivision plan for your reference. I'd like to get a quick call or meeting scheduled right away to understand what is needed to get this moving forward. As General Manager, I'm sure your schedule is pretty packed with the many responsibilities of your position. So, if there is somebody else we should be working through, please let me know who that is.

Here's a quick rundown of the issues and our proposed solution:

- It is our understanding that MWL may no longer be planning to locate a substation on the site. If that is the case, some of the issues surrounding substation landscaping requirements and substation access points would be irrelevant. If the site is still intended to be a substation, we would still need to address the landscape contract, and we would like to see substation access points to be located on McDonald Lane side of the property.
- The current 45' MWL easement is not compatible with City requirements for the McDonald Lane public street right-of-way. At a minimum, we need to modify the easement as in previous phase by reducing the width to 17' and changing language in proposed street right-of-way to meet City requirements. If the substation will no longer be located here, we'd ideally like to see the 17' reduced to 10'.
- There is a finger of land approximately 35' wide to the east of MWL property running the entire length of the site that we would deed to MWL for development or sale in conjunction with the substation property.
- Autumn Ridge Drive would be extended to meet up with McDonald Lane. We are prepared to pay for the full cost of street improvements (not including sidewalks or utility laterals serving MWL property) in exchange for cooperation on other issues.

# Benefits to MWL would include:

- Fully improved street along south property line enhances access and makes property more valuable in case of sale
- Ensure access to site from McDonald Lane and maintain ability to develop substation or sell property

### Benefits to Alan Ruden, Inc. would include:

- Easement modification allows us to proceed with current plans.

We are extremely anxious to get this resolved. I look forward to hearing your thoughts and input on how to proceed. Thanks.

Brian Ruden Alan Ruden, Inc. 503.435.9979 (mobile) 503.435.2412 (office)

-----Original Message-----

From: Alan Ruden <alanruden@comcast.net>
Sent: Wednesday, November 14, 2018 3:57 PM
To: John C. Dietz <jcd@mc-power.com>

Cc: brianruden@comcast.net

Subject: Re: NE MacDonald Lane easement

That's good news John. I thought that both the Coleman brothers would be good to work with. How about our end of it, the easement wording? When can we move that along?

Sent from my iPhone

> On Nov 13, 2018, at 3:01 PM, John C. Dietz < jcd@mc-power.com> wrote:

>

```
> Hi Alan,
>
Sam and I met with the property owner's to the North and he is doing some title research. The Coleman's seemed position with our approach to relocating the substation.
>
Thanks, John
>
Thanks, John
>
Tro: Alan Ruden <alanruden@comcast.net>
Sent: Friday, November 09, 2018 10:23 AM
To: John C. Dietz <jcd@mc-power.com>
Cc: brianruden@comcast.net
Subject: NE MacDonald Lane easement
>
Hello John,
Is there anything I can do for you or Sam to expedite the process of changing the language of the easement in question. We are now getting to that point like last time that our project could be delayed.
>
Thank you, alan
```

> Sent from my iPhone



**PLANNING DEPARTMENT**, 231 NE Fifth Street, McMinnville, Oregon 97128 <u>www.mcminnvilleoregon.gov</u>

# PUBLIC HEARING NOTICE PLANNING COMMISSION REVIEW OF A MAJOR AMENDMENT TO PLANNED DEVELOPMENT OVERLAY ORDINANCE & 28 LOT SUBDIVISION REQUEST COTTAGES AT CHEGWYN VILLAGE

NOTICE IS HEREBY GIVEN that applications for a major amendment to a Planned Development overlay ordinance and a 28 lot subdivision have been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding these applications or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Jamie Fleckenstein with any questions at (503) 434-4153, or jamie.fleckenstein@mcminnvilleoregon.gov.

**DOCKET NUMBER:** PDA 2-18/S 2-18 (Planned Development Amendment & Subdivision)

**REQUEST:** Approval to amend Planned Development Ordinance 4990 to vary

from the underlying R-4 PD zone by reducing the average lot size from 5,000 square feet to 2,925 square feet and reducing the side yard setback from five (5) feet to three (3) feet, allowing the development of an alley-loaded 28 lot subdivision, which would replace a similarly sized multi-family development, that was planned for the lot, as previously approved under the "Overall Plan" submitted

February 9, 2012.

APPLICANT: Alan Ruden

SITE LOCATION(S): Northwest corner of NW McDonald Lane and NE Peyton Lane

(see attached map)

MAP & TAX LOT(S): R4409 02100 & R4409 02104

**ZONE(S)**: R-4 PD (Multi-Family, Planned Development)

MMC REQUIREMENTS: McMinnville Municipal Code (MMC), Chapter 17.53 and Section

17.74.070 (see reverse side for specific review criteria)

**NOTICE DATE:** January 29, 2019

**PUBLIC HEARING DATE:** February 21, 2019 at 6:30 P.M. **HEARING LOCATION:** McMinnville Civic Hall Building

200 NE 2<sup>nd</sup> Street, McMinnville, OR, 97128

**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to jamie.fleckenstein@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at <a href="https://www.mcminnvilleoregon.gov">www.mcminnvilleoregon.gov</a>.

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

# **REVIEW CRITERIA:**

# **McMinnville Municipal Code**

# MMC, Section 17.74.070 Planned Development Amendment - Review Criteria.

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

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

# MMC, Chapter 17.53 Land Division Standards

All applicable criteria found in Chapter 17.53 shall apply to this request.

# MMC, Chapter 17.21 R-4 Multiple Family Residential Zone

All applicable criteria found in Chapter 17.21 shall apply to this request.

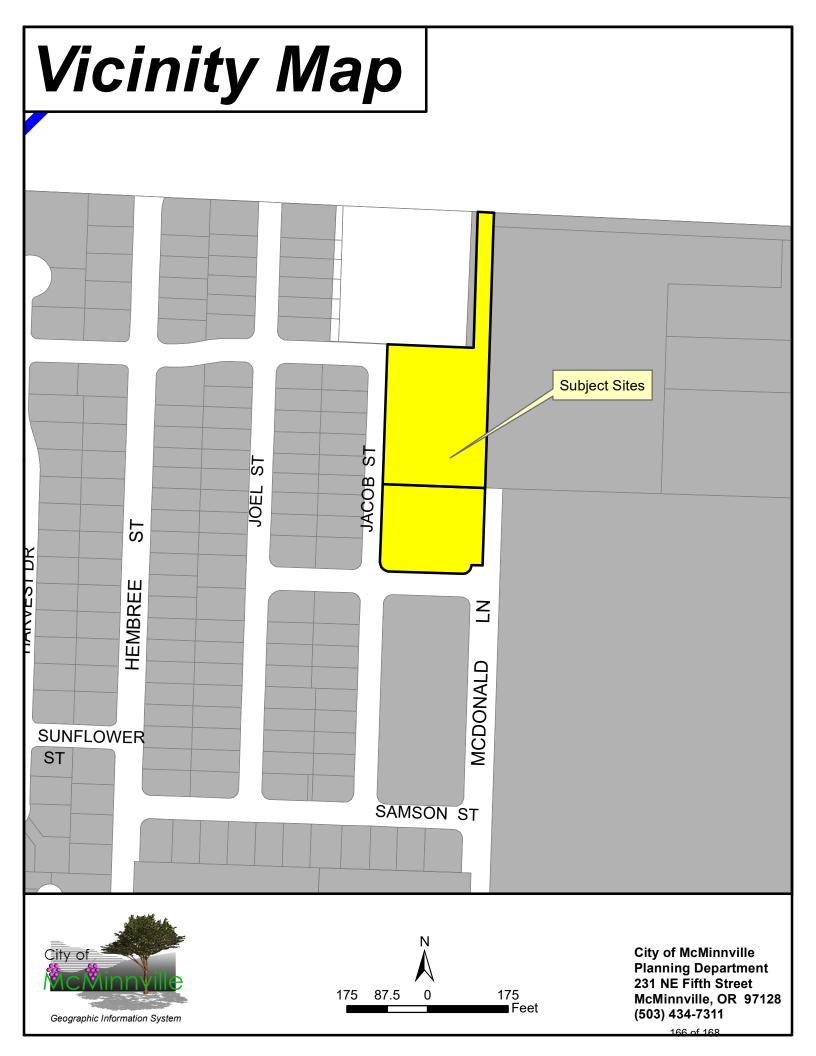
# **Planned Development Overlay Ordinances**

# Ordinance No. 4990

All applicable criteria found in Planned Development Ordinances 4990 shall apply to this request.

# Ordinance No. 4953

All applicable criteria found in Planned Development Ordinances 4953 shall apply to this request.



PD 2-18/S 2-18

PD 2-18/9 Map No.		Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4409CA12800	3569 NE JOEL ST	ERICKSON LESLEY G	ERICKSON LESLEY G	PO BOX 1238	MCMINNVILLE OR	97128
2	R4409CA13000	3593 NE JOEL ST	FREEMAN LISE	FREEMAN LISE	3593 NE JOEL ST	MCMINNVILLE OR	97128
3	R4409CA12100	3574 NE JOEL ST	GRIFFITH JACOB A &	GRIFFITH JACOB A &	3574 NE JOEL ST	MCMINNVILLE OR	97128
4	R4409CA12300	3548 NE JOEL ST	GRAVES PATRICIA M	GRAVES PATRICIA M	PO BOX 918	MCMINNVILLE OR	97128
5	R4409CA12200	3560 NE JOEL ST	WILLIAMSON JUDY (WROS)	WILLIAMSON JUDY (WROS)	3560 NE JOEL ST	MCMINNVILLE OR	97128
6	R4409CA11500	3539 NE JACOB ST	DELLAVALLE JOSEPH S &	DELLAVALLE JOSEPH S &	3539 NE JACOB ST	MCMINNVILLE OR	97128
7	R4409 02100	CNTY	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
8	R4409 02401	n/a	MCMINNVILLE SHCOOL	MCMINNVILLE SHCOOL DISTRICT #40	1500 NE BAKER ST	MCMINNVILLE OR	97128
)	R4409CA11700	3577 NE JACOB ST	LANDSIEDEL PAUL B &	LANDSIEDEL PAUL B &	3577 NE JACOB ST	MCMINNVILLE OR	97128
10	R4409CA11900	3599 NE JACOB ST	BOWDEN COLT J &	BOWDEN COLT J &	3599 NE JACOB ST	MCMINNVILLE OR	97128
11	R4409 02400	CNTY	MCMINNVILLE SCHOOL	MCMINNVILLE SCHOOL DISTRICT #40	1500 NE BAKER ST	MCMINNVILLE OR	97128
12	R4409CA11800	3585 NE JACOB ST	KEISTER ALICE M	KEISTER ALICE M	3585 NE JACOB ST	MCMINNVILLE OR	9712
13	R4409CA12400	3532 NE JOEL ST	MCGUIRE KATHRYN J	MCGUIRE KATHRYN J	3532 NE JOEL ST	MCMINNVILLE OR	9712
14	R4409CA11600	3553 NE JACOB ST	PETERSEN JARED &	PETERSEN JARED &	3553 NE JACOB ST	MCMINNVILLE OR	9712
15	R4409CA08700	3520 NE JOEL ST	KINCHELOE JESSE C	KINCHELOE JESSE C	3520 NE JOEL ST	MCMINNVILLE OR	97128
16	R4409 02101	n/a	MCMINNVILLE WATER	MCMINNVILLE WATER & LIGHT COMMISSION	PO BOX 638	MCMINNVILLE OR	9712
17	R4409CA11400	3521 NE JACOB ST	LOBATOS ARMONDO	LOBATOS ARMONDO	3521 NE JACOB ST	MCMINNVILLE OR	9712
18	R4409CA12900	3587 NE JOEL ST	EVANS DOUGLAS P &	EVANS DOUGLAS P &	3587 NE JOEL ST	MCMINNVILLE OR	9712
19	R4409CA17900	n/a	BIONDINE ELI I	BIONDINE ELI I	3775 NE JOEL ST	MCMINNVILLE OR	9712
20	R4409 02500	3200 NE MCDONALD LN	MCMINNVILLE SCHOOL DISTRICT NO 40	MCMINNVILLE SCHOOL DISTRICT NO 40	1500 N BAKER ST	MCMINNVILLE OR	9712
21	R4409 00100	3900 NW HEMBREE ST	KCK PARTNERS	KCK PARTNERS LLC	11483 SE AMITY DAYTON HWY	DAYTON OR	9711
22	R4409CA12000	923 NE PEYTON LN	RAUCH SEAN M &	RAUCH SEAN M &	3596 NE JOEL ST	MCMINNVILLE OR	9712
23	R4409 02104	n/a	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	9712
24	R4409CA18000	3753 NE JOEL	BRANDON HEATHER	BRANDON HEATHER	3753 NE JOEL ST	MCMINNVILLE OR	9712
25	R4409CA17400		BOOTH JONATHAN	BOOTH JONATHAN	3844 NE JOEL ST	MCMINNVILLE OR	9712
26	R4409CA17300		ALAN RUDEN INC	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	9712
27	R4409CA17200	n/a	VANDERWALL JOHN W	VANDERWALL JOHN W	3812 NE JOEL ST	MCMINNVILLE OR	9712
28	R4409CA14500		FRANCOEUR MICHAEL E	FRANCOEUR MICHAEL E	740 NE 3RD ST STE 3 PMB 348	BEND OR	9770
29	R4409CA14800		BURGDORF ANN	BURGDORF ANN	2054 NW KALE WY	MCMINNVILLE OR	9712

Date Sent 1/29/19

Sent By 167 of 168

# PD 2-18/S 2-18

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
30	R4409CA17100	3798 NE JOEL	FISHWICK PHILLIP	FISHWICK PHILLIP	3798 NE JOEL ST	MCMINNVILLE OR	97128
31	R4409CA14600	n/a	LONGFELLOW SHAW JOINT REVOCABLE	LONGFELLOW SHAW JOINT REVOCABLE	3687 NE JOEL ST	MCMINNVILLE OR	97128
32	R4409CA14700	n/a	HAMMOND DEBORAH A	HAMMOND DEBORAH A	3671 NE JOEL ST	MCMINNVILLE OR	97128
33	R4409CA17000	n/a	HOOK HAYLEY O	HOOK HAYLEY O	3778 NE JOEL ST	MCMINNVILLE OR	97128
34	R4409CA15000	n/a	DOTY RENNIKA K	DOTY RENNIKA K	3643 NE JOEL ST	MCMINNVILLE OR	97128
35	R4409CA16900	n/a	BARICH JORDAN A	BARICH JORDAN A	3756 NE JOEL ST	MCMINNVILLE OR	97128
36	R4409CA14900	n/a	ALAN RUDEN INC	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
37	R4409CA15100	n/a	COLEMAN PERRY E	COLEMAN PERRY E	3621 JOEL ST	MCMINNVILLE OR	97128
3	R4409CA15200	3605 NE JOEL	MATTHEWS EDMUND R	MATTHEWS EDMUND R	3605 NE JOEL ST	MCMINNVILLE OR	97128
39	R4409CA15600	n/a	BONEBRAKE ROBERT	BONEBRAKE ROBERT	3658 NE JOEL ST	MCMINNVILLE OR	97128
40	R4409CA15900	n/a	BECHTOL DIANA	BECHTOL DIANA	3688 NE JOEL ST	MCMINNVILLE OR	97128
41	R4409CA15500	n/a	HELSLEY WILLIAM E	HELSLEY WILLIAM E	3646 NE JOEL ST	MCMINNVILLE OR	97128
42	R4409CA15800	n/a	FLYNN NANCY M	FLYNN NANCY M	3672 NE JOEL ST	MCMINNVILLE OR	97128
43	R4409CA15400	3624 NE JOEL	ADAMS DAVID F	ADAMS DAVID F	3624 NE JOEL ST	MCMINNVILLE OR	97128
44	R4409CA16000	n/a	CLARK RAY D	CLARK RAY D	3696 NE JOEL ST	MCMINNVILLE OR	97128
45	R4409CA15700	n/a	ALEXANDER ERIC D	ALEXANDER ERIC D	3664 NE JOEL ST	MCMINNVILLE OR	97128
46	R4409CA15300	n/a	FOUCHE ALEXA	FOUCHE ALEXA	PO BOX 1067	MCMINNVILLE OR	97128
47	R4409CA16400	n/a	ALAN RUDEN INC	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
48	R4409CA16200	n/a	HENRIKSEN TRUST	HENRIKSEN TRUST	410 GLENCREST DR	SOLANA BEACH CA	92075
19	R4409CA16100	n/a	ALAN RUDEN INC	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
50	R4409CA16300	n/a	ALAN RUDEN INC	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
51	R4409CA16800	n/a	SPENCER KORY D	SPENCER KORY D	1271 N HWY 99W #449	MCMINNVILLE OR	97128
52	R4409CA11900	3599 NE JACOB ST	BOWDEN COLT J &	BOWDEN COLT J &	3599 NE JACOB ST	MCMINNVILLE OR	97128
53	R4409CA16500	n/a	ALAN RUDEN INC	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
54	R4409CA16600	n/a	MASSEY KIMYA	MASSEY KIMYA	3645 NE JACOB ST	MCMINNVILLE OR	97128
55	R4409CA19000		COTTAGES AT CHEGWYN VILLAGE LLC	COTTAGES AT CHEGWYN VILLAGE LLC	PO BOX 570	MCMINNVILLE OR	97128

Date Sent 1/29/19
Sent By
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